Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I support many of the important rules changes being presented here today. But, Mr. Speaker, it seems strange to me that the first opportunity that the Republicans get, they start doing what they have complained about for years. They claim to be willing to open up this body’s proceedings, but the first day’s business is being conducted under closed rules. That means that any Democratic ideas, regardless of merit, will not even see the light of day. We will start this Congress with business as usual and a gag on the voice of Democrats. This is not the way to start the 104th Congress. The Republican resort to closed rules is as unbelievable as their last-minute defeat of lobby reform and the gift ban last year.

Mr. Speaker, I say to my colleagues, “Saying that this is open debate just don’t make it so.”

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I am one of the new Members of this body the voters elected to change the way Washington works. Many of us campaigned on the issue of reform. I want to say to other new Members, “Don’t get cold feet now. We’re considering a lot of reforms here today, and I support many of them, but let’s be honest. These reforms don’t go nearly far enough. They don’t begin to address the real concerns of the American people.”

Mr. Speaker, the American people are not angry at Washington because there are too many proxy votings in Congress. They are angry because there are too many lobbyists, too many lawyers and too many special interests with too much influence. They are angry because they see Members taking money and gifts from well-connected insiders and, in some cases, trying to use their offices to amass personal wealth.

This is supposed to be the day when we address the rules Members live by, yet in the entire Republican rules package we are considering today there is not a single amendment that addresses any of these issues. I would suggest to my colleagues on both sides of the aisle: “If you really care about changing the way Washington works——”

The SPEAKER pro tempore (Mr. WALKER). The time of the gentlewoman from Missouri [Ms. MCCARTHY] has expired.

Mr. BONIOR. Mr. Speaker, I yield 15 additional seconds to the gentlewoman from Missouri.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Are we not supposed to yield time in no less than 30-second increments?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has control of the time.

Mr. BONIOR. Is that the package that the gentleman is offering?

Mr. SOLOMON. No, but I will be glad to put it in.

The SPEAKER pro tempore. The gentlewoman from Missouri [Ms. MCCARTHY] may now proceed for 15 additional seconds.

Ms. MCCARTHY. Mr. Speaker, I say to my colleagues on both sides of the aisle:

If you really care about changing the way Washington works, if you really want to show that the House of Representatives is not for sale, I urge you to say no to gifts, say no to personal gain in the people’s House, and support the gift ban.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. GENE GREEN].

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

Mr. BONIOR. Is that the package the gentleman from Texas [Mr. GENE GREEN] is offering?

Mr. GENE GREEN. Mr. Speaker, many of my Republican colleagues pointed to the closed rules as an example of the tyranny of the majority. It is, therefore, disappointing that the Congressional Accountability Act, the first bill to be considered by this Congress, will be offered under a closed rule. Open rules allow the minority the opportunity to amend legislation and to allow all points of view to be heard. I was led to believe that the House will be operating under a more open system. Today, Mr. Speaker, it is not open.

Despite my disagreement with the rule on the bill, I intend to support the Congressional Accountability Act. This bill is no stranger to those of us who are Democrats because we offered it last year, and it passed last year before the 100-day blitzkrieg that we are going through. I believe extending employee protections is an important and meaningful step for Congress, and I hope my colleagues on both sides of the aisle will extend that to all workers in the future.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Mrs. SCHROEDER. Well, Mr. Speaker, I thank the gentleman from Michigan [Mr. Bonior] for yielding this time to me, and I want to say many times I have voted against my side and voted for open rules, and how disappointed I am today to find out that we not only have a gag rule, but we have a choke rule because this side has been totally choked off from offering any kind of amendment or any kind of addition to the reforms. As I look at this reform package, I got to say it is reform-light.

Now, you know, there are some things in there, sure, they are easy, reform them. But the real thing I find people are angry about is the fact that this body operates like a coin operated legislative machine. They are real tired of the guys who have the most coins to put in being the only one to get the legislation out. We dealt with that last year. We passed a bill by 311 votes. We are trying very hard to get that in here.

We do not do deal with many of the other abuses that have gone on in this place. We already last year put everybody under the laws we pass for everyone else. So let us not put ourselves too hard on the back by doing that, and let us move on to many other reforms that we should be dealing with.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia [Ms. Norton].

[Ms. Norton asked and was given permission to revise and extend her remarks.]

Mr. NORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we have heard all day that this is an historic day. For me and for the four other delegates, it is historic as well. Two years ago, for the first time ever, our names were added to the official roster of this House. Today, the rules propose to erase those names.

The courts would not erase them. The courts said that the House could empower the Delegates. The courts said that Members could constitutionally democratize their own House. If the erasures occur, it will be by our own hand and by our own rules.

Oh, that is a bittersweet thing for the Delegates, especially for this Delegate, who represents 600,000 taxpaying citizens.

In 1989 I wrote a legal memorandum that erased for the first time in 200 years part of their plight—paying Federal taxes while having no representation on this floor. Today we are told, forget that. Go back to where you started.

Well, we cannot go back, Mr. Speaker. I talk my colleagues to take a leap of imagination with me and put yourself in my place. Suppose your constituents paid $1.6 billion annually to the Treasury of the United States. Suppose your constituents were third per capita in Federal taxes in the United States of America. Suppose your constituents paid more taxes than each of six states.

How would you feel when you watched other Members vote on your taxes, and I mean local taxes, my friends, vote on your laws, and I mean local laws, my friends, because our local tax and our local laws are very important in this city. The vote to be erased means nothing to this body, but it means everything to the taxpaying citizens I represent. After all, a re-vote will be taken if delegate votes are determinative. You claim that you will democratize this House, and we measure you will, but not in this measure.

I suspect that the denial today is not an act of meanness, but an act rooted in the partisanship of the past, rather than in the events in which you take such pride today. For you, this was a plot of the Democratic leadership. Forget that, my friends. It was my plot, my memo, my taxpayers.

My Republican friends, I say to you today that there is no need to return to the partisanship of the past now. You have a standing, an opportunity as gracious in victory as you have been tenacious in earning that victory. Restore the vote to those who live in the houses, in the neighborhoods, and in the city of the great House of Representatives.

Mr. Speaker, editorial opinion from one end of the political spectrum to the other has been unanimous in support of my right to vote. I submit these editorials for printing in the Record.

[From the Washington Times, Dec. 6, 1994]

subject to taxation and the District

Two years ago, Republicans picked up 10 seats in the House of Representatives, despite the Democratic victory at the top of the ticket. Not long thereafter, D.C. House Delegate Eleanor Holmes Norton, who had no voting rights in the House, floated a proposal whereby she would be able to participate in a committee of the whole, including the committee of the whole, in which most of the House's important work is done, short of final passage of legislation. Mr. Speaker, however, cannot vote. So the arrangement is beyond legal or constitutional attack. That is, of course, beyond legal or constitutional attack. That isn't only the judgment of the House. A U.S. district judge for the D.C. circuit also adopted the merit of the argument, as did the U.S. Court of Appeals.

The voting privilege of Mrs. Norton's, whose residents are not taxed by the federal government, is not in dispute. Mrs. Norton's idea was to craft an enforcement act that would allow the D.C. Delegate to vote on the House floor, not to vote on legislation that has passed the Committee of the Whole. The House's leadership says it will revoke the five delegates' limited voting rights. Mrs. Norton has vowed to fight the effort to take away her vote. She deserves to prevail.

The voting arrangement, which was Mrs. Norton's idea, was crafted to ensure the House stayed within constitutional bounds. Under the new rules and in accordance with the Constitution, the delegates do not enjoy full voting privileges. But consistent with the combination of limited powers they already have, to introduce legislation, serve on standing committees and debate on the House floor, the House agreed to allow Mrs. Norton and her four colleagues to participate in the Committee of the Whole.

To ensure the prerogatives of the House were not weakened, the House adopted a failure rule that any Committee of the Whole's-passed measure must be voted on a second time in the full House, where Mrs. Norton and the other delegates vote. So the voting rights of the delegates are beyond legal or constitutional attack. That isn't only the judgment of the House. A U.S. district judge for the D.C. circuit also adopted the merit of the argument, as did the U.S. Court of Appeals.

There are, however, other compelling reasons for the House to leave the District's voting privileges intact. There is the matter of fairness. Unlike the inhabitants of the U.S. territories, District residents pay Federal income taxes, and on a large scale. The District ranks third per capita in taxes paid to Uncle Sam. Yet when matters critical to the District (which means every piece of legislation passed by the mayor and council) are before the full House, Mrs. Norton must stand by voteless as members from around the Nation register their will.

The voting arrangement, while severely limited, does have the effect of allowing Mrs. Norton the chance to register the will of more than 600,000 taxpaying Washingtonians in House debate and legislation that affects the District. It is a clear demonstration of the anti-GOP sentiment for taking away what many regard as a blatant partisan power grab. The matter is worth second thoughts, however.

Republicans take note, for this is an argument that ought to be dear to GOP hearts: There is a major difference between the situation of the District and that of the four territories. It can be summed up in one figure: $1.6 billion. That is the amount of federal income taxes paid each year by residents of the District of Columbia. It compares with $0 from the four territories. And it is a fact that the House, more than any other branch of government, is more entwined with congressional districts nationwide.

District residents deserve some consideration in exchange. Mrs. Norton's retention of limited voting privileges in the way, hardly constitute "representation" commensurate with taxation—are worthy of serious discussion. And let's also begin the discussion about D.C. residents, who aren't better served by a District whose government receives no federal payment—but whose residents are not taxed by the federal government, either.
Imagine your outrage if the state where you live were suddenly stripped of representation in Congress, even as that very same Congress dictated how local tax dollars were spent and played local policy—right down to garbage collection.

The taxpayers of Washington D.C. don’t need to imagine. Taxation without representation they live with every day. The incoming Republican Congress wants to add to this indignity by revoking the District’s largely symbolic vote in the House of Representatives, which is where it does most of its legislating.

That is a colonist idea. Washingtonians and their Congressional Delegate, Eleanor Holmes Norton, are right to be fuming. With a population of nearly 600,000, the District of Columbia has more people than Vermont, Wyoming or Alaska. But it does not have a voting representative in Congress.

A recent study by the Brookings Institution found that the District of Columbia and the territories. Republicans have hated the Delegate voting rights since Democrats first granted them in 1954 and when the 100th Congress opens on Jan. 4, they are fully prepared to take them away. But as Capitol Hill’s only twice-weekly newspaper, we’d be crazy to agree. “No taxation without representation” still strikes a chord with us.

[From the New York Times, Dec. 31, 1994]
Today we turn back from that in very short time, and we have already started. We had an inspector general who was going to report to a bipartisan subcommittee. That is all gone, so there is no more oversight in a bipartisan way of things that happen in this House.

Mr. Speaker, 2½ years ago in the wake of the Sergeant-at-Arms Bank and the Post Office affairs, I served as a member of the bipartisan task force which drafted House Resolution 423, an unprecedented effort to totally eliminate politics and patronage from the administration of House support operations.

I am shocked and saddened that on this day of reform, that the new majority would propose in this package of rules changes to move back from professional management and business-like personnel policies to the discredited patronage system. Yet that's what they are proposing and have already begun to implement.

Mr. Speaker, let me remind you what we had accomplished.

We created a Director of Non-legislative and Financial Services with the mandate to sweep the House clean of waste, fraud, and inefficiency. We provided that the majority and minority parties must agree on the selection of the Director to ensure that only relevant experience and skills would count, not the politics of those who applied.

Today the new majority proposes to turn the clock back to an era of one-party partisan control over everything in the House from the payroll clerks to the telephone operators.

And our reform did not stop there. We created an independent Office of Inspector General to be directed and report to a new bipartisan Subcommittee on Administrative Oversight with equal representation from each party. Today the new majority kills that bipartisan subcommittee and returns to a partisan oversight committee.

Is this reform?

Why is the new majority rolling back the bold and totally bipartisan approach to managing House support services? One can only speculate that they were only giving lip service to bipartisan professionalism. Now that they are in power, they are abandoning professionalism and grabbing for the spoils of victory.

I believe history will judge harshly those who eat their words from the past so easily without any sense of their hypocritical vote to return to the discredited spoils system.

I urge my colleagues to defeat this rollback to the bad old days.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP], a distinguished member of the Committee on Ways and Means.

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

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, as we begin work today, we have a clear understanding of our purpose for the next 100 days. We have to get this done by this body to set partisan politics aside. The people have told us they want things done differently in the Congress.

They have given a new set of leaders a chance to make things happen, but they have also issued a firm warning to deliver and they are watching closely.

The rules package before us is an important first step in fulfilling our commitment to make this body accountable to those who sent us here. For example, applying the laws everyone else has to live under to Congress; an audit of the House books and reducing the number of committees and staff.

Our goals have been set, our agenda is clear, and now it is up to us to meet those goals and complete our agenda. These first 100 days are going to be hectic but with unity and bipartisanship, they can be historic as well.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, if we believe in term limits on committee Chairs and limits on proxy voting, then we should vote for it. That is the majority way. That is the democratic way.

However, I draw the line when Members start to diminish the value of my vote by requiring a 60-percent rule on anything. That is not the majority way. That is not democracy. That is not any way to treat a minority.

I would submit that it is un-American, it is unconstitutional, and the 60-percent rule by majority vote is un-American and unconstitutional. I ask you to vote against this idiocy.

Mr. Speaker, I would just caution the previous speaker about talking about things like un-American. The gentleman did vote for the Democrat rules package last year which required a two-thirds vote.

The SPEAKER pro tempore. The SPEAKER pro tempore (Mr. WALKER). Has the gentleman yielded himself time?

Mr. SOLOMON. No.

The SPEAKER pro tempore. The gentleman is out of order. Mr. SOLOMON. I will stand out of order.

The SPEAKER pro tempore. Does the gentleman from New York wish to yield time?

Mr. BONIOR. Yes. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I rise in support of the rules package before the House of Representatives, which is the fundamental first step toward restoring the unique opportunity of this House to the American people.

To my colleagues who have recently participated in this debate on the other side, when the gentleman spoke of the diminishment, you begin to diminish your credible standing as a lady and gentleman in the House when you act as if you carry the mantle to an open process.

When I first came to this Congress 2 years ago, I was shocked to see the Congress being run as an undemocratic institution. The 103d Congress was a closed, mismanaged, undemocratic institution. The standing rules of the House were continually waived to avoid accountability.

Fortunately for the American people, that was yesterday. Today I am pleased that this House will adopt a provision that I have advocated requiring the committee chairmen to make every attempt to abide by the House rules and disclose provisions that do not meet those rules, therefore requiring a waiver by the Committee on Rules. By simply following the House rules, we will help bring much needed sunshine, accountability and fiscal responsibility to this body.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has 2 minutes remaining. The gentleman from New York [Mr. SOLOMON] has 1 minute and 15 seconds remaining.

The gentleman from New York [Mr. SOLOMON] has the right to close debate. Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Guam [Mr. UNDERWOOD].

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

Mr. UNDERWOOD. Mr. Speaker, this morning 440 voting cards were issued. Five did not work. I got one of those right here, courtesy of the new majority, which claims to be democratising this body.

I rise in strong opposition to the new majority’s rule that rescinds the privileges of the Delegates voting in the Committee of the Whole. This is not an infringement of States’ rights. The Delegate vote is purely symbolic. This is about the inclusion of 4 million American citizens who reside in the territories.

What the Republican majority of the congress is saying to these American citizens is something that America would never say to the world. Would America tell Haiti, Eastern Europe, and Russia that in order to be a democracy, you first start by separating citizens based on tax status?

This country has broken down barriers of gender, race, poll taxes, in order to perfect the American ideal, and it is wrong to turn the clock back now.

By turning its back on the U.S. citizens on Guam and the other territories, Congress is sending a message that American citizenship is less important than the size of defense budgets.

Mr. BONIOR. Mr. Speaker, I yield my remaining minute to the distinguished gentleman from Vermont [Mr. SANDERS].
Mr. SANDERS asked and was given permission to revise and extend his remarks.

Mr. SANDERS. Mr. Speaker, some of the reforms we are voting today are good, and some I have problems with. The one I want to briefly focus on is the requirement that it will take a 60-percent vote to raise personal and corporate income taxes.

Mr. Speaker, the fact of the matter is that the current tax system in America is highly regressive. Tens of millions of working Americans and middle-income Americans are paying a higher percentage of their income in taxes than are millionaires. Corporations today in many instances that are very profitable, that are taking their jobs to the Third World, are not contributing their fair share in taxes.

Mr. Speaker, it seems to me that if we want a fair tax system, an equitable tax system, majority vote should rule in allowing the House of Representatives to raise taxes on the wealthy and on those corporations that are not paying their fair share of taxes.

The SPEAKER pro tempore. All time has expired for the minority.

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

Mr. Speaker, we want to expedite this as fast as we can. Mr. Speaker, let me just point out that coming next will be 20 minutes of debate on eight separate sections of title I of this bill. These are the significant changes in the rules over the rules that we have been operating under in the previous Congress, which was the Democratic rules package.

Because these are significant changes, we have chosen to at least offer the opportunity to vote on each of the eight, and that is the debate that we will be starting on in just a few minutes.

I would just point out in closing that this is the most comprehensive, sweeping reform of this House that we have known in over 50 years. I would hope that the body would support the resolution, after we have finished debating the individual sections.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in full support of the Rules Package for the 104th Congress. Last November, the American people sent a strong message that it was time for a change in the U.S. Congress. This important package is the first step in that direction. Implementation of the “Contract with America” will help to restore the people’s trust in government. The American people want a Congress that is accountable for its actions, not one that hides behind the laws it passes. This resolution will provide for the most open Congress ever.

I believe it is important to show America that Congress can put its own house in order before dealing with the rest of the Nation’s problems. The package will curb many of the abuses that occurred during the minority party’s lengthy control of the House. During the campaign, each Republican candidate made a promise with the American people to change this institution. The contract with America is about putting the people back in charge and not enriching political insiders.

This reform package contains 23 measures that will produce a more efficient and accountable U.S. House of Representatives. Committee staffs will be reduced by one-third, and in some cases obsolete committees will be abolished or merged into other committees. Additionally, the bill referral process has been revamped so that only one committee will now have primary jurisdiction over each piece of legislation. Term limits for committee chairmen and the Speaker will also be imposed.

This package represents the most significant overhaul of the rules process since 1974. Virtually all committee business will now be accessible to the public and the media. The horrendous practice of proxy voting will end as will rolling quorums. Additionally, Members will be limited in the number of committees they may serve on, and all committee votes will become public record.

In addition to House procedure, this resolution is taxpayer friendly. Under this package, any income tax increase must now be approved by a three-fifths majority of the House of Representatives. The provisions relating to baseline budgeting and limiting tax increases will help to enforce fiscal discipline in the Congress.

After four decades of one party control, the American people have finally had enough. The American people deserve an open legislative process. Most people would agree that the Federal Government is too big and spends too much. My colleagues on the other side of the aisle have long believed that big government is the answer. I do not. This rules package is the first step in an effort to make government more efficient and more accountable.

The Contract with America will put an end to the tax and spend Congress of the last 40 years. The contract offers the American people an opportunity to restore the American dream that was lost. Most importantly, this package will rekindle the trust between the people and their elected representatives. I urge my colleagues to support the rules package.

Mr. BORSKI. Mr. Speaker, I rise in strong opposition to the provision requiring a supermajority for certain tax increases. This provision is unconstitutional, sets a dangerous precedent and clearly demonstrates the Republican’s intent to protect upper-income Americans at the expense of low- and middle-income families.

The “limitation on tax increases” provision would institute, for the first time in the history of Congress, a rule requiring a supermajority vote for the simple passage of legislation. Such a rule, however, runs contrary to the fundamental democratic principle of majority rule. The Constitution clearly specifies the exceptional cases in which a supermajority is required. Greater majorities can also be required for procedural motions, like curtailing debate or suspending the rules. Otherwise a simple majority is the requirement of the Constitution.

Although the Constitution does give the House the power to set its own rules, the courts have long made it clear that this does not mean the House has the authority to change the basic framework of the Constitution.

In addition, Mr. Speaker, requiring a supermajority vote on taxes sets a dangerous precedent that could be used to create similar requirements for other issues. If Republicans can require a supermajority for tax increases, future rules changes would require a supermajority for such issues as increasing spending on defense.

Finally, Mr. Speaker, the “Contract With America” which outlines the important initiatives that the Republican candidates promised to introduce if they gained a majority in the House, included a provision to require a three-fifths majority in the House for approval of any tax increase. Now that Republicans are in the majority they have reneged on their contract and changed this provision to apply only to increases in the most progressive of taxes, income and corporate taxes. Increases in more regressive taxes such as payroll taxes and excise taxes, which hurt low- and middle-income Americans the most, could still be approved by a simple majority.

You may recall Mr. Speaker, that during the 1980s, the Republican Administrations followed a similar legislative agenda to the current Republican Contract of cutting taxes for the wealthy, increasing defense spending and trying to balance the budget. However, the Democrats stood as an expanded and clearly indicated their intent to repeat the past of protecting wealthy Americans at the expense of working families.

Mr. Speaker, the principle of major rule is the very essence of American democracy and must be protected by Members of Congress, not sacrificed for political purposes. Therefore, I urge all my colleagues to vote against the supermajority provision which violates this essential principle.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to voice my opposition to the elimination of legislative service organizations [LSO’s] in the House of Representatives.

As a member of several invaluable legislative service organizations [LSO’s], I know firsthand the important role they have played in analyzing and promoting legislation to assist Members working together on common interests and in pursuit of common goals. In the case of the Congressional Black Caucus [CBC] and the Congressional Caucus for Women’s issues, LSO’s have enabled Americans who are significantly underrepresented in Congress to have more united and more effective voice in the legislative process.

The impact of the Congressional Black Caucus has been dramatic as the CBC has sought to promote an agenda of parity and fairness for African-Americans across the country. The CBC was instrumental in passage of the Civil Rights Act, promoting sanctions against South Africa, leading the fight for disadvantaged business opportunities, expanding the earned income tax credit in the President’s 1995 budget, pushing for more positive, preventative activities for youth in the crime bill, et cetera. Without the CBC, it is
questionable whether such significant legisla-
tive strides could have been made so effec-
tively.

The Congressional Caucus for Women's Is-
sues has had equally remarkable successes as a result of working together to further legis-
lative goals of importance to women and fami-
lies across the country. Historic changes have
occurred as a result of the work of this impor-
tant bipartisan Legislation for Social Oppor-
tunities (LSO). Medical research and pro-
tecting opportunities for women-owned busi-
nesses were improved, funding for fighting
crimes against women and domestic violence
was authorized, the Safe Access to Reproductive
Clinic En-
trances Act was passed, et cetera.

Mr. Speaker, eliminating LSO’s will hurt the
many Americans who can’t afford their own
high-paid lobbyist to argue their cause. The
Congressional Black Caucus, the Hispanic
Caucus, and the Congressional Caucus for
Women’s Issues, to name a few, all represent
groups of Americans who are vastly underrepresented in the U.S. Congress. In our
democratic Nation, all Americans deserve a
voice in Congress and with the elimination of
these valuable LSO’s I am concerned that their
voices will be silenced. And this, Mr. Speaker, is a reform which we simply can
not afford.

Mr. YOUNG of Florida. Mr. Speaker, I rise
today on this momentous occasion to speak to
this House and the American people about the
events that have unfolded since the history
November 8 election, and to celebrate the
reforms we will enact today. What a difference
a day makes.

As a Republican, my entire service as a
Member of Congress has been in a House
controlled by Democrats. In this time I have
watched as House proceedings became more
and more partisan, and decisions which could
effect every American became more secretive
and exclusive. I watched the number of com-
mittee staff nearly triple while the committees
became dominated by special interests and
unable to respond to public demands. Repub-
lican efforts to reform the system, open up
the deliberation process, and clean up the sloppy
internal management and corruption were met
each time by Democratic arrogance and obsti-

nacy.

On November 8, an overwhelming majority of
Americans throughout our Nation rallied be-
hind principles included in a Republican Con-
tract with America, and demanded that re-
forms making Congress more accountable and
effective be implemented. In the wake of that
election day, the American people sent a new
message and empty promises was clear—no
more. Today’s actions are the first step in ful-
filling the promises made in our Contract with
America, and represent more congressional
reform than the public has seen in decades.
They are not an end, but a beginning of a
future of fairness and accountability. We can
see the truth will be told and the public will
know. Spending may rise because of an increase
in inflation, but the fact is that it will be recog-
nized as an increase. There will be no more
Mickey Mouse budgeting. In this Congress,
the truth will be told and the public will know.

The final provision of today’s historic House
reform package is one that will positively affect
the lives of every American by making tax
hikes more difficult. The act requires a three-
fifths of the House to pass any in-
ternal management and corruption were met
each time by Democratic arrogance and obsti-

nacy.

On November 8, an overwhelming majority of
Americans throughout our Nation rallied be-
hind principles included in a Republican Con-
tract with America, and demanded that re-
forms making Congress more accountable and
effective be implemented. In the wake of that
election day, the American people sent a new
majority to Washington, a Republican majority,
to answer that demand. I rise today to tell the
American people we have heard your call. As
we promised in our contract, today we begin
to deliver.

What many of the provisions in today’s re-
form package are changes Republicans have
been promoting for decades, much of our pro-
posal is the product of several weeks of hard
work which began immediately after the elec-
tion. In fact, the Republican Transition Team,
on which I was proud to have served, began
work almost immediately on changes to the
structure and operations of the House. Under
the Republican Open House proposal which
was released in December, and is included in
this package, major changes in the House’s
administrative operations will be adopted
today. These include broadening the powers
and staff of the House inspector general, and
providing him authority to refer any possible
violations to the House Ethics Committee,
abolishing the Office of the Doorkeeper which
is loaded with hundreds of patronage employ-
ees; and ensuring congressional compliance
with Federal laws. A major accounting firm
will also be hired to conduct a comprehensive
audit of the House’s finances which will be
made public upon completion.

Requiring that Congress complies with the
same Federal laws and regulations that apply
to the private workplace has long been a goal of
mine. In fact, last Congress I was an origi-
nal cosponsor of legislation, the Congressional
Accountability Act, identical to that included in
today’s resolution. The House passed a ver-
sion of this act near the end of the 103d Con-
gress, but the measure died because the
other body failed to consider it.

Passage of this act underscores that no
American should be immune from law or re-

ceives special treatment in its application. In
addition, this act encourages all of us as legis-
lators to continue to review the burdens that
Federal laws place upon us as citizens. The
laws which we apply to Congress today in-
clude the Civil Rights Act, the Americans With
Disabilities Act, the National Labor Relations
Act, the Occupational Safety and Health Act,
the Employee Polygraph Protection Act, the
Worker Adjustment and Retraining Notifica-
tion Act, the Rehabilitation Act, and the United
States Code on fair labor management rela-
tions.

Reducing the amount of congressional staff
is also a cornerstone of our reform efforts
today. As the ranking Republican of the Legis-

al Branch Appropriations Subcommittee
during the past Congress, I worked to sub-
stantially reduce the number of people in the
Congress’ employ. Unfortunately, Democratic
intransigence prevented us from enacting any-
ting more than a 4-percent reduction over 2
years. Today’s resolution reduces the number
of committee staff personnel alone by one-
third, a total of 622, with a potential savings to
the taxpayer of $70 million over the next 2
years. How’s that for a change.

Another cost-cutting measure included in to-
day’s package eliminates legislative service
organizations. These Member caucuses which
are funded by taxpayer money spend an average
of $5 million a year and take up a large amount
of office space. In fact, elimination of the
LSO’s and their 97 staff positions along with
the committee staff reductions may free up
enough space so that we can sell off an entire
House office building.

The Republican reform package we con-
sider today also makes substantial changes to
the present committee system by cutting three
House committees and 25 subcommittees,
limiting the terms of committee chairs and
banning proxy, or ghost, voting. Not since
1947 has a standing committee of the House
been eliminated. We’ll take three, and if Mem-
ers wish to vote on legislation in committee,
they will have to be present. No longer will
baron committee chairs wield the proxies of
absent individuals who feel they have better
things to do. The power of committee
members who do their work and care. Finally,
committee meetings will be open to the public,
ensuring fairness and accountability. We can
all recall the day when Democrats in the
House Ways and Means Committee voted for
the controversial retroactive tax increases in
the Clinton budget behind closed doors, bar-
ing the press and the public from their pro-
ceedings. Passage of this package will put an
end to those shameful days. Under the Re-
publican majority, the sun will shine in.

In the context of truth and accountability,
Republicans have also included in their reform
proposal a truth-in-budgeting requirement
that will have an enormous impact on the
public’s understanding of Federal spending.
Under past budget rules, an increase in
spending was often called a budget cut if it
wasn’t more than inflation and other specified
increases would cause. That’s like saying we
are reducing spending by not spending more
than we already spend.

The new House rule stipulates that if you
spend more money in one year than you
spent the year before, it is an increase.

Spending may rise because of an increase in
inflation, but the fact is that it will be recog-
nized as an increase. There will be no more
Mickey Mouse budgeting. In this Congress,
the truth will be told and the public will know.

The final provision of today’s historic House
reform package is one that will positively affect
the lives of every American by making tax
hikes more difficult. The act requires a three-
fifths of the House to pass any in-
tax rate increase and will prohibit retro-
active taxation of income. This supermajority
requirement is quite similar to restrictions vot-
ers have imposed on numerous State legisla-
tures, and stands in stark contrast to past Dem-
ocrat rules which require a supermajority to
cut taxes. Another beneficial aspect of this
rule is that any future Congress seeking to
get around it would have to change or
waive the rule, providing a warning sign of im-
pending tax boosts.

Mr. Speaker, with this past election we saw
the results of an American public outraged
with the business-as-usual attitude of a Con-
gress controlled by Democrats for 40 years.
The message from an electorate tired of false
promises and empty promises was clear—no
more. Today’s actions are the first step in ful-
filling the promises made in our Contract with
America, and represent more congressional
reform than the public has seen in decades.
They are not an end, but a beginning of a
Congress more open, more accountable, and
more responsive. The Congress which will
which listen to the people, speak frankly in
response, and spend no more than it needs for
those who serve the people it represents.

Mr. PORTER. Mr. Speaker, I strongly sup-
port the overall Republican House rules pack-

gage. It makes many badly needed and long
overdue reforms in the way this House oper-
ates. I believe those reforms will help Con-
gress regain the confidence of the American
people, something which has been lacking for
far too long due to the complicity of pre-
vious Democratic congressional leaders. How-
ever, Mr. Speaker, I am concerned about the
provision in the package which would require
a three-fifths supermajority to pass income tax
rate increases.

Mr. Speaker, the Constitution designates
seven specific instances in which a three-
fifths vote is required for Congress to take action. Those cases include override of a
presidential veto and the Senate’s approval of a

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basis of simple majority rule. I therefore have great reservations about whether such a provision should pass constitutional muster. This obvious chilling effect on due process should be a question for the judicial branch to be resolved in the course of litigation challenging the constitutionality of our rule. My vote for this change in our rules, then reluctance and while strongly supportive of the provision preventing retroactive tax increases, is made with great reservations regarding the constitutionality of the provision requiring a supermajority to pass income tax rate increases.

Mr. BLILEY. Mr. Speaker, I rise in support of H. Res. 6 adopting the Rules of the House of Representatives for the 104th Congress. This bill adopts many changes in the Committee system, particularly in the provisions of Rule 10 that govern the respective jurisdictions of the Committee on Commerce and the Committee on Banking and Financial Services.

The language of proposed rule X governing the jurisdiction of the Banking and Financial Services Committee makes clear that the Banking Committee has primary authority to review legislation that governs bank securities activities. The Rule draws an exception to that jurisdiction, however, that reflects the operation of a legislative rule that is designed to coordinate rule making by the banking agencies. The activities of any bank, any separately identifiable department or division of a bank, any affiliates of a bank, or any persons associated with a bank or affiliate, for example broker/dealers, municipal securities dealers, or mutual funds just to name three, that are regulated under the Federal securities laws, will continue to be subject to the primary legislative jurisdiction of the Commerce Committee. This is what is referred to as functional regulation.

Furthermore, recognizing the particular nature of institutions whose deposits are insured by the Federal Government, there is an exception to this exception. The Banking Committee will share jurisdiction over these entities regulated under the securities laws with regard to legislative provisions that are intended to protect the safety and soundness of the depository institution.

I favor this approach to the jurisdiction of the respective Committees because it reflects an agreement reached by and between me and my two good friends, Speaker Gingrich and Chairman Leach. It is may hope that the wording of the rule will result in elimination of the bottlenecks that have prevented the House from passing comprehensive financial services reform legislation. It is of critical importance that the regulation of the financial services industry be reformed to allow banks to enter the securities business and brokers to enter the banking business on an equal footing. I look forward to cooperating with Chairman Leach in enacting legislation to accomplish that goal during the 104th Congress.

Mr. BONILLA. Mr. Speaker, I rise in support of this Rules package under consideration today. I urge my colleagues to support this package because it represent real reform. Reform I have been calling for since my first election 2 years ago. Reform the American people have been calling for—for far too long. This Rules package contains reforms promised in the Contract With America and its passage will represent a promise kept—refreshing change for Congress. Let each and every one of us here in Congress today recommit ourselves to keeping the promise made in the Contract With America. The American people will judge us by our success in meeting this commitment. Let us not let them down.

The process by which we have developed this Rules package was remarkably open with all Members of differing seniority and differing perceptions having the opportunity to help draft this remarkable reform document. I salute the new Chairman of the Rules Committee, the Honorable Gerald Solomon, for his openness and dedication which produced this product.

I personally experienced Chairman Solomon's commitment to openness when I proposed a ban on commemorative. This Rules package prohibits the introduction or consideration of any federal budget bill that expresses any commemoration of any specified period time. The days will finally end when the Congress spends the people's time considering such legislation as "Mule Appreciation Day." Chairman Solomon welcomed my suggestion to prohibit commemorative legislation and committed himself to working with me on it. I am proud to have drafted the language which served as the base for the legislative language included in the bill for consideration today.

I also want to express my thanks to my new freshman colleagues who have made the commemorative ban a reality. You freshman have provided us with the majority to pass this reform bill and you freshmen have made this proposal a priority by obtaining the Republican Conference's endorsement of a commemorative ban. Thank you all very much.

I am proud to have played a small role in developing this remarkable legislation. I urge my colleagues to join me in voting to keep our promises, to listen to the American people and to support genuine reform. My colleagues, please join me in voting "yes" for this vital legislation.

Mr. ARMEY. Mr. Speaker, this agreement addresses the intent of the Chairman of the Committee on the Budget and the Chairman of the Committee on Government Reform and Oversight concerning the jurisdiction of each committee over the congressional budget process. It is not intended to address jurisdictional issues involving the budget process between the Committee on the Budget and the Committee on Rules.

Paragraph (1)(d)(2) of rule X, relating to all concurrent sessions on the budget and other measures setting forth budget totals for the United States, affords the Budget Committee legislative jurisdiction over the establishment and adoption of the congressional budget resolution, whether joint or concurrent. This extends to any statement setting forth a balanced budget as required by an amendment to the United States Constitution, or a capital budget or joint/capital operating budget, if mandated.

Paragraph (1)(d)(3) of rule X affirms the Budget Committee's primary jurisdiction over budget terminology and secondary jurisdiction over other elements of the congressional budget process, such as those currently provided for in the Congressional Budget Act. This includes: The budget resolution, timetable and accompanying report language; committee allocations; and the reconciliation process. This paragraph is not, however, intended to provide the Budget Committee with jurisdiction over the following: process changes in Federal rescission or impoundment authority; process changes in the submission of agency performance plans or reports, or agency regulatory plans, reports or reviews as part of the budget process; and the required adoption of a Federal capital budget or joint capital operating budget which accounts for the fixed assets of the United States Government. In addition, this paragraph is not intended to provide the Budget Committee with jurisdiction over special funds, accounts or spending set aside created to reduce the deficit.

Paragraph (1)(d)(4) of rule X is intended to provide the Budget Committee with jurisdiction over measures to control spending, the deficit, mandatory programs, and special funds. The Committee's jurisdiction will include the establishment, extension and enforcement of mandatory and discretionary spending limits; Pay-As-You-Go requirements for legislation that increases the deficit; and special budgetary mechanisms to control spending, the deficit or the Federal budget. The Budget Committee will have jurisdiction over Federal sequestrations, including sequestration rules, special rules and exemptions. The Budget Committee is intended to have jurisdiction over the selection of programs subject to spending controls, the determination of the numerical level of those controls, and the enforcement of the controls.

Paragraph (1)(g)(4) of rule X is intended to retain the Committee on Government Reform and Oversight's legislative jurisdiction over: measures relating to process changes in Federal rescission or impoundment authority; measures relating to Executive agency budgeting, including the submission of agency performance reports or plans, or agency regulatory plans, reports or reviews as part of the Federal budget process; measures relating to Executive agency financial management; and process changes leading to the required adoption of a Federal capital budget or joint capital operating budget which accounts for the fixed assets of the United States Government. In addition, the Committee on Government Reform and Oversight retains jurisdiction over special funds, accounts and spending set aside created to reduce the deficit.

Mr. SOLomon. Mr. Speaker, at this time, I yield the balance of my time, and expect to go on to title I of the bill.
we embark on that journey. The American people were sincere in their demand for change for this country, and their words were justified.

In response to this clarion call for a change, the 104th Congress will not just change its politics, but more importantly, we will restore the bonds of trust between the people and their elected representatives. If we are to change the Federal Government as the American people have asked us to do, then we must begin with ourselves. We can not and must not ask any department or branch of Government to do anything that we are not willing to do ourselves.

It will take a smaller Congress and committee structure that can act decisively to accomplish all of the things that will be necessary to fulfill our Contract With America in the next 99 days.

A streamlined Congress is integral to an efficient Congress. When this debate is over, this bill passed, committees eliminated, and committee staff reduced, I am confident that the House of Representatives will be a more effective and efficient institution.

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

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. Evans].

Mr. EVANS. Mr. Speaker, a vote for the three-fifths tax proposal is a vote to keep the gravy train running for fat cats and millionaires. It will make it more difficult to lift the burden off those who need tax relief most, working Americans.

Under this proposal, it will be much tougher to touch to the $200 billion a year in corporate welfare that big business is handed through tax loopholes and tax exemptions, and tax fairness will be harder to achieve because this proposal will put a virtual lock on tax cuts that the super-rich received in the 1980's.

The new majority should be embarrased that it is promoting a middle-class tax break while pushing changes that the super-rich received in the last Congress by the Democratic Party. We eliminated 16 subcommittees in the 103d Congress. Today, under the new Republican majority in the 104th Congress, the House will function with 30 percent fewer subcommittees.

Fewer subcommittees will help to consolidate decision-making and impair the ability of special interests to dominate the agendas of committees. The end of proxy voting in subcommittees will mean that Members of Congress must show up to work and vote in person. Further, Members will be limited to serving on no more than four committees.

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

Mr. DAVIS asked and was given permission to revise and extend his remarks.

Mr. DAVIS. Mr. Speaker, a key ingredient of the new Republican majority's rules package is the elimination of approximately 30 subcommittees in the House of Representatives. There were 101 House subcommittees in the 103d Congress. Today, under the new Republican majority in the 104th Congress, the House will function with 30 percent fewer subcommittees.

The American people know that wasteful, inefficient Government spending, leading to huge deficits and debt, is not an acceptable legacy to leave our children and our grandchildren.

This rule change does three significant things:

First and most important, it fulfills promises made by myself and many of my colleagues to the American people. This starts the long process of restoring the integrity of this institution that was envisioned by our Founding Fathers.

Second, this rule forces Members of Congress to set an example for the rest of Government. This institution can and will run more efficiently.

Third, this rule will save the taxpayers of this Nation millions of dollars annually.

It is an honor and a privilege to serve our country as a part of this Congress. This privilege brings with it an awesome responsibility that I take very seriously.

If we in this Congress are to bring about the significant changes demanded by the American people, we must start with ourselves. That is why today I speak in support of this rule change designed to do what the people have demanded—make a smaller Government that runs more efficiently and costs less.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. Roemer].

Mr. ROEMER. Mr. Speaker, I would like to begin my remarks by applauding the majority for a host of the reforms that they have put forward for us to consider here today. Among them, the reductions in committee staff, banning proxy voting, and limiting the tenure of chairmen. I think many of these proposals are moving this Congress and this country in the right direction.

I am disappointed, however, in an area where there is a glaring omission and a gaping inconsistency and I would hope that the gentleman from Wisconsin [Mr. Neumann] in particular.

I urge a "no" vote for this misguided proposal.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. Chrysler] is in control of the time. Does he wish to yield?

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. Neumann].

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

Mr. NEUMANN. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

On November 8, 1994, the American people sent a loud, clear directive to Washington, DC.

The people have demanded a smaller Government that runs more efficiently and costs less money.
also, as Members know, eliminated 4 committees in that Congress as well. What is happening today is not new but in some instances is welcomed.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

[Mr. SCHUMER asked and was given permission to revise and extend his remarks.]

Mr. SCHUMER. Mr. Speaker, let me say that in this package, there is really less than meets the eye. There is not very much wrong with it. The problem is not what is in the package but what is not in the package.

The problem is that after every one of these reforms is passed, the lives of the average American will not be made very much better. And so any claims that the millennium has arrived because we have passed something like this are grossly overstated. It is not that it is bad; it is just that the claims for it are exaggerated.

Let us go through them one by one.

Cut committee staff by one-third. Fine. But what about the millions of Americans who either do not have jobs or the tens of millions with job insecurity?

Baseline budgeting. Great. But you have to cut to it. You cannot just change the baseline.

Term limits for committee chairmen. It does not matter how long they stay. It is how good they are. If they are good, they should stay a long time. If they are bad, three terms is too many.

Opening all meetings to the public. That is already done.

Three-fifths voting for tax increases. Well, does this mean that we are going to see taxes simply reduced on the rich? What about saying that we should make sure the tax cuts are bad, three terms is too many. If they are good, they should stay a long time. If they are bad, three terms is too many.

So the bottom line, my colleagues, is very, very simple. This package is a small step forward, fine. I welcome it and I will vote for much of it. But any one who goes away saying the millennium has arrived, that this is a revolution or that the average citizen in Pennsylvania [Mr. FATTAH], another new Member.

Mr. FATTAH. Mr. Speaker, I had not planned to speak today on the first day of this Congress who are going to cast a vote to deny the U.S. citizens in the District of Columbia and in the territories their voice and their vote on the floor of this House.

Being a Congressman from Philadelphia where we see people talk about it being the birthplace of our democracy, I would not want to be silent at a moment like this. I think that it is wrong. I think as we think about the taxpayers here, and the young people in Guam and the other territories who have fought and died for the freedoms of this land, for any of us to feel comfortable with casting a vote to take away their voice on this floor, that is wrong.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

[Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.]

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from Michigan, Mr. DAVID BONIOR, for his kind remarks.

Mr. BONIOR. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. THOMAS].

[Mr. THOMAS asked and was given permission to revise and extend his remarks.]

Mr. CHRYSLER. Mr. Speaker, I would like to thank my colleague from Michigan, Mr. DAVID BONIOR, for his kind remarks.

Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

In 1950 this body functioned with 93 committees and subcommittees. Today there are 336 committees and subcommittees, twice as many as in 1950.

Between 1945 and 1993 the number of committee staff grew from 159 employees to 2,231, an increase of more than 1,300 percent.

The American people demand that Congress lead the way in reducing the size of Government. The people of the First Congressional District in Kentucky and all over this country want an efficient and responsive Government. But good government does not necessarily have to mean big government.

That is why I stand here today to support reform proposals to reduce committee staff by one-third, to eliminate three standing committees and 25 subcommittees. I urge Members’ support.

Mr. CHRYSLER. Mr. Speaker, I would like to thank my colleague from Michigan, Mr. DAVID BONIOR, for his kind remarks.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. CASSIDY], another Member.

Mr. CASSIDY. Mr. Speaker, I would like to thank my colleague from Virginia, Mr. BOSWELL, for his kind remarks.

Mr. Speaker, you are going to find that we can do better by one-third. That is our initial offer. I think that will help.

Mr. BONIOR. Mr. Speaker, I yield myself 30 seconds just to say to my friend from Michigan [Mr. CHRYSLER], I have a chance to congratulate him. He is a new Member from our State, and I congratulate him on his election and for being with us today, and for the outstanding way he is handling this portion of the debate.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, it is interesting that as the new minority, the Democrats, in terms of complaining about process, have failed to really address one of the more fundamental reforms which is clearly in front of them. Long before we wound up winning we said that this institution should give first, that one of the things we should do is get back on the size of committees. We tried a number of initiatives when you folks were in the majority and we failed miserably.

We simply said we are going to cut staff by one-third. Is one-third a rational number? Is it going to cause real problems? We have discovered that it is not very difficult to cut by one-third. We are cutting staffing by one-third. We are probably going to do better than that, actually, as we assign the numbers to the various committees.

We also shrank the number of committees. Did we shrink enough committees? Did we eliminate enough committees? We do not know. What we said was at the outset we would cut them by one-third. That is our initial offer. I believe by the end of the 104th we are going to find that we can do better than that. Democrat Members are complaining because we do not do more. Why did they not do it when they had the chance?

The gentleman from Indiana mentioned the contingent fund. He needs to know his party eliminated the contingent fund as an appropriation item several Congresses ago. The rules changes
also eliminate references to the so-called contingent fund in this section as well as in the section regarding the jurisdiction of the Committee on House Oversight. No change, however, is intended regarding the Committee on Oversight's jurisdiction over the accounts that comprised the contingent fund. Accordingly, regarding privileged reports, the Committee on Oversight will continue to have leave to report at any time on matters of expenditure of the accounts that comprised the contingent fund, such as the committee funding resolution.

The gentleman from Indiana wanted to know why if he saved money out of his account it could not be returned to the Treasury. I will tell the gentleman that I am sympathetic with that position, but it is much more difficult than that, because in the past the Appropriations Committee did not fund 100 percent of the expenditures available to Members. They funded about 90 percent of it, assuming Members would not spend the 100 percent amount. If the gentleman spent 90 percent of his funds, that means funding those who spent 95 percent, and therefore if every Member spent the maximum amount available to them, in fact, that fund would be overspent. So in reality the Member does not get a pile of money out of which they spend. There is a general amount available. The Members draw on that amount, and that amount is significantly less than the total amount available for all Members to spend.

I am happy the gentleman is willing to work with the gentleman in trying to resolve the problem of Members who husband their resources in a meaningful way, having it go to a worthwhile cause more than someone else who is more profligate with the taxpayers' money. I am open to any suggestions and am more than willing to work with the gentleman from Indiana to carry out the goal and the thrust of his concern, and that is to make sure that Members who husband the taxpayers' resources somehow are not instead of being fodder for those who overspend.

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

Mr. THOMAS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I am happy with the gentleman's cooperative spirit here, but would say he is willing to tackle the committee staff reductions, and I applaud that and will vote for that, but we should also tackle the personal staff issue. For Members like myself and many others who have returned $650,000 through the years, we do not want that money spent on other Members going over their mail accounts.

When you decipher what you have just said, we want to be able to have that money go to the U.S. Treasury, and a simple sentence in this provision, if it was not a closed rule, could say unspent personal office funds shall be directed to the United States Treasury out of our accounts.

Mr. Speaker, I would tell the gentleman that, as the ranking member of the Committee on House Administration in the last Congress, I have worked over the years to make sure that the Members' accounts were not only monitored but that there was not more spending than was necessary. As the chairman of the Committee on House Oversight, which is the continuation of the former Committee on House Administration, your concern about Members' accounts is going to be addressed by this new major, and legislation is being drafted as we speak to get to a problem which we have both shared under the previous majorities, we tried to get them to change over and over again and they would not.

We are going to.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in opposition to the proposal to impose a supermajority—60 percent of Members voting—requirement for tax rate increases. I believe this proposed rule is inconsistent with the oath we took earlier today to support and defend the Constitution of the United States. The Constitution clearly states that decisions of the Congress are to be based on majority rule. This proposed House rule is in clear violation of the constitutional principle of majority rule which is at the core of our democracy.

Mr. Speaker, this Congress will consider fundamental issues about taxing and spending. Such decisions are the central responsibility of a democratically elected Congress.

This proposed rule is designed to stack the deck against tax increases for the wealthiest Americans while at the same time imposing no such requirement for increased user fees or excise taxes, which disproportionately affect low and middle-class Americans. As a result, progressive taxation would require a supermajority while regressive taxation would not. The Republican Party has a long history of acting to protect the wealthiest Americans at the expense of average Americans. This proposal is Republican business as usual.

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CONGRESSIONAL RECORD — HOUSE

January 4, 1995


HON. NEWT GINGRICH, House of Representatives, Washington, DC.

DEAR MR. GINGRICH: As a fellow historian and political scientist, may I urge you to go ahead with the proposal to amend rules to require a three-fifths vote to increase income tax rates.

As a matter of principle, majority rule lies at the heart of a democratic society. It is the most representative process; and departure from it grants authority to a minority—the antithesis of democracy.

As a matter of practicality it is the most representative process that also permits decisive action, under a two-party system.

As a matter of propriety, bypassing majority rule would set a precedent for any minority to hold the majority hostage—today on tax hikes, tomorrow on economy bills, etc. It is dangerous for one side to use an improper weapon against the other side, encouraging each side to use it in the future, to the detriment of the general welfare.

Sincerely,

JAMES MACKENZIE BURNS,
Woodrow Wilson Professor of Government, Emeritus.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. DEAL].

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

Mr. Speaker, I rise in support of this amendment.

Mr. Speaker, people all over this country now are contemplating going on a diet after feasting during the holiday season. I think it is only appropriate that this body consider doing the same thing.

Two years ago there were some 2,231 House committee staffers. That is more than five committee staff people for every Member of this body.

In the next few months we are going to be asking the American people to go on a diet as we seek to reduce Federal spending and cut back on Federal programs that affect them. Have you ever seen an advertisement for a weight loss program where the spokesperson was overweight? How can we, with any sense of responsibility, talk about a balanced budget and deficit reductions unless we first show some responsibility in reducing the size of House committee staff and, in the process, save approximately $30 million per year in the process?

I rise in support of this proposal.

Mr. BONIOR. Mr. Speaker, I yield the remainder of my time, 1 minute, to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. I applaud the House for undertaking these proposals, many of which I have supported and many of which I support and will support today.

But I have to agree with my colleague from Indiana that I think we should include his legislation to make some of these cuts real.

Unlike my colleagues in the majority, I have gone beyond supporting cuts in committee staff to making cuts in my personal staff, and that is hard to do as a new Member. I think it is important, and like my new colleague from Kentucky who spoke from the floor the other day, it is important we show the American people we are willing to lead on cutting the deficit. I have taken that; the gentleman from Indiana has offered legislation which would do that, and I think we should include it.

Mr. CHRIS. Mr. Speaker, I yield myself 30 seconds, the remainder of my time.

Today we will put an end to confusion, overlapping committee jurisdictions. Three full committees and 25 subcommittees will be eliminated;
January 4, 1995

CONGRESSIONAL RECORD — HOUSE

Mr. CLINGER. Mr. Speaker, I regretfully missed rollcall vote No. 6, requiring committee staff reductions of 33 percent. If I had been present, I would have voted "aye."

I strongly support section 101 of the House Rules Committee reducing committee staff by one-third. As chair of the Government Reform and Oversight Committee, I feel this is a reasonable provision that allows Congress to set an example while saving tax dollars. Although the Government Reform and Oversight Committee absorbed the Government Operations, District of Columbia, and Post Office and Civil Service Committees, we have successfully managed to cut the committee staff by nearly 50 percent without jeopardizing its capacity to carry out its legislative and oversight functions. I support this measure because it sends a strong signal to the American people that we are serious about making the Federal Government cost less and work better.

The SPEAKER pro tempore (Mr. DREIER). Section 102 is now debatable for 20 minutes.

The gentleman from South Carolina [Mr. SANFORD] will be recognized for 10 minutes, and the gentlewoman from Connecticut [Ms. DELAURA] will be recognized for 10 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, my parents raised me to tell the truth. They taught me that hiding behind misleading words was the same as telling a lie, and as our Nation is threatened by the debt as it spirals out of control, and as I look at my two small boys, I realize that they, and maybe even their children, will have to pay for our refusal to meet our responsibilities.

The question before us, though, is what do we do about it? One of the things we can do today is pass this rules change.

As my colleagues know, for years we heard about budget cuts, yet spending keeps growing bigger. Why is that? Well, in the past, Mr. Speaker, the way Congress worked was that, if we had $150 billion of proposed new increases and made it $50, we called that a savings of $100. My colleagues and I know that’s an addition of $50. That is the equivalent of my going down to the bait and tackle shop in Myrtle Beach, SC, looking at a rod on sale for $50 that is normally priced at $150, and saying, “OK, I’ll buy it.” I walk home, walk into the house and say, “I enny, I just saved the family a hundred dollars.”

She says, “Absolutely not. You just spent $50.”
Mr. Speaker, passing this action is what the American public wants. It is essential if this House is going to be honest with the American people, and I strongly urge every Member of the House to support this small step toward common-sense budgeting.

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

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

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

Mrs. KENNELLY. Mr. Speaker, we all want to cut the budget, we all want to reduce the deficit, we all want our constituents to pay less taxes. But eliminating baseline budgeting is not the way to go. The budget baseline predicts future spending in Government programs, Federal programs. It is, of course, an account of inflation. But it also registers population changes, the business cycle, interest rates, to name just a few variables.

It is not just the indexing of inflation. For example, the baseline for Medicare is not just an inflation adjustment, but the estimate of how many people each year 65 years old. For example, we must know and have to plan for when the baby boomers meet 65 as an age and they go on Medicare. It is very significant that we understand these numbers.

The increase in defense spending, that has been proposed is before us. But couple this with an elimination of baseline budgeting, and it would result in unprecedented cuts in discretionary spending. The people that we represent have a right to know what this means.

Mr. Speaker, I urge my colleagues to reconsider this proposal and to instead continue to implement the realistic, practical ways, that we have preached in the past. Baseline budgeting works. We know where we are coming from, and where we are going. But let’s be clear, this is only a change in the numbers that must be used in committee report language. It is not a change in the existing CBO baseline—nor alone will this change actually cut spending.

I hope in the coming weeks that the new congressional leadership will bring legislation to the Floor to require the use of an actual year spending baseline. Such a change—which was proposed in the last Congress and received strong support—could significantly alter our budgeting process and reduce spending by tens-of-billions of dollars. In addition, I hope the new leadership will expedite consideration of other budget process reforms like the Deficit Reduction Act of 1993, which can significantly reduce our budget deficit.

There may be a change in the partisan numbers in the Congress, but the budget deficit math has not changed. Working together in bipartisan fashion to sustain the recent significant downward reduction of the deficit will be major test of the credibility of this new Congress. That work begins today.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today we vote on the first step necessary to end the Alice in Budgetland spending practices that have wasted the American people’s tax dollars and threaten our children’s future. Congressman SANFORD’s leadership in introducing the Truth in Budgeting Reform will require Congress to live according to the same spending rules that govern the American people.

Before today, the budget process assumed that spending would increase from year to year, regardless of new laws. Under the old rules, the starting point, or baseline, for how much Congress spent on a program in 1996 would be how much was spent in 1995 plus inflation. It’s no wonder that we ran up $4.5 trillion in debt.

Under this budget-speak, government officials claimed to propose spending cuts when they really increased spending. A baseline budget included inflation, spending cuts actually meant less of an increase in spending, but no real cuts. The American people have decoded Congress’ budget-speak and demanded change.

The 104th Congress today has an opportunity to make history. I encourage my colleagues to pass the Truth in Budgeting Baseline Reform to force Congress to spend hardworking taxpayer’s money under the same rules that guide the American people.

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

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise in support of the resolution and urge its passage.

This measure requires that Congressional Budget Office (CBO) cost estimates in committee reports compare total estimated funding for a program with current spending, so we know what the real numbers are.

But let’s be clear, this is only a change in the numbers that must be used in committee report language. It is not a change in the existing CBO baseline—nor alone will this change actually cut spending.

I hope in the coming weeks that the new congressional leadership will bring legislation to the Floor to require the use of an actual year spending baseline. Such a change—which was proposed in the last Congress and received strong support—could significantly alter our budgeting process and reduce spending by tens-of-billions of dollars. In addition, I hope the new leadership will expedite consideration of other budget process reforms like the Deficit Reduction Act of 1993, which can significantly reduce our budget deficit.

There may be a change in the partisan numbers in the Congress, but the budget deficit math has not changed. Working together in bipartisan fashion to sustain the recent significant downward reduction of the deficit will be major test of the credibility of this new Congress. That work begins today.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a very simple matter dealing with baseline budgeting versus the truth in budgeting which we are trying to get done here. I think the American public needs to understand what we are dealing with in our baseline budgeting now we add inflation, we add demographic increases, we add differences in programs that may come along. But the bottom line is we do not look at the same dollars we had the year before.

It is tough to balance a budget in Washington, DC. We have authorizations, we have appropriations, we have tax expenditures, and the time has come to get this to the point where we understand it.

If we go to truth in budgeting, we are going to be like every household in the United States of America, we are going to be like every business in the United States of America, we are going to be like virtually every other governmental budget in the United States of America. We are going to take the numbers from the year before and we are going to build our budget on that. If we have to add to it, so be it, we will add to it. But we will not be misleading the American people. We will know that any reduction below the baseline or current severance level is a real cut or increase, and that is what we have to do.

Mr. Speaker, I hope we will all support this as the beginning of better budget practices in the United States of America.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, today begins dramatic change in how Government operates. For the first time in decades, we will start talking straight with the American people about the Federal budget.

Every American family who must meet a budget understands that an increase in spending means you spent more money than last year. Not so here in Washington. Back in 1974 the Congress decided to adopt baseline budgeting—an arcane concept that allowed Government to grow on autopilot for two decades. Here in Washington an increase in Federal spending is considered a cut in spending unless it exceeds the estimated increase in cost. That’s like the perennially overweight man who figures he’s lost 20 pounds this year—and when it turns out he only gained 10 he announces he’s lost 20 pounds.

But today, Mr. Speaker, all that deception stops. From now on, an increase in spending will be called an increase. Working together in bipartisan fashion to sustain the recent significant downward reduction of the deficit will be major test of the credibility of this new Congress. That work begins today.

Mr. SANFORD. Mr. Speaker, I yield 2 minutes to the distinguished chairman...
of the Committee on the Budget, the gentleman from Ohio [Mr. Kaschir].

Mr. KASCHIR. Mr. Speaker, I do not want to oversell what we are trying to do here today. What essentially we are talking about is presentation. And presentation is important, it is like language. If you do not communicate in terms that people can understand, they get very confused. And this is the first small step at being able to explain to the American people precisely what we are doing with spending.

Now, when you are talking about discretionary spending, that is not the confusing part of this whole budget process, because there is no assumption that we will spend more next year than the previous year as driven by law. But when you are talking about entitlements, if you assume you are going to spend $7 on a Medicaid program and the next year you are going to spend $10 instead of $13 on a Medicaid program, the presentation now shows that as a $3 cut. What we wanted to say is last year we spent $7 and this year we are going to spend $10. We do not want to list it in terms of the difference. We want to list it in terms of the total amount of dollars being spent. We think that is a far more accurate way of presenting things.

I do not think the minority, and that is the first time I have had a chance to say that this year, “the minority,” I do not think they have any real objection to that.

I want to say to the gentlewoman from California [Ms. Harman], that in fact do intend to come with a real proposal that would repeal baselines and get us to this concept of zero-based budgeting without an assumption that every year we have to spend more.

The bottom line is, this is the first step toward providing a more simple way for Americans to understand how their money is being spent, and it is a very important step that we need to make on this first day.

I would urge the House to approve this legislation. Let us make the first step, toward communicating with the American people in terms that they can understand.

Ms. DeLAURO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Minnnesota [Mr. Sabo].

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

Mr. Sabo. Mr. Speaker, I am going to vote for this amendment, but it has nothing to do with truth in budgeting and all the other rhetoric I hear on how we put budgets or appropriation bills together. Every appropriation bill that comes to the floor shows last year’s appropriation, this year’s appropriation, and, normally, the President’s request, no baseline.

When we consider what has happened historically to budgets, we do look, and one measurement is what has happened to actual changes in dollars in programs from year to year. We also look at what has happened in appropriations and spending in relationship to the national product. They are all legitimate analyses of what is happening to the Federal budget.

Some Republicans seem to think that we should never consider the impact of inflation on Federal spending. Any family that looks at their budget, if their salary is frozen for a number of years, the cost of food goes up, the cost of clothing goes up, the cost of gasoline goes up, it is obvious that they have fewer dollars to purchase fewer goods and services.

The same is true of the Federal Government. We measure them in a variety of ways, and my friends on the other side like particularly to use inflated baseline when we talk about defense. The truth is that defense budget authority peaked in 1985. Adjusted for inflation, it has been cut by 35 percent. Unadjusted for inflation, it has been cut by 10 percent.

I tend to hear when we get that debate, my friends on the right use the baseline number, my friends on the left use the unadjusted baseline. The truth is both are false.

This is a harmless amendment, but it does not do anything significantly different. It is not a new truth in budgeting amendment.

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

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. Hoek].

Mr. Hoek. Mr. Speaker, today we are going to accomplish a great thing for the American people. We are going to stop using phony numbers in the Federal budget process. We are going to require that the Congressional Budget Office makes its financial projections the same way that American families and American businesses do.

If we propose to spend more taxpayer money on a project in 1995 than we spent in 1994, we will have to call it a spending increase. Politicians will be forced to use the English language with the same meanings that working Americans do. Ultimately, when politicians can no longer deceive voters with words that lie, when politicians can no longer claim as spending cuts what are in fact spending increases, when politicians can no longer pretend that a 20 percent increase in domestic spending over the next 5 years is deficit reduction, as the Clinton administration has for the past 2 years, then voters can make their own evaluations of programs, of budgets, and ultimately, of the politicians who create them, with the confidence that they need to make independent, intelligent, and informed choices.

Ms. DeLAURO. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlemen from Mississippi [Mr. Parker].
another person's cut. There is no common denominator.

How does this work? Let me demystify it. We just finished New Year’s Day and a lot of people spent time in front of their television sets eating take-out pizza.

Let us imagine last year on New Year’s Day you ate five pieces of pizza. This year, it was so much fun last year, you decided to eat 10 pieces of pizza. Your friends told you that would be truly piggish, you ought to cut back, so you settle on seven.

Under baseline budgeting you can claim to have lessened your pizza consumption by 30 percent because you are only having 7 pieces instead of the 10 that you want.

What we are going to say in this reform is, you are increasing your pizza consumption 40 percent. Be honest with yourself. You are having seven this year instead of the five you had last year.

That is real budgeting, real figures, something the American people can understand.

The late Mr. Jefferson once noted “He who permits himself to tell a lie once finds it much easier to do so a second and a third time. The falsehood of the tongue leads to that of the heart, and in time, degrades all good dispositions.”

Mr. Speaker, Jefferson was right. The baseline is a lie. It is one that has eaten away at the credibility of this Congress. It is time we repeal the practice forthwith. I am delighted to be here urging my colleagues to vote aye on this important reform.

The SPEAKER pro tempore. All time for debate on section 102 has expired. The question is on section 102 of the resolution.

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

Mr. SANFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The yeas and nays were ordered.

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

The SPEAKER pro tempore (Mr. EMMONS). The result of the vote was announced.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FUNDERBURK. Speaker, I inadvertentlymissed roll call no. 7 regarding the reform of baseline budgeting. I was with the Republican Whip, Tom DeLay, and as I did so, I began to think about the people of our country. The people of the United States who are counting on the fiscal responsibility of this Congress. I understand that the Speaker is now debatable for 20 minutes.

The SPEAKER pro tempore (Mr. EMERSON). Section 103 of the resolution is now debatable for 20 minutes.

The gentleman from Washington [Mr. NETHERCUTT] will be recognized for 10 minutes, and the gentleman from West Virginia [Mr. WISE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Washington [Mr. NETHERCUTT].

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

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

Mr. NETHERCUTT. Mr. Speaker, it is a privilege to stand here today as a new Member of this House as we embark upon a momentous change programmed to reform the Congress and our Government. The people of the United States of America have sent us here to participate in this historic Congress which begins its first day specifically fulfilling the pledge of the Contract With America by reforming our own workplace before we enact other reform measures.

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As part of this great beginning, I rise today in strong support of section 103 of the contract for a new House, which will limit the Speaker to four consecutive terms and subcommittee chairmen to three consecutive terms.

**CONGRESSIONAL RECORD — HOUSE**

January 4, 1995

Mr. MINETA and Mr. JOHNSTON of Florida changed their vote from “nay” to “yea.”

So section 102 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**NOT VOTING—6**

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**1854**

Mr. MINETA and Mr. JOHNSTON of Florida changed their vote from “nay” to “yea.”
Today term limits are not thought of as radical or controversial and, indeed, many States have enacted some kind of term-limits legislation including my home State of Washington. What makes our actions today extraordinarily novel is our willingness to change practices of the past by decentralizing the House’s power structure away from the committee chairmen with virtually lifetime appointments in favor of individual Members. This reform is also at the heart of the strategy for conservative governance that we will pursue in the first 100 days of this Congress. We seek to reverse the revolution of authority from Federal lawmakers and bureaucrats back to individual citizens, a reenergized civil society, if you will.

No more will the House of Representatives be charged with stifling public debate and restricting innovative ideas. In the watershed November elections, the citizens of our Nation conferred upon us the authority to seriously reduce the size and scope of Government.

Mr. Speaker, more than 200 years ago, after his great victories in the Revolutionary War, Gen. George Washington won the admiration of the world by resigning his commission and demonstrating his commitment to democracy. In that great tradition of selfless leadership, I urge my colleagues on both sides of the aisle to vote yes to adopt the resolution to limit the terms of the Speaker and committee chairmen and subcommittee chairman to demonstrate to the American people our commitment to democracy.

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

Mr. WISE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, this evening we have the opportunity to implement a reform that is being demanded by America. Term limits of committee chairs and subcommittee chairs is something that has arrived in terms of American political thought. This is not directed towards any particular committee Chair or subcommittee Chair. However, it is a part of trying to constantly improve and renew the American political process.

Imposing term limits on those that serve in leadership capacity will broaden the base of experience and expertise of people that provide the all-important leadership in this Institution. By rotating the leadership, we are turning it over. We are bringing in fresh blood, new ideas, new ways of thinking. We can be more responsive to the needs of America. We can also avoid the parochial service that has occasionally occurred when a person is focused on his narrow agenda.

It also breaks down what might be characterized as cozy relationships that can build up over an extended period of time, and assures that we have the freshness, the openness, and the access that all Members need in order to fully participate in the process of this institution, and most effectively represent the interests of their congressional districts and the interests of America.

So, Mr. Speaker, I think that this is an important bipartisan effort, and I appreciate the opportunity that we now have this evening to cast a vote on this major change to implement this as a reform in our body.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

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

Mr. Speaker, I appreciate being given the time to speak on the important issue of term limits for committee chairmen. It is an issue in which I have been involved for over 2 years and am pleased that we now have the opportunity to consider and pass this fundamental and much-needed reform.

The current system of unlimited terms for committee chairmen created an unjust situation in Congress, for up until this point, a Member had become far too concentrated and entrenched. A handful of Members were able to dictate the legislative agenda, frequently based on efforts to protect committee turf or consolidate power of chairmen. Consequently, the committee structure became mired in a stagnant existence completely out of touch with the American people.

Republicans have long recognized the problems with unlimited terms for committee chairmen. In December 1992 I introduced a rule to the Republican rules package to limit the ranking minority members to three terms as ranking member of a committee. The rule was adopted by the Republican Conference and was called by the New York Times and the Washington Post the Linder rule.

Now the Republicans have gained the majority in the House of Representatives. It is time for the whole House to adopt this rule and limit the terms of all committee chairmen to three consecutive terms.

Adopting this measure would help put an end to the cozy relationships with special interests, enhance free flow of new and innovative ideas and bring an end to an iron-fisted ruling in Congress by a very few people. I am gratified that this limit on the tenures of committee chairmen is included in the rules package of the 104th Congress. I believe that it truly represents the fundamental change in the status quo that the American people voted for last November.

I urge its passage.

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

Mr. Speaker, I have a great deal of ambivalence about this particular provision. If the majority party, the Republican Party, wants to limit the terms of its chairs and the Speaker, that is their business. I would just make a historical reference, which is that the Democratic Party has not had problems limiting terms when those Chairs have proven or fallen short of the perform standards that we felt we needed to set. For instance, I know that in my lifetime here I have seen the year when three full committee Chairs were removed from their positions by the action of the Democratic Caucus. I have seen in other Caucuses lesser numbers of Chairs removed because, for whatever reasons, the caucus felt that they were not performing the job as well as they could or perhaps there was some other reason that needed to perform it.

Be that as it may, if the Republican Party feels that it needs to have some kind of hard, ironclad agreement because it will not take the steps that are really necessary for all of us to take because there are times you do need to suck it up and just go out and say to somebody, “The time is over; you are not doing the job that we expect of you.”

But as I say, if the majority party wants to do that, that is its business.

The concern is this: If this is true term limits, and it is term limits of three terms of committee Chairs, then I do not understand why the Speaker receives a fourth term. Because why is the Speaker treated differently than the committee chairs? Because this is a closed rule, we are not able to offer the amendment that would say that everybody is in the same boat, everybody is limited in the same manner, and there is also something I do not understand.

If later many Members decide to offer an amendment to square that concern, and I unfortunately feel that apparently there needs to be some reason for all of us to perform our duties which the Speaker has not had.

Mr. PORTER. Mr. Speaker, 2 years ago, at the opening of the 103d Congress, upon my initiative, Republicans proposed to limit the time a Member could chair a committee. Democrats rejected this initiative, which would have applied to their chairs. Today, Republicans again offer term limits for chairs of committees and subcommittees—and it will now apply to us, the new majority party.

This initiative will do much off what congressional term-limiters want to accomplish: it will break up the long-term power fiefdoms of committee and subcommittee chairs that often lead
Members to be elected over and over again when otherwise they would have been able to step down. In many cases, a chair will have just 6 years to work his or her agenda, then move on.

But, it will leave to the people the final decision as to whether a Member should continue to represent them in Congress. founders believed that decision should be left under the Constitution.

It will mean a far more dynamic body, one less in thrall to special interests, one more attuned to the interests of the Nation as a whole. I suspect the Democrats will strongly support this initiative now that it applies to Republican chairs. It is only sad that they could not have supported it 2 years ago and been leaders in reforming this body rather than obstructors.

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

Mr. NETHERCUTT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I rise today as an incoming subcommittee chairman to strongly support term limits for all committee and subcommittee chairs. As with all reform measures before Congress, it is essential for us to lead by example.

Most Americans support term limits. My home State of Massachusetts recently passed a voter referendum for term limits. In the same spirit of government reform, I rise in strong support for limiting the terms of committee or subcommittee chairmen.

In the past, too much power reside in the hands of committee chairmen to shape and mold legislation to their personal liking.

Some Chairs had become entrenched in their positions of power for 10, 14, or more years, sometimes fulfilling their own parochial interests over the greater good of the Nation. By enacting term limits for these Chairs, we will ensure that the legislative process will truly be open to new ideas because it will be open to new leadership. This House has already limited membership on two committees, the Budget Committee and the Intelligence Committee. This step will extend that to limiting how long Members may serve as a Chair of a committee. The results of the November election sent a loud and clear message for real change in Washington. We can answer that signal by voting for this proposal.

The Speaker pro tempore (Mr. Emerson). Does the gentleman from West Virginia seek recognition?

Mr. WISE. At this time Mr. Speaker, we have no additional speakers.

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

Mr. NETHERCUTT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

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Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. Wise].

Mr. WISE. Mr. Speaker, the gentleman from Washington has the right to close, and I expect the Chair would like me to go ahead.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. Durbin].

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this amendment. Let me tell you why. It has been my privilege to serve on the House Appropriations Committee now for 30 years, and during that period of time I have tried my best to become well versed with the challenging information and the legislation that we are forced to consider each year as we pass the appropriations.

I have also had the honor of serving for 2 years as chairman of a subcommittee which the gentleman from Washington is going to serve on now, the Subcommittee on Agriculture Appropriations.

That subcommittee, one of the smaller appropriations subcommittees, appropriates $67 billion a year. We have three staff people. I can literally tell you that it takes years to get your head around the Department of Agriculture, with 125,000 employees spread all over the world, and the Food and Drug Administration, with its massive responsibility.

I felt, after several years of service there, that I was prepared to take over that job. Should my colleagues in the majority party, with the then-ranking minority member, Joe Sken of New Mexico, who was chairman of the subcommittee, and I, who was ranking minority member, I will look forward to working with him.

The point I am trying to make is this: Experience on the subcommittee prepared me to do what the voters sent me to Washington to do, to take a look at a complex and large appropriation and to try to lead a bipartisan effort to do a good job.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. Torkildsen].

Mr. TORKILDSEN. Mr. Speaker, in the course of Congress, we have had a number of Chairmen change. Joe Sken of New Mexico, we did a good job. We cut back on some wasteful spending, we saved some money for taxpayers, we were able to get beyond the bureaucratic background noise and yet down to the business of really appropriating in a responsible manner.

Now, of course, because of the verdict of the voters on November 8, our roles have changed. Joe Sken of New Mexico will be chairman of the subcommitteee, and I will be ranking minority member. I will look forward to working with him.

The point I am trying to make is this: Experience on the subcommittee prepared me to do what the voters sent me to Washington to do, to take a look at a complex and large appropriation and to try to lead a bipartisan effort to do a good job.

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

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

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

Mr. Speaker, I would like first of all to address what the gentleman from West Virginia [Mr. Wise] said as to why the Speaker is given 8 years and the subcommittee chairman 6. The reason why that was designed that way is simply because the Speaker is next in line after Vice President to the Presidency, and it conforms with the concept of two 4-year terms of the President of the United States. That is the rationale that went into that.

The reason for the 6-year term limit for committee chairmen is simply that that seemed to us to be the right number. It may be a little arbitrary, maybe it could have been 8, maybe it could have been 4. The point is we need to limit the length of time somebody serves as committee chairman. That is the single most important limit we are placing here, even more than limiting the Speaker in my judgment. It was perhaps one of the most important reasons why we have debated over the years that we needed limits. Most Americans realize, when you give power to a committee chairman or a subcommittee chairman for a long period of time, you are giving very serious power to one individual who can abuse that power. Many do not, but somebody can.

The control that a committee chairman has is vast. He controls, often, whether a bill ever leaves his committee or whether that bill comes out of a committee or leaves the committee in the first place.

And in a conference between a bill that has passed the House and the Senate, between those two bodies, the committee chairman has a great deal to say with what is in the final product, an awful lot to say. We added to that, that the subcommittee chairman is in charge of oversight functions. There are hearings that are held by the committees that he determines which ones are held to look into whether it is the FBI, or the Drug Enforcement Administration, and in the case of my Committee on the Judiciary it may be oversight hearings like Whitewater in Banking or whatever. A committee chairman, the right committee chairman, can do a great job for a long period of time. The wrong committee chairman can abuse that power, and, yes, somebody can remove him, but it does not happen very often.

And the bottom line is:

For the health of this Nation it is much better to alternate who are the committee chairman of various committees and subcommittees over a reasonable period of time, and 6 years, it seems to us, is very, very reasonable under these circumstances. There are a lot of very talented men and women among our 435, and I urge a “yes” vote.

It is a very important resolution, probably the most important one tonight that we will vote on.

The SPEAKER pro tempore (Mr. EMERSON). All time for debate on section 103 of the resolution has expired.

The question is on section 103 of the resolution.

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

Mr. NETHERCUTT. Mr. Speaker, on that I demand the yeas and nays.

Mr. Speaker, I would like first of all to address what the gentleman from Florida [Mr. McCOLLUM] said as to why the Speaker is given 8 years and the subcommittee chairman 6. The reason for the 6-year term limit for committee chairmen is simply that that seemed to us to be the right number. It may be a little arbitrary, maybe it could have been 8, maybe it could have been 4. The point is we need to limit the length of time somebody serves as committee chairman. That is the single most important limit we are placing here, even more than limiting the Speaker in my judgment. It was perhaps one of the most important reasons why we have debated over the years that we needed limits. Most Americans realize, when you give power to a committee chairman or a subcommittee chairman for a long period of time, you are giving very serious power to one individual who can abuse that power. Many do not, but somebody can.

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Mr. BALDACCI changed his vote from "nay" to "yea."
Mr. TIGHE changed his vote from "present" to "nay."

So section 103 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

MS. HARMAN. Mr. Speaker, during rollcall vote No. 8 on H.R. 6, I was unavoidably detained. Had I been present I would have voted "aye."

The SPEAKER pro tempore (Mr. Bilirakis). Pursuant to the rule, section 104 of the resolution is now debateable for 20 minutes.

The gentlewoman from California (Mrs. SEASTRAND) will be recognized for 10 minutes, and the gentleman from Michigan (Mr. BONIOR) will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California (Mrs. SEASTRAND).

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

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

Mr. Speaker, I rise today to offer yet another fundamental change to the way business is done in the House of Representatives.

Every one of us was elected by our constituents to do a job. Having a job means showing up for work every day—as most working Americans are required to do—and actively carrying out the duties to which we are assigned.

The process of voting by proxy violates this basic responsibility. By allowing for proxy voting in the first place, it was never intended that: Representatives should stop representing; that they should never go to committee hearings; that they should never hear the testimony, provided for them to make informed decisions; that they should never hear the critical evidence that might help them form opinions; and finally proxy voting was never intended that committee chairs should hold enough proxies to determine the outcome of legislation—regardless of the testimony, the evidence, the views of other Members, or the fact that some Members may have never bothered to attend a single committee meeting.

Proxy voting, or ghost voting as it is sometimes referred to, allows a committee chair to do whatever he or she wants to do.

I would think this practice of proxy voting would be offensive to those Members who faithfully attend committee meetings and listen carefully to the testimony offered and the evidence presented so they can cast an informed vote. A vote, unfortunately, which is cast in vain because no matter what was said, the Chair holds enough proxies to do whatever he or she wants.

This is not a responsible way to legislate and actually contains us every right to expect more.

Mr. Speaker, if there is one reason today that we are introducing this historic package of fundamental reforms, including the elimination of proxy voting, it is that the American people know that the 104th Congress will begin to legislate responsibly and with total accountability.

I submit to you that it is necessary to eliminate proxy voting.

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

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

Mr. Speaker, I support this proposal, and I commend the gentlewoman for leading the effort on it this evening. As she pointed out, I think correctly, in the real world if you work in a factory or you work in an office, you have to show up for work. You cannot send a proxy. It should be no different for Members of Congress in their committees.

However, while I support this provision, I do not think it, frankly, goes far enough. I would like to talk a little bit about the issue of committee ratios here.

For many years Republicans have argued, and very well, I might add, the makeup of the House committees should reflect the party ratios in the House; that is, if one party controls 60 percent of the House, then they should get 60 percent representation on the committees in this institution.

Republicans have repeatedly offered amendments to make this simple rule a principle rule of the House. The Republican rules package in the 103rd Congress required that party ratios in each committee must reflect party ratios in the House.

In fact, the gentleman from Colorado (Mr. ALLARD) offered the same amendment to the congressional reform bill later in the year. The amendment was offered because sometimes as a gentleman from California (Mr. DRIER) when the Committee on Rules considered the congressional reform bill in October of last year, just 4 months ago.

In the Senate, the other body, the new Republican majority has adhered to this basic principle in allocations of committee slots for Democrats in the new Congress. In the House, however, Republicans have not only abandoned their previous amendments on fair ratios, but they have already violated the principle they championed as recently on this floor and in the Committee on Rules as 4 months ago. They began by stripping dozens of Democrats of their committee assignments, a tactic never employed when Democrats controlled the House. We never asked a sitting Republican on a committee to leave. We always somehow accommodated them, expanding the committee by putting temporaries on it.

Not so, not so in this Congress. Then they announced the committee ratio plan, in which not a single House committee actually adheres to this clearly articulated test for fairness.

On the major committees, and they are all major, but on the committees that people look to on important fiscal matters, the Committee on Ways and Means and the Committee on Appropriations, I would say those two committees and the Committee on Rules, the ratios were way above the 53/47 split we presently have in the House of Representatives. In fact, on the Committee on Ways and Means and the Committee on Appropriations, they got 60 percent instead of 53.

They might say, "When you were in power you did the same thing." We may have gone a percent or 2 or 3 above. We never went 7 or 8 percent above, which means a lot of seats on those respective committees.

Mr. Speaker, I commend the gentlewoman and my colleagues for offering this amendment on proxy voting, but I must be honest and say that it does not go far enough. If we really wanted to go far, we would adopt the language of the gentleman from Colorado (Mr. ALLARD), and we would adopt the proposals that were advocated by the gentleman from California (Mr. OWENS) and others on that side of the aisle to keep committee ratios balanced in relation to the rest of the House.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, proxy voting is as American as apple pie. We have millions and millions of votes cast by proxy all the time.

Private industry, which we are so fond of replicating, uses proxy voting all the time. Americans understand proxy voting. They understand that decision-makers who have numerous obligations sometimes use proxy voting as a convenience. They trust certain people and allow them to vote by proxies on very important matters that affect their lives.

I am not going to quarrel, however, with a Majority that wants to limit their own flexibility and their own ability to conduct some awesome business matters here that are the province of the Majority by insisting on eliminating proxy voting. If they want to do that, that is not going to really quarrel with them.

I am going to discuss, instead, something else that is as American as apple pie, and that is voting by simple majority vote.

Later on we are going to discuss a three-fifths requirement, a requirement that three-fifths of the Members must approve of any income tax increase. I want to say that is very un-American. That runs against the grain of the Constitution, and the general
way Americans conduct business. What they are doing is empowering a minority of people to block any legislation.

The House has 435 voting Members. Some simple arithmetic. There are 435 voting Members. A simple majority is 218. Three-fifths of the House is 261, instead of 218. Two-fifths of the House is 174 votes.

By requiring that there must be a three-fifths vote to pass any legislation, we empower that two-fifths to block the legislation.

A simple majority requirement such as being proposed dilutes the power of every Member’s vote by allowing the House to be controlled by the two-fifths, 174 out of 435, two-fifths can choose to withhold their votes and control the process. That is not democracy. Instead of control by 218 Members, we will yield control to 174. That means that if you set this precedent tonight on taxes, and I am not in favor of voting to increase the income taxes of Americans. We have plenty of ways to save money in the budget and not have to increase taxes. We should stop the freelousing farmers, end farm subsidies. However, if we are to lower the mortgage, we should stop building Seawolf submarines which have closed down overseas bases in Japan and Germany. There are ways to save billions of dollars and not have to increase taxes, but this sets an unfortunate precedent. This empowers a minority.

Mr. Speaker, in addition to the arguments presented above, I would like to note the following: Requiring a supermajority vote for tax increases is unconstitutional because it delivers a fatal blow to majority rule. It gives a minority of Members the ability to stop a specific type of legislation. Indeed, today marks the first time in this country’s history that a majority in the House has attempted to usurp so much power.

Article I, Section 2 of the Constitution states that “the House of Representatives shall be composed of Members chosen * * * * by the People of the several States.” In Wesberry v. Sanders, the Supreme Court interpreted that portion of the Constitution as meaning that “as nearly as is practicable one man’s vote in a congressional election is to be worth as much as another’s.” The rule before us would severely violate this one man, one vote principle by diluting the vote of every citizen. The more power that is funneled into the hands of the few, the less remains in the hands of the many.

Moreover, the Constitution clearly enumerates the instances in which a supermajority is required. If the Framers had intended that submajorities be used in other instances, they would have explicitly stated so.

While the Constitution does state that the House is divided into rules, the House and its leaders are not given carte blanche. Therefore, in the past, Congress has required supermajority votes only for procedural motions, such as the two-thirds vote required in the House to consider a rule reported the same day. Simple motions in the House to suspend the rules and pass a bill are procedural in nature. If such a motion is defeated, a bill may be reconsidered in the House under a normal rule and passed by a simple majority.

Requiring a supermajority vote for tax increases also would set a perilous precedent that could be used to create similar requirements for other controversial issues. Which type of legislation would be next on the chopping block? Will any bill that increases education funding require a three-fifths vote? Will any bill that relates to a woman’s right to choose an abortion be subject to a three-fifths vote?

Voltaire wrote, “One despot always has a few good moments, but an assembly of despots never does.” This certainly is not a good moment for my Republican colleagues. Of all the accusations that have been made about the Democrats’ exercise of power during our forty-year tenure in the majority, nothing even comes close to rising to this level of the abuse of power. It is tyranny of the majority, pure and simple. I urge my colleagues to defeat this rule.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. Goss].

Mr. GOSS. Mr. Speaker, what we are talking about here is proxy voting or ghost voting. It is a bad habit that has grown to be a serious disorder in the process of this institution. I notice that apparently no one is willing to defend proxy voting, because I certainly have not heard any defense from the other side of the aisle, so I guess the time has come for the ghost voting or proxy voting and we thank very much what I think I am hearing correctly, is that the support from the other side of the aisle so I think we can expect a very large vote to do away with this procedure which has not done credit to this institution since it has been a bad idea and since it has been abused so badly. I think we all know it, I do not think there is any particular point in overstressing, finding nobody supporting it, so why do we not just agree with it and get rid of it?

Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate her for her effort.

Mrs. SEASTRAND. Mr. Speaker, might I inquire how much time is available on both sides?

THE SPEAKER pro tempore [Mr. BILIRAKIS]. The gentlewoman from California [Mrs. SEASTRAND] has 3½ minutes remaining, and the gentleman from Michigan [Mr. Bonior] has 3½ minutes remaining.

Mrs. SEASTRAND. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Royce].

Mr. ROYCE. Mr. Speaker, in addition to authoring our Nation’s Declaration of Independence, Thomas Jefferson wrote what are supposed to be the rules of this House. His Manual of Parliamentary Practice was written in 1797, and for nearly 200 years, has by law provided the basis for our House rules.

That is why I rise today in support of the Proxy Voting Ban in the House Re-publican Rules Package. If Jefferson knew that absent or tardy members of the House were routinely allowing other members to cast their votes for them in committee by proxy and that this ghost voting has been used to block legislation while dodging individual responsibility, he would object. He would wonder by what justification he could so weaken his House which he wrote on their head.

Although House rules strictly prohibit one member of Congress from casting votes for another on the House floor, proxy voting was in fact the norm in many committees in the last Congress. In 1993, for example, proxy votes were cast on virtually every bill marked up in the House Committees on Energy and Commerce; the Judiciary; and Public Works and Transportation.

Ghost voting not only promotes absenteeism and sloppy bill-drafting, it allows party leaders and committee barons to control the fate of legislation by simply pulling votes out of thin air. It is like having 6 jurors sit through a trial, hear all the evidence and reach a verdict—only to have the jury foreman pull out 6 more votes and cast them to overrule the others.

Last year, I introduced legislation to require the House to follow Jefferson’s rules. One of Jefferson’s overriding concerns was that each member of Congress would be held responsible for his own vote. This rules change will end the abuse of our most important and valuable commodity, our vote. Simply put, under this change, if a member does not show up for work, he does not get to vote. I urge an “aye” vote for this important Republican reform.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, although every vote in the House is important, votes in committees carry even greater proportionate weight. As such, committee votes should be cast by Members themselves, not by committee colleagues. Yet Capitol Hill practice in the past has been to allow proxy votes in committees. This has meant one Member was voting not just for himself but for absentees.

Proxy holders, often the committee leadership, would vote on behalf of other Members who were elsewhere, possibly at another committee meeting voting the proxies of still more absent Members.

Enough already. Let the Member who votes in committee be in committee. The American way is one person, one vote. Committee votes, if Members no longer should by proxy, they should be in person. That is what will happen as soon as tomorrow. All it takes is approval of this proposal to change our rules. Let the reform go on as we keep faith with our promise in the Contract with America to change the way Congress does business. The American people will be the winners.
Mrs. SEASTRAND. Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, Mr. MONTGOMERY.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this amendment. Section 104, the ban on proxy voting. As the Speaker knows in the chair who serves on the Committee on Veterans Affairs, we have not had proxy voting for a number of years. It has worked very, very well. We have good attendance at our committee meetings, subcommittee meetings and when we have a vote, we almost have 100 percent voting on that amendment, on that bill.

We do not support proxy voting. We have not had it for 20 years in our Committee on Veterans Affairs, one of the most important committees in this Congress, and I certainly hope we would adopt this amendment.

I want to make clear that the people on this side, most of us over here on the other side are supporting this amendment, and you would not call for a vote and we could move along and get out of here a little earlier.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi for his kind comments.

Mr. Speaker, I yield 1 minute to the gentleman from Idaho, Mrs. CHENOWETH.

Mrs. CHENOWETH. Mr. Speaker, we just heard the gentleman from California refer to Thomas Jefferson. Thomas Jefferson loved Monticello but he never hesitated to spend 4 days riding horseback to come to Washington to personally fulfill his responsibilities.

When we call on young men and young women to defend this Nation against foreign interests by placing our men and women in harm's way, they do not have a choice. They must take on the responsibility and personally go to the call of their Nation. They cannot send a proxy.

What we ask of them we must ask of ourselves. Mr. Speaker, that is accountability.

The people of this great Nation expect us personally to represent them and their views and to be held accountable, to be in the line of fire and not behind the door with a proxy coming through the keyhole.

Mr. BONIOR. Mr. Speaker, I have one remaining speaker this evening on this particular issue. I yield 3/4 minutes to the gentleman from Indiana, Mr. ROEMER.

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Mr. ROEMER. Mr. Speaker, I rise in strong support of this measure. I believe that as all we are issued our brand new cards today, and each one of us has a sparkling new card that we insert into the keyhole in this Chamber, these cards have been personalized, individualized, and secured so that it is only the Member that it is issued to that can cast the precise vote, the privileged vote to represent their constituents in this body.

I talked to Members and I remember my freshman year in 1991 when I cast my first vote and continue to feel it a privilege casting votes in this body. It is again the same very strict measures when somebody else tries to cast this vote in this body. I think that it should be the same measures that we take in our committees, so that we do not have proxy voting in our committees.

Richard Fenno, a pundit and scholar on Congress, says that the business of Congress is done in its committees. That does not mean we legislate more, that means we do the job of oversight more to be accountable to our constituents. I think this card helps ensure that on the House floor, and I think this new rule helps ensure that in our committees.

This is a good measure to ban proxy voting and I commend Members to vote for this measure.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming, Mrs. CUBIN.

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

Mrs. CUBIN. Mr. Speaker, Mr. Speaker, I rise today to voice my support for eliminating the misguided, but long-held, congressional practice of allowing absentee proxy votes to take place in committee.

Putting an end to these absentee proxy votes is a crucial part of fulfilling our pledge to the American people to create a more open and truly representative Congress. It is an important early step along the path of momentous change and reform that will put the people's government back on the right track.

Like many of my colleagues, I am opposed to this process which allows an individual to cast a vote in committee on behalf of another member. The people of this country have the right to expect and demand that those of us in Congress carry out the job we sent here to do—namely, make the tough choices and cast our votes in person.

Furthermore, I have an additional, and somewhat unique, reason for opposing proxy voting. I am the lone representative in the U.S. House of Representatives from the State of Wyoming.

I do not want a California proxy vote cancelling my vote.

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

Mrs. SEASTRAND. Mr. Speaker, I welcome the comments of the gentlemen from Mississippi, but hope that he understands that we in the 104th Congress promised in the Contract With America to have a recorded vote on each provision today.

Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania, Mr. GEKAS.
January 4, 1995

CONGRESSIONAL RECORD — HOUSE  H 59

Bryant (TX)  Gillmor  Hefley  Maloney
Bunn  Gonzalez  Collins (GA)  Markey
Buning  Goodlatte  Cleven  Manzullo
Burton  Goodloe  Clement (CT)  Mason
Buyer  Goodwin  Clements  Matos
Camp  Green  Collins (IL)  Matula
Canady  Greenwood  Conte  Mason (GA)
Cardin  Gutierrez  Conyers  Matson
Chabot  Gulchett  Cooper  2020
Chambliss  Hall (OH)  Cox  McCollum
Chapman  Hall (TX)  Cooley  McCarthy
Cobburn  Hefley  Cooley  McCollum
Coleman  Heineman  Clement  Martinez
Collins (GA)  Herger  Clarke  Martinez (NC)
Combett  Herring  Crapo  Martinez (FL)
Coyle  Hoekstra  Cranny  Manton
Cramer  Hoke  Crapo  Markey
Creemans  Hoekwater  Crapo  2020
Cubin  Houghton  Crapo  Massa
Cunningham  Hunter  Cuba  Mattera
Danner  Hutchinson  Culver  McGaha
Davis de la Garza  Hyde  Deal  McGaha (NC)
DeFazio  Isakson  Delay  McGaha (GA)
DeLauro  Jackson-Lee  Delay  McGaha (CT)
DeLauro  Jefferson  Delahunt  McGaha (SC)
DeLauro  Jerrold  Delahunt  McGaha (AK)
DeLauro  Johnson  Delahunt  McGaha (OH)
Dellums  Johnson (CT)  Delahunt  McGaha (WA)
Derry  Johnson (TX)  Delahunt  McGaha (VT)
Dicks  Johnson (WA)  Delahunt  McGaha (MI)
Dixon  Johnson (SD)  Delahunt  McGaha (NE)
Doggett  Johnson (TX)  Delahunt  McGaha (MN)
Dooley  Kanjorski  Delaney  McGaha (WV)
Dooley  Kosinski  Delaney  McGaha (IA)
Dornan  Kent  Delaney  McGaha (ID)
Dornan  Kelly  Delaney  McGaha (CT)
Douglas  Kennedy (FL)  Delaney  McGaha (IL)
Doyle  Kennedy (MA)  Delaney  McGaha (GA)
Drake  Kennedy (RI)  Delaney  McGaha (DE)
Duncan  Kennedy (TX)  Delaney  McGaha (CO)
Dunn  Kildee  Delaney  McGaha (CO)
Durbin  King  Delaney  McGaha (KS)
Durbin  King  Delaney  McGaha (OK)
Edwards  King  Delaney  McGaha (PA)
Ehlers  King  Delaney  McGaha (CA)
Ehrlich  Kleczka  Delaney  McGaha (凉)
Emerson  Kleck  Delaney  McGaha (IA)
Engel  Klug  Delaney  McGaha (NY)
English  Knodelberg  Delaney  McGaha (CT)
Ensigh  Kolbe  Delany  McGaha (MD)
Escho  LaFalce  Delany  McGaha (WI)
Evans  Lam  Delany  McGaha (IN)
Everett  Lang  Delany  McGaha (CT)
Ewing  Largent  Delany  McGaha (OH)
Farr  Larm  Delany  McGaha (CA)
Fatoh  LaTourette  Delany  McGaha (TX)
Fawell  Laughlin  Delany  McGaha (TX)
Fazio  Laadio  Delany  McGaha (AZ)
Fields (LA)  Leach  Delany  McGaha (LA)
Fields (TX)  Levin  Delany  McGaha (TX)
Filner  Lemieux  Delany  McGaha (NY)
Finner  Leonard (CA)  Delany  McGaha (NY)
Fink  Lewis (GA)  Delany  McGaha (NY)
Flake  Lewis (KY)  Delany  McGaha (NY)
Flanagan  Lightfoot  Delany  McGaha (NY)
Foglietta  Linder  Delany  McGaha (NY)
Foley  Linder  Delany  McGaha (NY)
Forbes  Linskas  Delany  McGaha (NY)
Ford  Livingston  Delany  McGaha (NY)
Foster  LoBiondo  Delany  McGaha (NY)
Fowler  LoBiondo  Delany  McGaha (NY)
Fougerousse  Logan  Delany  McGaha (NY)
Freedman  Long  Delany  McGaha (NY)
Frelinghuysen  Lucas  Delany  McGaha (NY)
Fulcher  Lucas  Delany  McGaha (NY)
Gallegly  Markey  Delany  McGaha (NY)
Gansler  Martinez  Delany  McGaha (NY)
Garcia  Martinez  Delany  McGaha (NY)
Geggie  Martin  Delany  McGaha (NY)
Gehrtz  Mascaro  Delany  McGaha (NY)
Geren  Mauser  Delany  McGaha (NY)
Gibbons  McCarthy  Delany  McGaha (NY)
Gilchrest  McCollum  Delany  McGaha (NY)
Serrano  Shadegg  Delany  McGaha (NY)
Shadegg  Shadegg  Delany  McGaha (NY)
Shaw  Shalala  Delany  McGaha (NY)
Shays  Shalala  Delany  McGaha (NY)
Shuler  Taylor (MS)  Delany  McGaha (NY)
Skaggs  Taylor (NC)  Delany  McGaha (NY)
Skelton  Thomas  Delany  McGaha (NY)
Slaughter  Thompson  Delany  McGaha (NY)
Smith (MI)  Thoman  Delany  McGaha (NY)
Smith (TX)  Thornton  Delany  McGaha (NY)
Smith (WA)  Thornton  Delany  McGaha (NY)
Solomon  Toler  Delany  McGaha (NY)
Suerde  Toler  Delany  McGaha (NY)
Sprat  Torricelli  Delany  McGaha (NY)
Star  Traic  Delany  McGaha (NY)
Stearns  Tirado  Delany  McGaha (NY)
Stenholm  Upton  Delany  McGaha (NY)
Stockman  Veazquez  Delany  McGaha (NY)
Stokes  Vickers  Delany  McGaha (NY)
Studds  Vilkman  Delany  McGaha (NY)
Stump  Vucanovich  Delany  McGaha (NY)

NAYS—13
Collins (IL)  Frank (MA)  Vento
Collins (MI)  Geidtson  Vento
Conyers  Kaptur  Vento
Dellums  Lambert-Lincoln  Vento
Dingell  Scott  Vento

NOT VOTING—2
Johnston  Yates

So section 104 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). Section 105 of the resolution is now debatable for 20 minutes. The gentleman from Ohio [Mr. CREEMANS] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. CREEMANS]. I yield myself such time as I may consume.

Today I offer an amendment numbered section 105 to the House rules mandating public access to committee proceedings. The American people have spoken. Less than 2 months ago I was chosen to represent over a half million Ohioans, and today I become their Representative to this body.

Those Ohioans have every right to know what I do here, and this amendment guarantees that right. It is appropriate that today, with what is expected to be the largest viewing audience of a House proceeding ever, we allow the watchful eye of the public into our committees as well.

We make decisions in this building every day that affect every man, woman, and child in this country, and I think the American people have a right to see those decisions being made. But it is also time to shut out the influence of special interests.

I support this amendment, and I commend those who are offering it, but I do not think it is enough merely to open all meetings to the public. We should be held accountable for all aspects of public life, and that means that contributions should be disclosed as well. We are required by law to disclose the names of the people who contribute to our political campaigns, and we do. But there are some organizations which have an influence on this body which refuse to disclose who they contribute to, where they get their money from, and I think it is time to change that as well.

Let me give you one example: It is an organization called GOPAC, which, by some accounts, has played a role in electing over 200 Members of this institution. Over the past 9 years, GOPAC has raised between $10 million and $20 million. Many of these contributions come from people who have a direct interest in Federal legislation. We do not know who these people are, where this money came from, because GOPAC has not disclosed the list of its past contributors.

With deals like this, is it any wonder that the American people think that this Congress is for sale? I think the public has a right to know who these people are, and we should open our meetings and GOPAC needs to open all of its meetings.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Madam Speaker, is this germane to section 105 of the bill that we are debating, this discussion? I yield the Chair to Mr. BONIOR. Madam Speaker, if I could finish my remarks, I will address my colleague’s comments because I think they are good comments. I think it is directly germane.

Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The remarks should pertain specifically to this portion of the resolution adopting the rules.
Mr. BONIOR. This portion of the bill deals with open meetings, and that deals with open Government. And if we are going to have open Government, we should make sure that the contributions of the people are reviewed, that we know where they come from, especially as they affect legislation. It seems to me that GOPAC has nothing to hide, then they should have nothing to be afraid of. If GOPAC will not come clean and will not open their books, I think the American people have a right to ask, "What are they trying to hide?"

Mr. THOMAS of California. Madam Speaker, the gentleman is not germane.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. CREMEANS] is recognized.

Mr. CREMEANS. Madam Speaker, I yield 45 seconds to the gentleman from Nebraska, the home State of the national champion Nebraska Cornhuskers [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Madam Speaker, I rise in support of item No. 5, the sunshine rule for committees, and I thank the gentleman from Ohio [Mr. CREMEANS] for the kind gesture about his remarks.

My colleagues, on November 8 the American people sent a clear message to Congress: "No more business as usual, no more backroom deals, no more conducting the people's work in secrecy. Enough is enough."

This measure puts an end to business as usual and ushers in a new era of openness and accountability.

What it requires is simple—from now on all committee and subcommittee meetings will be open to the public and media, except in extraordinary circumstances involving national security or personal matters.

As my colleague from the State of Washington has said, "The days of the smoke-filled room and closed doors are over." It's time to open the doors, throw open the windows, and let the glorious light of representative democracy shine in.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I am all for this. I was not aware that there were many meetings that were not open. Most of the Members I know generally try to get the press to come to their meetings rather than keep them away, but I think it is important that we do this because we not only govern ourselves, we set an example, and I think it is important for us to pass this by a big vote and set an example of openness.

Now my friend referred to GOPAC, and he should not have, apparently under the rules, talked about the substance. But what is important is the example we will set. There are political organizations controlled by Members of this House that are not open. What better way to encourage them to do the right thing? What better way to tell the people of GOPAC that they should be open than for us to follow that same rule?

So, let us set the example, and let GOPAC profit by our example, and let those who are so worried that we would even discuss it on the floor of the House—

Mr. THOMAS. Madam Speaker, will the gentleman yield?

Madam Speaker, I yield to the gentleman from California.

Madam Speaker, the gentleman skates very nicely on thin ice.

Mr. FRANK of Massachusetts. I thank the gentleman very much for his remarks. (Mr. CHRISTENSEN asked and was given permission to revise and extend his remarks.)

Mr. CHRISTENSEN. Madam Speaker, I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, I will say I meant that in a purely metaphorical sense, but let me say I thank the gentleman for yielding.

I think the example of openness we set here is important. Let GOPAC and every other political organization controlled by Members of the House follow the example because certainly no Member of this House would want to be considered so inconsistent as to vote that we will open meetings that no one wants to come to and then at the same time conceal information that people want to know about. The principle of openness is important. Let us hope that it sets a good example.

Mr. CREMEANS. Madam Speaker, I yield 45 seconds to the gentleman from California [Mr. POMBO], who in his first term led the protest against closed-door meetings.

Mr. POMBO. Madam Speaker, I thank the gentleman from Ohio [Mr. CREMEANS] for yielding this time to me.

Madam Speaker, I want to say that the Committee on Ways and Means was the Committee on Ways and Means that was closed to the public, and that was the Committee on Ways and Means markup of the tax increase of 1993 which was closed down to the public where not only the public and the press, but other Members, had to leave the room.

Madam Speaker, the argument that was given to me at the time was that Members who are on the panel, on the committee at the time, needed to feel free to speak their mind and to vote with conscience, and that if the public were in the room, they would not be allowed to do that. That is exactly why we need this rules change to pass, so that the public knows exactly what is going on.

Mr. BONIOR. Madam speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO], our caucus chairman.

Mr. FAZIO of California. Madam Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding this time to me.

Madam Speaker, I ask the gentleman from California [Mr. POMBO] to come back to the microphone because I would like to ask him about this. I have a copy of a letter which he signed along with the gentleman from Texas [Mr. ARMNEY] and a number of other Members saying, "Let's close the gift loophole for foundations, LSOs and caucuses." This was October of 1993. One of the justifications for this request was to require all Member-affiliated foundations to disclose contributions. Public disclosure of contributions will ensure the integrity of Member-affiliated foundations and silence any criticism that special interest contributors are being made to influence Members of Congress.

I wonder if the gentleman can tell me what difference there is between this worthy instinct that caused him to sign this letter and the situation that applies with GOPAC, where for example, Madam Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. POMBO. Madam Speaker, I think it is pretty simple. The LSOS were using taxpayer money, and what we were afraid of——

Mr. FAZIO of California. These are the foundations that get——

Mr. POMBO. If the gentleman will let me answer, I will tell him. It was combining. This was my concern, combining, commingling, official money with outside money, and that was my concern, and that is why I signed onto the letter.

Mr. FAZIO of California. The gentleman's request was to get the foundation——

The SPEAKER pro tempore. The time of the gentleman from California [Mr. FAZIO] has expired.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to the gentlewoman
from Florida [Mrs. FOWLER], who served as cochairman of the Republican freshman class reform task force in the last Congress.

Mrs. FOWLER. Madam Speaker, I rise in strong support of the sunshine rule. The Republican freshman class of 1992 made open meetings a top priority in our new installation and is there a connection.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to a new Member from Indiana [Mr. NEY], who asked and was given permission to revise and extend his remarks.

Mrs. FOWLER. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK], who asked and was given permission to revise and extend his remarks.

Mr. FRANK. Madam Speaker, thank you for yielding this 1 minute to me. I appreciate my colleagues from Ohio and neighboring Congressional District for yielding time to me.

Madam Speaker, I want to stay to the subject matter, because obviously from this side tonight it has strayed. I believe from the original intent of what we are talking about, which is sunshine. And with our good parliamentarian Bob WALKER, I don't want to have him rule me out of order, so I am not going to talk about Ralph Nader and his hidden monies, and some of the labor unions and how they have come to the committee. And I come from a background that may not necessarily have to be right out in the open sunshine.

I want to stick to the subject matter, which I think we have to do, and that is the fact of talking about the influence of the lobbyists. The lobbyists are there to present people's points of view that they represent back in our districts, but it should be done out in the open.

I was a participant in a closed conference committee when I chaired the Senate Finance Committee on Ohio. We finally came into the 21st Century and our colleagues opened the process up in the State. All the States have, and it is time we come into the 21st Century. I believe what we are trying to do here everybody does agree with, and urge support.

Mr. BONIOR. Madam Speaker, I yield one and a half minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Madam Speaker, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Madam Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentlewoman for yielding, and I salute the gentleman from Michigan for his leadership to fight on this, because he is right. Government is not a fungus, it can thrive in sunshine. But the point I think the gentleman was trying to make, too, that is connected to this is that the voters are not stupid, and they also know that some of the issues they see that will now be discussed in sunshine and have been in many meetings already, but what they are going to see in the sunshine, they know those deals may have been cut somewhere else. And that is why you have to let the sunshine in a little brighter.

I think it goes back to the original concept I was talking about of the coin operated legislative machine. If you only get to see what is coming out of the machine, you are only seeing half of the machine. And that is why many of us are very disappointed tonight. We do not have an opportunity to amend this so that we can add sunshine as to what went into the machine, who was putting the coins into the machine, and is there a connection.

I think the gentleman from Michigan made an excellent point, and I only hope next time we get a chance to make an amendment so we see sunshine everywhere.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to a new Member from New Jersey [Mr. ZIMMER], who led the fight for similar legislation.

Mr. ZIMMER. Madam Speaker, I thank the gentleman for yielding time to me. (Mr. ZIMMER asked and was given permission to revise and extend his remarks.)

Mr. ZIMMER. Madam Speaker, in the 1970's, nearly every State in the Union enacted sweeping open public meetings laws. Inspired by Florida's sunshine law and spurred by citizens' organizations such as Common Cause, legislatures across America opened the meetings of virtually every State and local public body to the public.

Congress responded only partially to this demand for reform. It left a gaping loophole in its rules that allowed committee meetings to be closed by simple majority vote for any reason or for no reason.

It is high time for Congress to be subject to the same open meetings requirements that have applied for more than 20 years to the zoning boards and the boards of education in the smallest communities in New Jersey and across the Nation. Justice Louis Brandeis was right when he said sunlight is the best disinfectant. It is time for us to join the 50 States and the communities of this Nation and open our doors and open our windows and let the sun shine in.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentlewoman for yielding, and I salute the gentleman from Michigan for his leadership to fight on this, because he is right. Government is not a fungus, it can thrive in sunshine. But the point I think the gentleman was trying to make, too, that is connected to this is that the voters are not stupid, and they also know that some of the issues they see that will now be discussed in sunshine and have been in many meetings already, but what they are going to see in the sunshine, they know those deals may have been cut somewhere else. And that is why you have to let the sunshine in a little brighter.

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Mr. CREMEANS. Madam Speaker, I yield 1 minute to a new Member from New Jersey [Mr. ZIMMER], who led the fight for similar legislation.

Mr. ZIMMER. Madam Speaker, I thank the gentleman for yielding time to me.
question of compliance and its related issues at 2 or 3 o'clock in the morning, keeping people here on overtime, and then tomorrow have nothing to do at all?

If that is in fact the plan on the other side, I hope the leadership will tell us that, so some of us can suggest we ought to have this bill, go home for the night, and come in tomorrow and then act on the compliance bill in the sunshine, not at 2 o'clock in the morning.

Mr. CREMEANS. Madam Speaker, I yield one minute to my fellow classmate from the Commonwealth of Virginia the gentleman from Virginia. [Mr. DAVIS].

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

Mr. DAVIS. Madam Speaker, I have been in local government for 15 years where we were subject to sunshine laws, and I believe that total access for the public and the media at committee meetings should end the controversial practice of shutting the doors to meeting rooms and barring the public to facilitate backroom deals with special interests.

This did happen, this is one elephant on my conscience. As the only freshman on the Joint Committee on Ways and Means considered a $270 billion tax increase.

Madam Speaker, meetings to prepare tax bills should be open to the public, as should other legislation that is being drafted, and these other committee meetings should be open as well. Open meetings will discourage backroom deals and increase congressional accountability. The committee sunshine reforms are long overdue. We apply these reforms to many parts of the Executive Branch. It is time we apply them to Congress as well.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to my friend and neighbor from Ohio, the gentleman from Ohio [Mr. Portman].

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

Mr. PORTMAN. Madam Speaker, I thank my Ohio neighbor for yielding.

Madam Speaker, when I came to Congress in a special election in 1993, the very first measure that I cosponsored was something called the Congressional Sunshine Act. As many in this Chamber will recall, that was to be part of the great reform movement of the 103d Congress. The reforms never happened.

I am very pleased we have the opportunity tonight to act on this measure. I am very pleased to see we have some new converts, who had the chance to cosponsor this bill last year and chose not to.

Madam Speaker, the Sunshine Act was the first bill I cosponsored because it seemed indefensible to me, that with the exceptions listed in this rule, there is a need to hold hearings behind closed doors. What are we afraid of? What scares us so much about public scrutiny?

In a free and open society, shouldn't Congress—the People's House—take the lead in providing access? In giving assurances to our constituents that they'll have a bird's-eye view of what is going on in their government?

As we all know, the most critical public policy decisions are made at the committee level; we've got to ensure that the American people, the people who sent us here, are part of that process. No reform is more important to a more accountable Congress.

I'm pleased that this measure has finally been given the chance to see the light of day. Now, let's vote to shine that light—freedom's torch—on our own proceedings.

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

Madam Speaker, let me just conclude by suggesting that this is a good amendment that the gentleman from Ohio [Mr. CREMEANS] has suggested. I think it is time, I said earlier, that we let the sunshine in on all of our workings in this institution and our committees, but I again invite my colleagues on the other side of the aisle to let the sunshine in on those who have contributed through GoPAC to those campaigns.

I am pleased the House has finally been given the chance to see the light of day. Now let us shine that light, freedom's torch, on all of our proceedings.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to the gentleman from Virginia the gentleman from Virginia. [Mr. DAVIS].

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I'm pleased that this measure has finally been given the chance to see the light of day. Now, let's vote to shine that light—freedom's torch—on our own proceedings.
Mr. FOX. Mr. Speaker, last year's budget debate proved how easy it is for Congress to impose higher taxes and increased spending on the American people. Today we take a significant step toward making tax increases infinitely more difficult.

The goal of this new rule is twofold. First, it will require three-fifths majority vote for tax increase measures and amendments. Additionally, it will place a prohibition on retroactive tax increases.

Had the three-fifths requirement been in effect during the 103d Congress, the Clinton tax increases would not have passed. Instead of it passing by only one vote and with the support of only one party, a clear bipartisan consensus would have been required.

The retroactive tax increases, which added insult to injury, would not have been possible had the new rule been in effect. Taxes would not have been raised for 8 retroactive months for millions of hard working Americans, small business owners and senior citizens.

If Members believe Americans are undertaxed, they will not favor these proposals. But if they believe, as I do, we must be cautious about tax increases and they were appalled by the spectacle of last-minute deals which accompanied the 1993 tax increase, they ought to support this reform.

The largest tax increase in American history was passed August 5, 1993, by just one vote and with no bipartisan support. That will not happen in this new Congress. A tax increase enacted could only happen in the future if it has the broad support of Democrats and Republicans working together when all other reasonable alternatives have been exhausted.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I commend the gentleman for bringing this amendment to our attention.

As you know, this amendment to the House Rules provides for a three-fifths percent vote as a necessity to pass any income tax increase. I first introduced this concept in the form of a rule change on Tax Freedom Day, May 8, 1991. I recognized then, as I do now, that our choices in methods used to balance the budget involve two very difficult types of decisions. First, do we raise taxes, or second, do we hold down spending to bring the budget into balance.

History shows quite clearly that when faced with those two difficult options, this House has historically opted to increase taxes. Why? Simply because it has always been the easier of the two.

For example, in 1991 in the name of deficit reduction, the House leadership went off to have a Air Force Base with President Bush and his staff and, in the name of deficit reduction, arrived at an agreement to increase taxes to once and for all put this deficit problem behind us. It didn't work.

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

(Mr. FOX asked and was given permission to revise and extend his remarks.)
So then, in 1993, once again in the name of deficit reduction, this time led by President Clinton and the Democrat leadership, Congress foisted the biggest tax increase in this country’s history upon the American people to once and for all get the deficit reduction problem behind us. It didn’t work either.

The fact of the matter is that, in 1995, the first Force Balance tax deal was put together because we had projected a horrendous $170 billion deficit by 1995. Today, after two tax increases and our failure to hold down spending, the deficit at this year’s end is projected to be $180 billion, that’s right, $10 billion more than had been projected previously in 1990.

Once again, I point out that this is after the two largest tax increases in our country’s history. We’re not fooling anyone. Congress has always taken the easy way out and we have never solved our deficit problem by raising taxes.

The problem, as one joint Economic Committee study shows, is that for each dollar in tax increases we have historically increased spending by $1.59. It is clear that the route of least resistance, increasing taxes, has not worked. This rule change will tend to put better balance in that process.

Some have indicated a concern regarding the constitutionality of this measure. Let me put those concerns to rest. I would like to quote from an article that appeared in the Washington Times on December 20, 1994 by Bruce Fein.

"Supermajority voting rules are constitutional and legislative commonplaces. For instance, two-thirds majorities in both houses of Congress are required to override a presidential veto or to propose constitutional amendments. An increase in the legislative supermajority is required to ratify treaties or to convet of an impeachable offense. Many state constitutions prohibit or tightly circumscribe the power of the legislature to approve substantial spending mandates on states, localities or private enterprise. The U.S. Senate rules require supermajorities to end filibusters or to waive balanced budget requisites for proposed legislation. Thus, the Uruguay Round GATT implementing bill necessitated a 60 percent majority to waive the Senate’s balanced budget rule. The U.S. Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government in Gordon vs. Lance (1971). At issue were provisions of West Virginia laws that prevented political subdivisions from incurring bonded indebtedness or increasing tax rates contrary to the West Virginia Constitution without the approval of 60 percent of the voters in a referendum election. Writing for the majority, Chief Justice Warren Burger stressed the political incentive for prodigality when the costs can be saddled on future generations without any political voice. "It must be remembered that in voting to issue bonds voters are committing, in part, the credit of infants and of generations yet unborn, and some restriction on such commitment is not an unreasonable demand." The burden of federal income tax rate increases, unlike bonded indebtedness, must be fully borne by current votes. But they typically are targeted at a minority slice of the electorate, such as those increases championed by the Clinton administration and enacted by the 103rd Congress. And the revenues generated by tax rate increases are characteristically dedicated to spending programs that benefit voters who escaped the tax increase, for example, food stamps, Medicaid, welfare, farm and farm subsidies. Mr. Solomon’s 60 percent supermajority voting rule for tax rate increases is thus a healthy corrective to the natural inclination of simple majorities to spend their welfare. Indeed, the House and Senate should require supermajorities to approve legislation that would increase tax levies of any sort (not just federal income tax rates), and to increase tax rates, or impose substantial spending mandates on states, localities or private enterprise. Supermajority voting rules are constitutional and legislative commonplaces."

Mr. Solomon’s proposed supermajority voting rule change by the 104th Congress is thus a commendable and wise effort. Indeed, the House and Senate should require supermajorities to approve legislative veto or to propose constitutional amendments yet unborn, and some restriction on such commitment is not an unreasonable demand.

The burden of federal income tax rate increases, unlike bonded indebtedness, must be fully borne by current votes. But they typically are targeted at a minority slice of the electorate, such as those increases championed by the Clinton administration and enacted by the 103rd Congress. And the revenues generated by tax rate increases are characteristically dedicated to spending programs that benefit voters who escaped the tax increase—for example, food stamps, Medicaid, welfare, farm and farm subsidies. Mr. Solomon’s 60 percent supermajority voting rule for tax rate increases is thus a healthy corrective to the natural inclination of simple majorities to spend their welfare. Indeed, the House and Senate should require supermajorities to approve legislative veto or to propose constitutional amendments.

Mr. LEWIS of Georgia. Mr. Speaker, I reserve the rest of my time.

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

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield.
Mr. Speaker, it is ironic that on this first day of a Republican Speaker in 40 years, a speaker who is a learned historical and a college professor of history, who spoke eloquently of Ben Franklin and the checks and balances and the Great Compromise that was necessary to allow us to build a Constitution that has lasted for 200 years, it is ironic our Speaker is willing to lead Members, including 73 new Members, over a constitutional cliff. He knows this greatest of constitutions clearly specifies five instances where a supermajority is necessary for a decision.

Except for the ultimate penalty of removing a Member of the branch who has been duly elected by the people in his or her district, all of those other four represent veto override, treaty ratification, impeachment, ratification or rejection of a personnel or action by a coequal branch.

It is ironic for all of the years that the Senate, the other body, has required a supermajority to lead debate. They never dared to suggest that once debate was closed it took more than a simply majority, one-half plus one, to make the decision.

And the ultimate irony, Mr. Speaker, is that the American majority does not need to do this. They have the majority. They can simply vote "no" and accomplish what is there.

So one can only conclude, Mr. Speaker, that section 106 is a deliberate effort to attack the Constitution which is so strongly lauded here and which we all took an oath to uphold.

Mr. FOX. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, what a long way we have come in dealing straight with the American people.

Less than 17 months ago, this body cast aside basic fairness and imposed unprecedented retroactive tax increases. American taxpayers were aghast to learn that the tax increases were made effective to a date before President Clinton had even assumed office!

Today, we are restoring credibility with the American people. If this proposed rule change will be against the rules of the House to consider any legislation that contains a retroactive tax increase.

In the last Congress, I authored House Resolution 2147 to incorporate this "taxpayer protection" provision in our House rules. All told, 165 of our colleagues either cosponsored that resolution or signed Discharge Petition No. 11.

Today, thanks in no small part to Chairman SOLOMON, we are finally getting the chance to adopt this rule change.

Mr. Speaker, last summer, while not speaking on the wisdom of retroactive taxes, the Supreme Court gave Congress a green light to raise taxes. In this patently unfair manner, putting all tax-paying Americans at risk of having their own fiscal houses thrown in disorder.

It is not only appropriate—but absolutely necessary in light of the Court's ruling—that the House take this action to stop retroactive taxes.

I urge all of my colleagues, in a bipartisan way to vote for this important reform. The American taxpayers deserve nothing less.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 2½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, civilization depends upon civility, and civility relies upon an institution that we each abide by a shared sense of bounds, of what is within the rules. Each of us must be able to expect of the others that we will play by the rules, and not play with the rules.

The proposed rule does violence to this essential aspect of a civil society. It is a proposal to go beyond the bounds, to play with the rules, instead of by them. And in a most uncivil way, it would abuse the discretion given this House by the Constitution to determine the rules of our proceedings, by using the rules of the House to subvert part of the Constitution: the principle of majority rule that is central to the operation of the legislative branch.

The Republicans say this proposed rules change makes the difference between them and the Democrats clear. True. But it is not the difference they assert.

Republicans say this rule change makes it clear that they are opposed to tax increases. But this rule has much more to do with the Constitution than with taxes.

What it really makes clear is that for the sake of political posturing the Republicans are willing to trample on the Constitution which has guided us for 200 years.

The Constitution is the most fundamental statement of American values, the very charter of our democracy. The oath of office we took this afternoon was to support and defend the Constitution and to bear true faith and allegiance to it. The first responsibility of our job in Congress is to honor that charter and remain true to its basic principles.

The gentleman from New York, the new chairman of the Rules Committee, has written that the Constitution says the House may write its own rules. Yes. And the gentleman has quoted an 1892 Supreme Court decision, United States versus Ballin, which says this rule-making power “is absolute and beyond the challenge of any other body of tribunal” so long as it does “not ignore constitutional constraints or violate fundamental rights.”

But there’s the rub. The rulemaking power of the House does not give us a license to steal other substantive provisions of the Constitution, especially not one so central as the principle of majority rule.
The gentleman from New York conveniently failed to point out that a unanimous Court in Hill v. ZWAANENDAL in 1981, in fact, used the very same case that determined that one constitutional constraint that limits the rulemaking power is the requirement that a simple majority is sufficient to pass regular legislation in Congress. To quote the Court:

"The general rule of all parliamentary bodies is that, when a quorum is present, the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the organic act under which the body is assembled have prescribed specific limitations. * * * No such limitation is found in the Federal Constitution. * * * Therefore the general law of such bodies obtains."

The Court expressed the same understanding as recently as 1983, when, in Immigration and Naturalization Service v. Chadha, it stated:

"Art. II, sect. 2, requires that two-thirds of the Senators present concur in the Senate's consent to a treaty, rather than the simple majority required for passage of legislation."

This principle, while not written into the text of the Constitution, was explicitly adopted by the Constitutional Convention. It was explicitly defended in The Federalist, the major contemporary explanation of the Framers' intent. It was followed by the first Congress on its first day, and by every Congress for every day since then. And, as I've already indicated, this principle has been explicitly found by the Supreme Court to be part of our constitutional framework.

The Framers were very much aware of the difference between a supermajority and a simple majority. They met in Philadelphia against the historical backdrop of the Articles of Confederation, which required a supermajority in Congress for many actions, including the raising and spending of money. It was the paralysis of national government caused by the supermajority requirement, more than any other single cause, that led to the convening of the Constitutional Convention.

In that Philadelphia Convention, the delegates repeatedly considered, and rejected, proposals to require a supermajority for action by Congress, either on all subjects or on certain subjects in only five instances did they specify something more than a majority vote. These are for overriding a veto, ratifying a treaty, removing officials from office, expelling a Representative or Senator, and proposing amendments to the Constitution. Amendments to the Constitution later added two others: restoring certain rights of former rebels and determining the existence of a Presidential disability.

The records of the debates in Philadelphia make it clear that in all other instances the writers of the Constitution assumed that a simple majority would suffice for passage of legislation. The text of the Constitution itself also indicates as much. Why, otherwise, would it provide that the Vice President votes in the Senate only when "they be equally divided"? Because, as Hamilton observed in Federalist No. 68, it was necessary "to secure at all times the possibility of a definitive resolution of the body." Certainly the Framers didn't intend the Senate to operate by the principles of majority rule, but a simple majority rule. Indeed, majority rule is such a fundamental part of a democratic legislature that the Founders saw no need to state it explicitly—just as they didn't bother to spell out that it is the top vote-getter, not the second-place finisher, who wins in Congress. But each is an inherent element of our constitutional framework.

The reason behind the principle of simple majority rule was stated clearly in The Federalist—one of the five books which the new Speaker has urged every Member to read. In Federalist No. 58, James Madison wrote:

"It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority in the passage of any measure. That some advantages might have resulted from such a precaution, cannot be denied. It might have been an additional shield to some particular interests, obscure, general, generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. In all cases where the majority that would rule, the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences. (Emphasis added.)"

"Any again, remember that it was a lack of effective national government, produced by the minority-rule effects of the supermajority provisions of the Articles of Confederation, that led to the convention that wrote the Constitution.

Some argue that a three-fifths requirement to raise taxes would be like a two-thirds vote requirement to suspend the rules and pass a bill, or the 60-vote requirement to end debate in the Senate. Wrong. Those rules address procedural steps. A bill not approved under suspension of the rules in the House can be reintroduced and passed by a simple majority. After debate is over in the Senate, only a simple majority is required to pass any bill. So this proposed rule is not like any rule adopted in the 206 years in which we have operated under our Constitution. As 13 distinguished professors of constitutional law recently said in urging the House to reject this rule:

"This proposal violates the explicit intentions of the Framers. It is inconsistent with the Constitutional structure. It departs sharply from traditional congressional practice. It may generate constitutional litigation that will encourage Supreme Court intervention in an area best left to responsible congressional decision making."

I ask unanimous consent to include after remarks in the Record the law professors' full memorandum.

So, if this rule is so clearly unconstitutional, why propose it?

The answer is simple. This rule is a gimmick. It is an act of high posturing. As the late Senator Lautenberg so astutely observed, "The only people who wish to seem opposed to tax increases are the Republicans that may have their seats in Fort Wayne." So perhaps we should have a rule requiring unanimous consent to declare war.

Beyond that, if we start down this road of making it harder for Congress to carry out some of its responsibilities, who knows where it will end. Two weeks ago, Rep. Solomon sent out a 'dear colleague' letter enclosing and endorsing a newspaper column saying that this supermajority requirement should be broadened to apply to all taxes and fees, to any spending in any case, and to any non-tax increases on any type of personal business—for example, the Clean Air Act.

So let's be clear that if we vote today for a supermajority for one type of legislation, in the future we'll be voicing our opposition to anything else. And with it, we slide measurably toward the empowerment of a minority against which Madison warned.

Of course, the supermajority idea might not stop at a three-fifths vote. If the idea here is to make it hard to raise taxes, do we really want it to be easier to go to war than to raise taxes? So perhaps we should have a rule requiring unanimous consent to declare war.

Is any of that nonsense really less preposterous—less an assault on the basic American values of democracy and majority rule—than the rule that is before us today?

The idea of a three-fifths majority to raise tax rates was first proposed in the Republican Contract with America as a part of a balanced-budget amendment to the Constitution, not as a rules change. For those of you who are serious about this idea, that is the appropriate and lawful way to do it—through an amendment to the Constitution.

This proposal raises profound constitutional issues. Yet, there have been no hearings. And debate here tonight on the floor is limited to all of twenty minutes. That is a shamelessly cavalier approach to a matter of such importance. It belies its advocates' claims to a thoughtful and open deliberative process in this House.

What is at stake here is the Constitution. Have respect for this foundation document of our common heritage. Let us return to the failed approach of the Articles of Confederation. Don't subvert the Constitution's basic principles. And don't ask us to break the oath of office we just took.
Mr. Speaker, I call on my colleagues to support and defend the Constitution of the United States.

To: The Honorable Newt Gingrich.

From: (Institutional affiliations are for purposes of identification only) Bruce Ackerman, Professor of Law and Political Science; Akhil Amar, Professor of Law, Yale Law School; Philip Bobbitt, Professor of Law, University of Texas Law School; Richard Fallon, Professor of Law, Stanford Law School; Paul Kahn, Professor of Law, Yale Law School; Philip Kurland, Professor of Law, University of Chicago Law School; Clifford Lorance, Professor of Law; University of Texas Law School; Sanford Levinson, Professor of Law, Northwestern University School of Law; David Strauss, Professor of Law, University of Chicago Law School; Cass Sunstein, Professor of Law, University of Chicago Law School; Harry Wellington, Dean, New York Law School.

We urge you to reconsider your proposal to amend the House Rules to require a three-fifths vote to enact laws that increase income taxes. 1 This proposal violates the explicit intentions of the Framers. It is inconsistent with the Constitution's language and structure and is a sharply frank challenge to traditional congressional practice. It may generate constitutional litigation that will encourage Supreme Court intervention in an area left to responsible congressional decision.

Unless the proposal is withdrawn now, it will serve as an unfortunate precedent for the use of supermajority rules on a host of different subjects in the future. Over time, we will see the continuing erosion of our central constitutional commitments to majority rule and deliberative democracy.

1. ORIGINAL INTENTIONS

The present proposal is unprecedented, but it was anticipated by Madison in a remarkably prescient discussion in the Federalist Papers—a document that you rightly urge your colleagues to reread with care. Federalist No. 58 is explicitly directed to complaints about the constitutional design of the House. It contemporates an objection against the "numerous and active measures" on a host of different subjects in the future. Over time, we will see the continuing erosion of our central constitutional commitments to majority rule and deliberative democracy.

2. SUPREME COURT REVIEW

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Nevertheless, he finds these considerations "out-weighted" by more fundamental ones:

In all cases where justice or the general good requires that laws be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgence.

Madison's audience understood the backdrop of these remarks. The Articles of Confederation were required Constitutional supermajorities for specially important substantive judgments, including raising and spending of money. But the Philadelphia Convention decisively rejected such a system, repeatedly voting down key proposals that imposed supermajorities on particularly sensitive issues. 4

It is true that the constitution gives each House the right "to determine the rules of its proceedings." Madison's description perfectly fits the present proposal:

It is quite true that, since 1985, Congress has not violated any privileges of the Senate. Whether the constitutional merits of the filibuster rule, it does not provide an analogy with the Senate's procedural control. The only remainig method for reconsideration will be the notoriously difficult procedure by which 218 members of the House may historically force the Senate to "discharge" a measure that it has bottled up. 13 While 218 is an absolute majority of the whole House, requiring such a large number is inconsistent with Madison's understanding that "a majority of a quorum" should suffice for ordinary legislation. By the time this mechanism could be employed, moreover, the chance to vote on pending tax measures may have long since passed.

There is no escape, then, from the conclusion that the proposed rule strikes at the heart of the system of deliberative democracy established by the Constitution.

3. CONGRESSIONAL PRACTICE

The sixty-percent proposal seems to be based on an analogy with the Senate's practice on cloture. Whatever the constitutional merits of the filibuster rule, it does not provide an analogy with the Senate's procedural control. The only remaining method for reconsideration will be the notoriously difficult procedure by which 218 members of the House may historically force the Senate to "discharge" a measure that it has bottled up. 13 While 218 is an absolute majority of the whole House, requiring such a large number is inconsistent with Madison's understanding that "a majority of a quorum" should suffice for ordinary legislation. By the time this mechanism could be employed, moreover, the chance to vote on pending tax measures may have long since passed.

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Footnotes at end of article.

H 67
The general rule of all parliamentary bodies is that, when a quorum is present, the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the house, or of which it is assembled have prescribed specific limitations.

2

We emphasize, however, that it would be far better to rethink the issue at this early stage than invite litigation. Not only would litigation lead to a protracted period of uncertainty, but it would destroy a valuable House constitutional self-restraint in the exercise of its rule-making powers which has served the country well for two centuries. It would be far better to re-examine the power granted Congress under the Twenty-fifth Amendment (two-thirds of both Houses to remove disability of rebellious officeholders) and the Senate. Two more are added by the Fourteenth Amendment, convicting on impeachment proceedings.

3

Hamilton counseled that “much ill may be produced by the notion of supermajorities at the Philadelphia Convention.”

4

Under applicable precedent, Representatives have standing to challenge basic lawmaking practices which dilute the voting power that the Constitution grants to them and their constituents. Other cases establish that the Supreme Court will intervene on their behalf to protect the integrity of the deliberative and democratic process established by the Constitution.

5

But the better part of wisdom is to avoid confrontation and return to the foundations of deliberative democracy laid down by Madison in the Federalist Papers.

6

FOOTNOTES

1 Sec. 106. Limitation on Tax Increases: (a) No bill, joint resolution, amendment or conference report carrying an income tax rate increase could be considered by a vote of at least three-fifths of the House. No measure or amendment could be considered that would make the act of a majority of the House the act of the body. This has been the rule for all time, except so far as in any given case the terms of the house, or of which it is assembled have prescribed specific limitations.


3 Id. at 334-36.


5 United States v. Ballin, 144 U.S. 1 S. 1 (1891).


8 Mr. FOX. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. TATE].

9 Mr. TATE. Mr. Speaker, mugging a senior citizen and stealing their money will land you in jail. Why then is it so easy for Congress to raise taxes and yet so hard to put money into the pockets of hard-working American people?

10 Raising taxes, sending your money to Washington, DC, should not be simple. The newly elected Congress was given a message by the American people that the days of tax and of spend are over.

11 I am in favor of the proposal of requiring a 60-percent majority in order to raise taxes so that the taxing ways of Congress are gone forever.

12 This measure may sound good to our constituents. Many Americans are upset at all of their taxes. Federal income taxes, State income taxes, sales taxes, and property taxes. I share their sentiments—it is imperative that we provide middle-class Americans with meaningful tax relief.

13 So why am I voting against this supposed reform? Quite simply because it threatens the very foundations of our democracy and violates the American tradition of majority rule.

14 The Founding Fathers explicitly rejected the notion of supermajorities at the Philadelphia Constitutional Convention. As Alexander Hamilton said, we should not “give the minority a negative on the majority.”

15 James Madison was even more specific. With a supermajority, he said, “the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power transferred to the minority.”

16 Let us not try to solve one problem by creating worse ones. Let us all work together to provide middle-class taxpayers with real and meaningful tax cuts. But let us not attack the very foundation of our free society—the American Constitution. It has served us well for over 200 years—let’s keep it.

17 Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina [Mrs. CLAYTON].

18 Ms. CLAYTON asked and was given permission to revise and extend her remarks.

19 Ms. CLAYTON. Mr. Speaker, I rise in opposition to this unconstitutional amendment.

20 Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

21 (Ms. MCKINNEY asked and was given permission to revise and extend her remarks.)

22 Ms. MCKINNEY. Mr. Speaker, I rise in opposition to this section. This rule requires a three-fifths majority to pass any legislation raising income tax rates. This rule flies in the face of the Constitution. It will only strengthen the ability of special interest lobbies to paralyze this Nation.

23 Let us be clear that this rule would only govern taxes on earned income. Income taxes are progressive taxes. Republicans do not propose a three-fifths requirement to change the tax rate for capital gains. Republicans do not propose a three-fifths majority to create tax shelters for tax avoiders. Republicans do not propose a three-fifths requirement to increase deficit spending or raise the national debt.

24 This is one more gimmick. Its a gimmick that will shatter democracy. Its a gimmick that will undermine the constitutional provisions for majority rule in the House of Representatives.

25 I urge my colleagues to respect the pledge they made to uphold the Constitution. Don’t give in to gimmicks.

26 Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].
Mr. HOYER. Mr. Speaker, today our new Speaker spoke of the majesty of this House. He spoke of 208 years of history. He spoke of the light of the world, this democracy, America.

It is our Constitution that gives this democracy its grace and its reverberation around the world.

Whether you agree or disagree, no one denies that this issue is of constitutional magnitude. My freshmen friends who want open meetings and the elimination of ghost voting do not come to this House and say to the American public that we will give 10 minutes per side of an issue of consideration. The average American today pays almost half of his or her income in taxes, counting taxes of all types—Federal, State, and local. This is not only enough, it is too much.

If we really want to help the children and families of this country, the best way we can do that is to greatly downsize the government and decrease its cost. Only in this way can we allow the individuals and families of this Nation to spend more of their own money on the things that they need the most. I believe very strongly that the American people can do a much better job of spending their money than the bureaucrats in Washington who currently spend it for them.

Mr. FOX. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. I thank the gentleman for yielding this time to me.

Mr. Speaker, requiring a three-fifths vote to raise taxes is a last resort. In Washington State just a year ago the people of the State passed an initiative to do just this. And do you know what happened? Right now, instead of considering tax increase, they are actually looking at places to control the budget and looking at the base of the budget where we have never looked before.

If we are going to get to control spending and control the deficit, we absolutely have to control the ability to raise taxes first.

I urge my colleagues to vote “yes” on this proposal.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 15 seconds to the gentleman from Indiana [Mr. Jacobs].

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

Mr. Speaker, after everything is said that can be said, this proposal would make it easier for bureaucrats in Washington to run up the bills than to pay them, thus beckoning one of the weakest aspects of human nature.

Mr. FOX. Mr. Speaker, I yield 45 seconds to the gentleman from Illinois [Mrs. Ewing].

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

Mr. Ewing. Mr. Speaker, ladies and gentlemen of the House, the reason we are here tonight is because we forced through this House a retroactive tax increase last year. We would not probably be having this amendment today if you had not trampled on the rights of the taxpayers of America. This is a good bill, this is a good amendment. We need this to protect American taxpayers.

Support this amendment.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. SHADEGG].

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

Mr. SHADEGG. Mr. Speaker, I rise in support of the amendment to require a three-fifths vote majority to increase taxes.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. SHADEGG].

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

Mr. SHADEGG. Mr. Speaker, I rise in support of the amendment to require a three-fifths vote majority to increase taxes.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. SHADEGG].

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

Mr. SHADEGG. Mr. Speaker, I rise in support of the amendment to require a three-fifths vote majority to increase taxes.

The average American today pays almost half of his or her income in taxes, counting taxes of all types—Federal, State, and local. This is not only enough, it is too much.

If we really want to help the children and families of this country, the best way we can do that is to greatly downsize the government and decrease its cost. Only in this way can we allow the individuals and families of this Nation to spend more of their own money on the things that they need the most. I believe very strongly that the American people can do a much better job of spending their money than the bureaucrats in Washington who currently spend it for them.

Mr. FOX. Mr. Speaker, I reserve the balance of my time in order to close.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Florida [Mr. Gibbons].

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

Mr. Speaker, it is obvious that many of the proponents of this proposal have not even read it, for if they had, they would discover to their chagrin that it only limits the Congress in enacting income tax increases, not tax increases. You know what that will do: Merely transfer the tax increases over to other kind of taxes where the people that are worried about the income tax rates will be protected.

But this is unconstitutional. There is no way that a simple majority of this House can adopt a rule here tonight and bind the rest of the House to require a 60 percent vote on any other thing.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong opposition to this rules change to have three-fifths to change the tax rate for an increase or a decrease in income taxes, and I do this because there is no precedent in Congress requiring a super-majority for final action on any measure except those specifically cited in the Constitution, such as overriding a veto or impeachment.

We have seen what a super-majority has done in the Senate by requiring 60 votes to end debate. It results in gridlock. Nothing happens. Nothing gets done.

I cite James Madison as he discussed the rationale for not raising this threshold, and he said, “The fundamental principles of free government would be reversed. It would no longer be the majority that would control, power would be transferred to the minority.”

The majority should not override the wisdom of our forefathers. That is not a good rules change.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield only 5 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. I thank the gentleman for yielding.

Mr. Speaker, I move that we adjourn, and I ask for a recorded vote.

Mr. LEWIS of Georgia. For purpose of debate only, Mr. OWENS. I move we adjourn.

Mr. BARTON of Texas. Regular order. Reserving the right to object—Mr. WALKER. Is the motion in writing?

Mr. VOLKMER. He recognized him.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman is not yet recognized. Is the gentleman’s motion in writing?

Mr. OWENS. A motion to adjourn does not have to be in writing.

I move that we adjourn and ask for a recorded vote.

The SPEAKER pro tempore. Since a Member has properly demanded that the notices be in writing, is the gentleman’s motion in writing?

Mr. OWENS. In writing? It does not have to be in writing.

Mr. SOLOMON. Mr. Speaker, the gentleman’s 5 seconds are up.

The SPEAKER pro tempore. Did the gentleman from Georgia yield to a Member for the purpose of debate only? Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 45 seconds to the gentleman from New York [Mr. LaFALCE].
208 years ago this same fundamental debate took place. You have the opportunity to side with James Madison, with Alexander Hamilton, and continue the debate for the Constitution. Do you have the opportunity, by your vote today, to side with those who wanted to retain the Articles of Confederation. This amendment does violence to the principles established by our forefathers of every generation of our descendants in this House of Representatives. It is inherently unfair; it is inherently undemocratic; it is inherently unconstitutional.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. Fox] have only one remaining speaker? Mr. FOX. That is correct, Mr. Speaker. We want to make sure we are last. The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the balance of his time.

Mr. FOX of Pennsylvania. Mr. Speaker, for purposes of debate only, I yield 45 seconds to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. MENENDEZ. Mr. Speaker, paraphrasing from a newspaper editorial:

Not content with their party's 15-vote majority in the House, Republicans want to improve their odds by changing the rules of the game. The Republicans intend to offer a bill that would require a 3/5s vote majority in the House to approve any bill increasing some taxes. So much for the careful deliberations of the Constitution's framers. They required a supermajority only for the most momentous decisions—approving treaties, impeaching Presidents, and expelling Members of Congress. Republicans think they got it wrong. They would add their own policy preference to that select list.

If they succeed, the tactic will probably be used again. Republicans could force a three-fifths vote to cut defense spending, for example. If they do so, they could require a three-fifths vote to cut poverty programs. So much for majority rule. So much for simple fairness.

Mr. GINGRICH has a darker side—recklessness. With this proposal, he defies the intent of the framers of the Constitution, and upsets a carefully-balanced system that has worked well for two centuries. If Mr. Gingrich believes tax hikes deserve such an exalted status, he should proceed in accordance with the Constitution and offer a constitutional amendment. That would require approval by two-thirds of each house in Congress and three-fourths of the states—unless, as a matter of fact, the constitutional convention of 1787 would not have apprised them of a bill that would define a political opposition and that may be the case. Nevertheless, there is merit to his case. The caucuses are special-interest groups, and taxpayers deserve to support them. The 28 caucuses that get taxpayer money have spent $35 million in the last decade, and critics say $7 million of that hasn't been accounted for. One caucus, the New York State Congressional Caucus and the Caucus for Women's Issues. He has been accused of cutting these groups' political opposition, and that may be the case.

Mr. Speaker, this pressure does not require, and, at the same time, strips the House and actually prevents its Members from doing the business of the American people. The Constitution does not demand a supermajority when dealing with tax issues. If Mr. Gingrich believes tax hikes deserve such an exalted status, he should proceed in accordance with the Constitution and offer a constitutional amendment to the states for consideration, and expelling a Member from the House. All other action by the House is accomplished by a majority vote of Members present and voting. This measure will simply tie the hands of the House and actually prevent its Members from doing the business of the American people. The Constitution does not demand a supermajority when dealing with tax issues. This legislation would serve only to help certain, singled out groups, while other groups would be subject to the tax burdens that could be randomly set by this House.

We can already vote "no" on tax increases with a simple majority vote. Why should we implement a restriction which the Constitution does not require, and, at the same time, strip our colleagues of the power to represent the people who elected them?

A simple majority vote will get you what you want. I will vote "no" on this item.

Mr. FOX. Mr. Speaker, I yield the balance of our time to the gentleman from Texas [Mr. BARTON] for our final speech.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. BARTON of Texas. Mr. Speaker, let me say that I rise to say that I am not here to raise taxes. I am here to lower taxes. But what is the reason for a majority, a supermajority, when simply a majority can say to the American people, we don't want taxes. I think that we are going in an unconstitutional way if we start talking about making a supermajority. It is important that we be able to say we do not want to raise taxes and we vote in a simple majority to do so.

Mr. Speaker, there have been only three actions in the Constitution that require a two-thirds vote. Why are we not trying to change, and to argue that we want to create this superminority? I say to my colleagues, vote for lower taxes. You don't need a supermajority. Support the Constitution.

Mr. Speaker, I do not want to vote for an increase in taxes, and if such an item were presented at this time, I would vote "no." There are only five situations where current rules require more than a simple majority of Members voting for the House to act. A two-thirds supermajority is required in two instances—passing override votes on the President's veto, and consideration of a rule recommended by the Rules Committee on the same day it was reported. Additionally, the Constitution of the United States requires a two-thirds vote for House action in three situations—overriding the President's veto, submitting a constitutional amendment to the states for consideration, and expelling a Member from the House. All other action by the House is accomplished by a majority vote of Members present and voting. This measure will simply tie the hands of the House and actually prevent its Members from doing the business of the American people. The Constitution does not demand a supermajority when dealing with tax issues. This legislation would serve only to help certain, singled out groups, while other groups would be subject to the tax burdens that could be randomly set by this House.
I submit for the Record the charts and data to support this conclusion, and I ask for a yes vote. Let us start listening as much to the taxpayers of America as we do to the special interests of America and pass this amendment.

HISTORY OF TAX INCREASES—MAJOR TAX INCREASES SINCE 1960

Since 1961:

1. Bill passed with 60 percent supermajority in each House. Four Bills passed without 60 percent supermajority in each House.

Those 4 Bills added $666 billion in taxes.

Tax Rate Extension Act of 1960—No.

House 229-214, Yea, (51%),

Senate 61-32, Yea, (66%),

Interest Equalization Tax Act of 1961—Yes.

House 295-88, Yea, (77%),

Senate voice.

House Vote.

Tax Rate Extension Act of 1962—Yes.

House 283-91, Yea, (76%),

Senate voice.

Tax Rate Extension Act of 1963—Yes.

House 283-91, Yea, (76%),

Senate voice.

Excise Tax Rate Extension Act of 1964—Yea.

House voice.

Interest Equalization Tax Act of 1964—Yes.

House 238-142, Yea, (63%),

Senate 45-28, No, (62%),


House 274-97, Yea, (74%),

Senate voice.


House 288-102, Yea, (74%),

Senate 72-5, Yea, (94%),


House 224-83, Yea, (73%),

Senate voice.


House 269-150, Yea, (64%),

Senate 64-16, Yea, (80%),


House 202-107, Yea, (74%),

Senate 66-31, Yea, (68%),


House 226-207, No, (52%),

Senate 52-47, No, (52%),

Omnibus Budget Reconciliation Act of 1987—No: $40 billion.

House 237-181, No, (51%),

Senate 61-28, Yea, (62%),


House 272-128, Yea, (66%),

Senate 61-7, Yea, (93%),


House 229-200, No, (53%),

Senate 52-47, No, (52%),

Omnibus Budget Reconciliation Act of 1993—No: $275 billion.

House 218-216, No, (50.2%),

Senate 40-40, No, (51%),

THE MOMENTUM FOR SUPERMAJORITY REQUIREMENTS FOR TAX INCREASES

9 states require supermajority votes for tax increases (Arizona, Arkansas, California, Delaware, Florida, Louisiana, Mississippi, Oklahoma, South Dakota).

1971—Florida requires 3/5 vote to change in corporate income tax.

1976—California requires 2/3 vote for tax increases.

1978—South Dakota 2/3 vote for increasing tax rate or base.
Mr. PASTOR changed his vote from "nay" to "yea."
Dear Congressman Thomas: Thank you for your letter of December 12, 1994, cosigned by Congressman Jim Nussle, requesting the Office of Inspector General (OIG) to assume responsibility for managing the comprehensive audits of the Congress as discussed in your letter. As suggested in the letter, Bob Frey, Deputy Inspector General, and I met with Stacy Carlson on December 16, 1994, to further discuss these audits. As a result, I have a good idea as to what needs to be done to successfully accomplish these audits. Therefore, the OIG is very willing to accept this responsibility, and will perform the associated tasks in a totally professional and nonpartisan manner.

What we are asking for, and getting, is professional management of the House. What the American people are getting is transparency of that management. The old system would not open up. The new system will.

Mr. Speaker, I include for the Record the following letters:


MR. JOHN LAINHART, INSPECTOR GENERAL, House of Representatives, H2-486, Washington, D.C.

DEAR MR. LAINHART: Republicans have called for the selection of a major, independent accounting firm to perform comprehensive reviews of all aspects. We believe that such audits are needed to fully account for the House taxpayer and to provide the factual information necessary to build an efficient, cost-effective administrative structure.

We envision a series of audits, to begin as soon as possible, that will result in a final, consolidated picture of the financial and operational status of the Congress. We are contacting you at this time to request that your office accept this responsibility. The audits, and the process under which they are conducted, must be free from interference and partisan influence. The office of the Inspector General was created in 1992 for the specific purpose of nonpartisan review and evaluation of House operations, and is the logical office to carry out this charge.

By copy of this letter, to Mr. Gephardt, we are asking for his full cooperation in assisting you in this task, which we expect will include the need for additional staffing for your office for the audit. It is our intention that the comprehensive audits conducted under this process will complement the audit plan which you have recommended to bipartisan leadership, in order to expedite the overall review of House operations which you have already presented.

Research has already been performed regarding the cost of contracts for these audits, and a preliminary review of the entities which we envision will be involved. The first task is an audit plan for the House on the basis of an agreement with the Senate, by audit plans for joint Senate-House entities. We would be glad to provide you with the background information we have and, moreover, we offer this only as a suggestion to help speed the process. No such comprehensive review of House operations has been undertaken before, and real changes inherent in completing such a review now are enormous.

We have confidence in your professional ability to carry out this task, and hope that your office is willing to accept this responsibility. Please contact Stacy Carlson, at the Committee on House Oversight (Committee on House Administration), if you need additional information. We look forward to your response to this request.

Sincerely,

Jim Nussle, Bill Thomas.


Hon. Bill Thomas, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN THOMAS: Thank you for your letter of December 12, 1994, cosigned by Congressman Jim Nussle, requesting the Office of Inspector General (OIG) to assume responsibility for managing the comprehensive audits of the Congress as discussed in your letter. As suggested in the letter, Bob Frey, Deputy Inspector General, and I met with Stacy Carlson on December 16, 1994, to further discuss these audits. As a result, I have a good idea as to what needs to be done to successfully accomplish these audits. Therefore, the OIG is very willing to accept this responsibility, and will perform the associated tasks in a totally professional and nonpartisan manner.

As indicated in your letter, these audits can best be performed by contracting with an independent accounting firm. This entails a series of audits that will result in a final consolidated report of the financial and operational status of the Congress. In order to establish consistency at the beginning of the 104th Congress, and make recommendations for control and operational improvements for building a more efficient, cost-effective Congress, I propose that the consolidated report address issues as of December 31, 1994. This audit effort would, as you indicated, complement the audit plan designed to evaluate economy, efficiency and effectiveness of House operations and data center protection and highlight areas for contracting out, privatizing, streamlining, downsizing and elimination. Additional details concerning the financial operations included in Enclosure 1. The audit of HIS operations would include reviews of the general controls (including management, data center and application controls) and system development, acquisition and modification (including user satisfaction, system development life cycle and security, and data protection and availability). The audit program for performing this audit is included as Enclosure 2.

As indicated in your letter, audit coverage of joint Senate-House entities will need to be identified at a later date. Once agreement is reached with the Senate, I will develop a detailed proposal concerning audit coverage for those entities and submit my audit proposal to you for your review.

I will be contacting the Office of the General Counsel later today to request a legal opinion on the most expeditious method to contract for the independent accounting firm(s), while assuring competitive bidding to the maximum extent practical. Once I get the legal opinion, I will make a recommendation to you as to the best method for proceeding. In addition, as soon as I can estimate the contract costs, I will apprise you of the funding requirements for that reprogramming can be expeditiously accomplished.

With respect to the issue of additional staffing, I have included the chart (Enclosure 3) which depicts our current staffing (both Subcommittee on Administrative Oversight, Committee on House Administration approved permanent OIG staff and General Accounting Office details), and proposed additional staffing needed to make the OIG fully functional, considering the additional audit requirements to be assumed by the OIG in the 104th Congress. The total additional funding required for Fiscal Year 1995 is $494,000, consisting of $372,000 in personnel costs, and $222,000 in equipment, software, supplies and other similar costs. The justification for the additional staffing is also included as Enclosure 4. Since personnel costs are tied to a contract, the time and additional staff members are critically needed to accomplish the tasks discussed above, I would hope that this issue
can be addressed at the earliest possible time so that the appropriate staffing, authorization and reprogramming can be expedited.

An identical letter has been sent to Congressman Nussle. If you should need additional information or want to discuss this matter further, please do not hesitate to call me on x6250.

Sincerely,

John W. Lainnhart IV, Inspector General.

Mr. Fazio of California: Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mrs. Thurman].

Mrs. Thurman. Mr. Speaker, I rise in support of this important change in House rules. Like many of my Democratic colleagues, I favor many of the reforms being instituted today. As a freshman member in 1992, I was honored to chair a task force on changes in House rules. One of my top priorities was to see that this institution was held more accountable to the American people. I believe that the proposed comprehensive audit of all our financial records and physical assets is a big step in ensuring our accountability to our constituents. This is an opportunity for improvement—one every Member should welcome who is actively seeking to use taxpayer dollars more efficiently.

I know that a comprehensive audit, if properly conducted, will be an important management tool here in this House. If a truly independent firm performs the audit, then we can take advantage of new technologies and management practices and identify the areas where we must improve our efficiency, accountability, and effectiveness.

However, I have specific concerns that are not addressed and that is that the Speaker and the House Oversight Committee report is not being issued in a timely fashion. We need to see the money appropriated to the Inspector General to conduct the audit and promptly implement the recommended changes so we can get the most for the taxpayers' money and provide the best service to our constituents.

Mr. Brownback. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. Riggs].

Mr. Riggs. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, Section 107 of the House rules package directs the House Inspector General to conduct a comprehensive audit of all House services and operations. Mr. Speaker, a bipartisan group appointed the current Inspector General.

Mr. Speaker, a bipartisan group appointed the current Inspector General.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Doolittle].

Mr. Doolittle asked and was given permission to revise and extend his remarks.

Mr. Doolittle. Mr. Speaker, this comprehensive audit of House financial records and administrative operations will prevent in the future the kinds of problems we have seen with the House restaurant, the House Post Office and the House bank and will identify whether and to what extent other House units have been in compliance with law and House rules and have operated effectively and efficiently. It will provide necessary information to the public to determine the manner in which taxpayer funds have been used and will ensure accountability in the administration of this House.

This audit should examine, amongst other things, monies in the contingent fund, monies expended by legislative service organizations, House officers and employees and official payrolls. This audit will set an important precedent for openness and accountability and is a much desired reform.

Mr. Fazio of California, Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Maryland [Mr. Hoyer].

Mr. Hoyer. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1. But again, I must reiterate my disappointment about the procedure we are using today. I am deeply disappointed that this bill is coming before the House under a closed rule. Not very long ago, the new chairman of the Rules Committee, my friend from North Carolina, said he hoped the diminished members about the use of closed rules, that our Republican friends were "not simply engaging in some procedural or partisan tantrum. We are instead" he said, "trying to warn against what we perceive as the deliberate destruction of the House." (April 2, 1993). It is somewhat shocking, after all the speeches, that on the first day of the new Republican run House we are proceeding under a closed rule.

However, it is important today that we are moving forward on a bill, that has been blocked for too long. The House passed this bill, essentially, twice in the last Congress only to see our efforts thwarted by Republican led efforts in the Senate. The Republican Members of the House want this bill and want it to move forward. On this point, there is great bipartisan agreement.
We have gone a long way toward making sure that the Congress lives under the same laws as any other American. Most pieces of legislation we have passed apply to Congress. The Americans With Disabilities Act which I proudly cosponsored specifically applies to Congress as did the Civil Rights Act, Minimum Wage, the Fair Labor Standards Act and the Family and Medical Leave Act. The House has also had in place, since 1988, prohibitions against employment discrimination.

I will ensure that all Members of the Congress—not just House Members—live under all of the laws we pass and do so permanently, not just as an internal House rule but as an ironclad law. I cannot tell you how many times I have had businessmen and women complain that Congress passes laws and then simply exempts itself. They are frustrated. They want us to share the same challenges they have when they try to comply with these laws with the new jobs for their community. They need and deserve to know that we live up to the same standards that we expect from them, and afford our employees the same protections that any other American will deserve.

Most of my constituents did not know that the Congressional Accountability Act passed the House last year by a vote of 427 to 4. They did not know because the Senate failed to act to make it a law. In early September, I wrote to urge the Senate committee on Government affairs to have the Senate act promptly. I told them that the Congress could never engender trust among the American people until the Congress lives by the same rules as the rest of the Nation. When the Senate did not act, we made congressional accountability part of the House rules.

But the American people deserve something more than an internal House rule to preserve an ironclad law passed by and applying to both Houses of Congress. I want to go home and tell those constituents that we have answered their plea. I want to tell them that we meet the same requirements that they do—that we follow the same laws they follow from OSHA to fair labor standards. I want to tell them that our employees have the same protections their colleagues do, from age discrimination to family and medical leave. Our personal experience will help us write better, more careful laws. Just as importantly, this is about common sense, trust and accountability. That is why we are all here, late into the evening, finishing the work which began in the last Congress. I hope all my colleagues will join me in moving forward on H. R. 1.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUO]...

Mr. TAYLOR of North Carolina. Mr. Speaker, I am pleased to be here today for a new reason. In Congress, Members will finally open the doors of the House to greater public input and disclosure.

The idea of the House audit was a brainchild of the Gang of Seven. I am delighted to have the two gang members here today and again pleased that the leadership included our idea in the rules package.

I am not even sure why we are debating this issue. If a company the size of the House of Representatives did not report the activities of its officers and directors to its shareholders, it would not survive—disclosure is a key component to gaining the public trust essential for survival in a market economy. It is ridiculous not to support this proposal. The American people are the shareholders of our American Government and deserve to know the activities of their Representatives.

Members of the House have been embarrassed and distrusted by scandals in its bank, post office, and other departments. An independent inspector general would conduct audits to expose fraud, waste, and abuse. I wholeheartedly support a comprehensive House audit and urge my colleagues to do likewise. It is a proposal that will ensure that the House of Representatives remains The People’s House.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my colleagues, on October 1, 1991, I stood here on this House floor and I said, “What are we trying to hide from the American people? What do we have to fear?” Today we have a historic opportunity to move to open up the books of the U.S. Congress in a very open and complete way. We know that sunshine is the best disinfectant, and never in the history of this Congress have we ever had an open and complete audit of the books of this Congress for the American people to view.

And echoing the comments of my colleagues who were involved with me, my six other colleagues, I fully encourage the Inspector General to not only do the fiscal 1995 audit, but I would encourage the Inspector General to look back, to look back several years at some of the books of this Congress that have been called into question. LSO’s, the House restaurant system, the Speaker’s contingent fund, the disposal of office equipment that has raised everyone’s eyebrows, but we never have seen the details.

I am pleased tonight to be here to support this very important part of our House rules.

Mr. BROWNBACK. Mr. Speaker, I yield 45 seconds to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I applaud the efforts offered today and believe the audit will go a long way to cut waste and save taxpayer money, streamline the process. Let us go a step further. Let us require the audit to include unused office allowance funds.

I am concerned. We still do not know what exactly happens to that money. Many of us agree funds left over from our office budgets should not be reproduced, but instead returned to the Federal Treasury for deficit reduction. Let us use this opportunity to find the means to that end.

This audit will ensure that House operations are efficient and effective, and this investigation will ensure this audit is complete.

Mr. BROWNBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I ask permission to revise and extend his remarks.

Mr. ZELIFF. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise in strong support of section 107 of this rules package authorizing a comprehensive House audit of House financial records, physical assets, and facilities. All the rules changes we are considering today—cutting committees and committee staff, ending baseline budgeting, making the
laws of the land apply to Congress—are critical. We are reforming this institution and restoring the faith of the American people.

However, while these reforms may grab the headlines, I believe the Select Committee on Ethics has taken the lead in authorizing an audit of House functions. It is perhaps the most important reform of all. For the first time the American people will have the opportunity to see how their tax dollars are being used and often wasted on Congress itself.

I am a small businessman who knows that keeping track of where the money goes is the only sure way to run a business. Slush funds, sloppy management, or outright fraud will land you either in bankruptcy or jail.

As the owner of a small business I must make sure that my financial statements and inventory are accurate and up-to-date. A bank considering issuing me a loan—or potential investors—would accept nothing less than a close examination of my balance sheet before making any decisions.

Why, then, the House of Representatives has escaped a similar analysis for its investments—the American taxpayers—is beyond me. It is time for a change.

We should pass this section authorizing an audit of House activities, and then the entire rules package, to let the sun shine in.

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

Mr. Speaker, I think we all understand this provision in the rule this evening was an opportunity for people to rehash the problems that beset this institution in the past that we are, thank God, well under way to resolving.

But what I think is not something that was intended to be brought up tonight—but which is central to the whole question of the audit, which will be broadly supported on a bipartisan basis—is who will do the audit, how it will be administered.

Now, the real issue here is who appoints the administrative authorities in this institution. There has been a change. When Republicans were in the minority, they wanted bipartisanship. They wanted equal access. They wanted professionalism. They wanted no taint of partisan activity.

But now the worm has turned. Now the Republicans find themselves in the majority. What they have done is they have reversed the field. They have now called for a different structure, one that places in the hands of an administrator appointed by the Speaker the authority to manage this institution in a way that could become as partisan as we can imagine.

I think that is tragic. I think that is wrong. And I support the audit, but I am very concerned about the way it will be managed by a partisan leader.

Mr. BROWNBACK. Mr. Speaker, I would remind the speaker from the other side that he had 40 years to ask for this audit and did not do it.

Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan, Mr. EHLERS.
Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. GUTKNECHT asked and was given permission to revise and extend his remarks.

Mr. GUTKNECHT. Mr. Speaker, my grandma used to say that it is wrong to teach our kids to do as I say and not as I do. As parents of three teenagers, my wife and I believe that we need to set a good example for our children. It is my fervent belief that this philosophy should apply to the U.S. Congress as well. Unfortunately, Mr. Speaker, in recent years the actions of our Government have been, in essence, to do as I say and not as I do.

On behalf of the freshmen who promised their constituents consideration on the first day, Mr. Speaker, I would like to thank the leadership for this opportunity. The failure of the previous Congress to pass the legislation is unfortunate. But I have, in effect, been saying to the American people, “You must comply with the rules and regulations we pass, but we don’t.”

Mr. Speaker, the Congressional Accountability Act will put an end to this hypocrisy and put our House in order.

Today the new Congress is telling the American people that we have heard their demand for change and that on the first day we meant what we said in that we will begin to play by the same rules as those who were elected to serve.

I understand that some Members are opposed to the closed rule, but the bottom line is that H.R. 1 is virtually identical to the bill that passed last year. One major exception, the ban on frequent flier miles has been ripped out. Why has it been ripped out? It has been ripped out because the laws that have been passed that we want to have applied here don’t affect you as individuals. They affect the U.S. Government, because that is where the liability lies. But the frequent flier prohibition strikes right at the people in this room. The people in this room should not use frequent flier miles for personal use. It is hypocrisy of the highest order that is not being dealt with this bill when it was dealt with in the past. Why has it been ripped out? There is only one explanation, and that is greed. The Members who want to use frequent flier miles for personal use are ripping off the taxpayers of this country, and it is wrong and it should be stopped today.

So if you believe in bipartisanship, vote this rule down and let us do this right.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from the land of Lincoln, the gentleman from Illinois [Mr. WELLER].

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

Mr. WELLER. Mr. Speaker, I rise today in support of the rule for the Congressional Accountability Act. For years Members of Congress have exempted themselves above many of the laws that we impose on the private sector. It is time we held ourselves accountable to the same standards that we expect of our constituents.

The House passed this bill last August by a vote of 427 to 4. At that time, the provisions of this bill were deliberated to the fullest extent possible. The rule today allows the House to expedite the process to bring Congress in line with the laws of the land under the most strictest interpretations. It is time we make positive changes in the way Congress operates. Congress has delayed far too long on this initiative requiring us to live by the same rules as everyone else. Congressional Accountability is a step in the right direction, and it is time to bring it to a vote.

Mrs. KENNELLY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, there has been a great deal of discussion of history tonight, so let us quote Karl Marx. “History repeats itself; the first time in history and the second time as farce.” Farce is what we are getting tonight. It is from the 18th Brumaire of Louis Napoleon. It is almost exactly what the House did before, but there are some
Mr. SALMON. Nice try. But I would like to say this: One thing I have learned over my political career is that I know I am an incredibly average person, and the incredibly average person that I talk to out there cannot understand why we cannot move this to a vote and why we cannot move it quickly.

I think some good points have been made, and we will get an opportunity I believe to visit some of these issues later. But I do not want to wait. I want to move, and I want to vote now. Let us make votes of this House as if Congress live under the very same laws as any other American. It is the right thing.

Mrs. KENNELLY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. Rivers].

Ms. RIVERS asked and was given permission to revise and extend her remarks.

Ms. RIVERS. Mr. Speaker, I am a freshman who like many of you ran on the issue of reform. I have not had the opportunity to advance our ideas and see them win or lose in the court of public opinion. It has been just the opposite. On our very first day, the most symbolic day, I have come into a House where we will not have the opportunity to advance our ideas and see them win or lose in the court of public opinion.

There is no opportunity for amendments, no opportunity for fine tuning, and no opportunity to divide the question in a way that will allow us to represent our constituencies within many- itemed bills.

This is not the new way, the good way. This is what you all campaigned against. And I think we should learn from JERRY SOLOMON who said the people are sick and tired of political gamesmanship. They want back their House, they want it open and democratic. I think so.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Mesa, AZ [Mr. SALMON].

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

Mr. SALMON. Mr. Speaker, this has been an awesome day for me. I was able to sit here on the floor of this very hallowed place with my four children, and I can’t tell you the experience this has been for me, to be able to sit among some of the most intelligent minds of our country, and to be able to have just heard the very eloquent speech of Mr. FRANK. I am impressed. You are even better in person than you are on C-SPAN.

Mr. FRANK of Massachusetts. If the gentleman will yield, it will be better tomorrow afternoon if you get a little sleep.

Mr. CHABOT asked and was given permission to revise and extend his remarks.

Mr. CHABOT. Mr. Speaker, our Nation was founded on the principle that no person is above the law. It is more than shameful—it is worse than outrageous—that Congress has chosen to bypass the law.

From the labor laws enacted in 1938, to the Civil Rights Act of 1964, to OSHA—Congress has said: “These laws apply to others, but not to us.”

At long last, these exemptions are going to stop. Finally, we’re going to recognize that if a law is good enough to apply to the American people, then by golly, it’s good enough to apply to Congress. And if any law isn’t good enough to apply to Congress, then certainly it’s not good enough to apply to everyone else.

When Congress has to live by the laws it passes, then Congress will take care to pass better laws. I urge support for the rule.
For those of us who were part of the 103d Congress, the fact that this legislation is being considered in this way is less deplorable than it would otherwise be because the bill is substantially the same as last Congress’ H.R. 4822. H.R. 4822 was a well-constructed, well-thought-out bill in large part because, unlike H.R. 1, it was developed through the regular legislative process. H.R. 4822 was considered by the committees of jurisdiction, as well as the Rules Committee for purposes of granting a rule; there was sufficient time between the day the bill was introduced and the day it was sent to the floor for Members to familiarize themselves with it. And most of the amendments Members wanted to offer to it were allowed to be offered. In other words, we had ample opportunity to know what we would be voting on and to help shape and improve the bill.

But the 86 Members who are new to the 104th Congress will not have that opportunity. Their right to review and amend this legislation is being abrogated for the sake of political expediency. It is unfair—and wrong—to ask them to vote on a very important piece of legislation without giving them any chance to review the bill, let alone help shape it.

Mr. Speaker, I hope that it is only because of the political imperative dictated by the “Contract With America” that we are proceeding in this manner on a major piece of legislation. And I hope that we will have the assurance of the new leadership that the procedure being used to consider H.R. 1 is an aberration, and not a signal of how legislation will be handled during this Congress.

Mrs. KENNELLY. Mr. Speaker, for purposes of debate only, I yield one-half minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I think the gentlewoman from Connecticut might have erred in her argument. Perhaps an uninformed observer listening to the debate today, Mr. Speaker, might hear some hypocrisy on both sides, and maybe listening to the debate on this issue, an uninformed observer might not understand that as stronger reform bill than the piece now being offered came before this body written by Democrats just a few months ago, and was eventually blocked by Republicans. I would not say that the action today is hypocritical, but an uninformed observer might.

Mr. GUTKNECHT. Mr. Speaker, may I inquire as to how much time is left on both sides?

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman from Minnesota [Mr. GUTKNECHT] has 3½ minutes remaining, and the gentlewoman from Connecticut [Mrs. KENNELLY] has 5 minutes remaining.

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

Mrs. KENNELLY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, this section is a rule providing for consideration of the bill, the Congressional Accountability Act. This is the exact same bill that we Democrats passed in the House last year.

However, sadly, the Republicans derailed it in the Senate, so I do not want anything that was done in the Senate to be done in the House. We proposed it, and it passed the House last year. I strongly supported this measure last year and I will support it again this year.

Let me say that I am delighted that the Republicans seem to be on board this time. Better late than never. However, Mr. Speaker, I must rise in opposition to the rule we are operating under. This is a closed rule, plain and simple.

My left ear has gone deaf from all the catcalls and the charges of gag rule from the minority in the last couple of years, but now they come to the floor and put two closed rules together, so I am really disappointed in the actions of the minority today. Over the years, the cries from the Republicans, maybe Mr. Solomon learned something from me or maybe I learned something from him.

Mr. SOLOMON. Mr. Speaker, if the gentleman would yield, believe me, I learned a lot from you, Joe.

Mr. MOAKLEY. OK, but I could spend all week reciting quotations from Members on the Republican side calling restrictive rules of any kind unconstitutional, undemocratic, unfair. Yet, the first day of the session, on the very first item on our legislative agenda, what do we get? A closed rule within a closed rule. I am very, very disappointed who is crying for open rules and free debates, to come forward today with this rule.

I know some of my Republican colleagues will argue that we do not need an open rule on this particular measure because the House passed the same legislation in the last session, under Democratic leadership, let me add. Yet I cannot recall a single occasion on which my Republican colleagues supported a closed restricted rule on any previous piece of legislation.

Let me add that when the Democratic leadership brought the Congressional Accountability Act to the floor last year, we made 14 amendments in order. The scream was “It is a gag rule, it is a closed rule.” Here today we come and we cannot put one amendment in order; they come with seven amendments into the bill. Evidently there has been an awakening of the Committee on Rules, or there has been a change in the heart of my good friend, the gentleman from New York [Mr. SOLOMON].

However, I recall during debate last year my good friend and the new chairman, the gentleman from New York [Mr. SOLOMON] arguing for more open rules on a previously passed bill due to the fact that there were so many new freshmen that had not read the bill and it was not fair. Evidently he has had some second thoughts. He thought they should be able to have some input in the process. I can point to some freshmen this year, Mr. Speaker, who should be given the courtesy that the gentleman from New York [Mr. SOLOMON] and his party thought we should have given them last year.

Mr. Speaker, it strikes me as a bit ironic that notwithstanding the rhetoric, we are here with what last year my Republican friends would have called the gag rule. We were accused of having gag rules if they were preprinted in the Record, or moving a comma.

This is a blatant closed rule, and as I say, they were talking about openness and allowing full debate. Maybe tomorrow or the next day may show something else, but today, Mr. Speaker, I do not see any openness coming from the other side.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Muncie, IN [Mr. MCINTOSH]. (Mr. MCINTOSH asked and was given permission to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Speaker, on behalf of the voters of Muncie, Anderson, Richmond, and all of the Second District I rise in support of both the rule and the Congressional Accountability Act. Mr. Speaker, the time is now to make Congress accountable for the laws it imposes on the American people.

For too long, Congress has told the American People: “Do as I say, not as I do.” Congress is currently exempt from laws such as the Civil Rights Act, the Fair Labor Standards Act and OSHA. For example: House Annex I—the O’Neill Building, could not legally be occupied by any private enterprise. It would be shut down. Only Congress, with its exemption from many workplace safety regulations, can reside there. Mr. Speaker, the time is now to end this double standard.

The Congressional Accountability Act will cause Congress to make better laws. Bad laws will surely be changed as Congress feels their weight. And good laws protecting safety and civil rights will benefit congressional employees.

James Madison wrote: “This Constitution places elected officials under the law, thereby avoiding tyranny.” Mr. Speaker, the Congress has not lived under all of the laws of the land for too long. This is now to end the tyranny and make those laws apply to Congress.

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

I would like to close by saying I do not support this closed rule. It blocks any effort to have an honest, open debate about real reform.

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

Mr. GUTKNECHT. Mr. Speaker, we have 2½ minutes remaining, do we not?

The SPEAKER pro tempore. Precise. To yielding further time, the gentleman does have 2½ minutes.
Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute of my time to the gentleman from Westbury, NY [Mr. FRISA].

Mr. FRISA. Mr. Speaker, for 40 years this Congress has been in an ivory tower, out of touch with reality, and out of touch with the American people. That is why the Congress thought it knew best what its burdening the laws, rules and regulations for everyone else but for itself. That is going to change, Mr. Speaker.

Mr. Speaker, in November the American people knocked an elitist Congress off its pedestal. Tonight the majority will plant its feet firmly on the ground, and we stand proudly accountable to the American people for the laws that we will pass, because they should apply to us as well.

I would urge support for this measure.

Mr. GUTKNECHT. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, when Vaclav Havel came and spoke to the American people, he grouped us all together when he said that “Words are plentiful, but deeds are precious.” The American people want action, not protracted debate.

I close.

Mr. Speaker, we must seize this historic day. Let us not let the American people down. The U.S. Congress must comply with the laws of the land. We must receive equal protection under our labor laws.

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

The SPEAKER pro tempore (Mr. TORKILDSEN). The question is on Section 108 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes had it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 178, not voting 7, as follows:

[Roll No 13]

YEAS—249

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute of my time to the gentlelman from Mount Sinai. The stated purpose of the statute is to ensure that the Congress is subject to the same rules that we impose on private employers. Most private employers in this country are subject to the National Labor Relations Act. It is interesting to me that no effort has been made to at least apply that statute to those congressional employees who are not directly involved in the legislative process, such as janitorial and groundskeeping staff. Even if such an amendment was not adopted, I believe the debate would have been beneficial to both the Members and the public. I am disappointed that the Republican leadership has instead seen fit to gag the people's representatives. When the Republican leadership denies Members the right to fully participate in the legislative process on a noncontroversial issue like this, one cannot help but doubt their promises that future bills will be considered in an open and amendable manner.

Finally, I would like to point out to my colleagues the relationship between this act and the so-called unfunded mandates bill. Today, we are voting to apply our labor laws to the U.S. Congress. Shortly, we will vote on legislation modifying Congress' power to enact laws that affect State and local governments. That bill, at present, contains no exemption for the application of our labor laws to State and local governments. I hope that the principle that we are voting for today—that congressional employees should be protected by your laws—will apply equally next week when considering whether State and local government employees shall receive equal protection under our labor laws.

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

The SPEAKER pro tempore. The question is on Section 108 of the resolution.
Mr. Speaker, I yield myself such time as I might consume.

The Speaker pro tempore (Mr. THOMAS). Title II of the resolution is now debatable for 20 minutes.

The gentleman from California (Mr. DREIER) will be recognized for 10 minutes, and the gentleman from Michigan (Mr. BONIOR) will be recognized for 10 minutes.

The Speaker recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the eight reform items considered previously represent the most visible elements of the House Republican reform agenda. These reforms, combined with the 23 additional changes made to the House rules in title II of this resolution, send a clear message to the American people that Congress is serious about changing the way Washington does business.

Mr. Speaker, the need for the changes in title II is compelling. The rules governing committee jurisdictions and the general procedures governing the House are ineffective and out-of-date. They breed bureaucratic inertia and rigidity, and they are a hindrance to setting priorities and carrying out agendas.

The rules governing the administration of the House have bred a patronage system that has brought scandal and embarrassment to this institution and have weakened both the public’s image and the effectiveness of Congress.

The reforms in title II are intended to make the House more accountable, professionalize the administrative management, and rebuild public confidence in representative government.

Adoption of title II will bring about dramatic changes to this institution while maintaining a structure of rules that achieve what Thomas Jefferson called “a uniformity of proceeding in business” and the “order, decency, and regularity” of a dignified public body.

These reforms are long overdue. They have the support of the American people, and they deserve our strong support.

Mr. Speaker, I would also like to clarify some of the committee jurisdiction changes contained in section 202 of House Resolution 5.

The jurisdiction of the Committee on Agriculture is amended to include inspection of livestock, and poultry, and meat products, and seafood and seafood products. As a result, the food inspection programs of the Department of Agriculture and Drug Administration are consolidated under the Committee on Agriculture. The current jurisdictional arrangement with respect to food safety activities will remain in the Committee on Energy and Commerce.

The committee's jurisdiction is also been amended to include water conservation related to activities of the Department of Agriculture. This grants the committee jurisdiction over any measure that changes section 6217 of the Omnibus Budget Reconciliation Act of 1990 with respect to agricultural activities in coastal zone areas.

The Committee on Banking and Financial Services retains all of the existing authority of the Committee on Banking, Finance and Urban Affairs from the 103d Congress over financial services providers generally, including the activities and supervision of depository institutions and any affiliates. The committee's jurisdiction has been expanded, as well as clarified by this resolution.

The committee is given jurisdiction over bank capital markets activities. In response to technological and market innovations, banks have sought to continue to service their traditional customers by engaging in certain types of investment banking or functionally similar capital market services. The committee has jurisdiction over these capital markets activities engaged in by banks which include, but are not limited to, acting as an investment securities broker or dealer under the Government Securities Act, acting as a municipal securities broker or dealer under the Government Securities Act, acting as a depository institution, its holding company, or any affiliate, except for the grandfathered under the Competitive Equality Banking Act of 1987 and the Federal Reserve Board Regulation Y (12 CFR 225.25).

Any securities activity conducted by a depository institution, its holding company, or any affiliate in a registered broker-dealer should be functionally regulated by the Securities and Exchange Commission under applicable securities laws and the appropriate Federal banking agency jointly. The SEC would functionally regulate a registered broker-dealer affiliated with a depository institution for purposes of compliance with the legal and regulatory framework generally established for registered broker-dealers under the securities laws. SEC functional regulation under applicable securities laws will not be included in the committee's jurisdiction. Registered broker-dealers affiliated with insured institutions will also be supervised by the appropriate Federal banking agency, most likely the Federal Reserve Board, for compliance with applicable Federal banking laws for protecting the safety and soundness of affiliated insured institutions. Supervision for safety and soundness purposes...
of a broker-dealer affiliated with a depository institution by the appropriate Federal banking agency is maintained within the committee's jurisdiction.

Several significant changes are made to the jurisdiction of the Committee on Commerce formerly the Committee on Energy and Commerce. Those changes include the addition of jurisdiction over all aspects of the Federal Water Pollution Control Act, including coastal zone management, as they relate to oil and other pollution from the 103d Congress.

The Committee on Government Reform and Oversight combines the jurisdiction of the former 103d Congress committees on the District of Columbia, Government Operations, and Post Office and Civil Service. The resolution clarifies the committee's jurisdiction over public information and records as they pertain to the Freedom of Information Act and the Privacy Act. This should not be construed to affect the jurisdiction of the Committee on House Oversight with respect to the Government Printing Office, or the Library of Congress, or House Information Systems, or the dissemination of such government information to the public.

The Committee on International Relations retains the jurisdictional authority of the Committee on Foreign Affairs from the 103d Congress. The jurisdiction of the Committee on the Judiciary is amended to include administrative practice and procedure. This is added to reinforce the fact that, since 1946, the committee has had jurisdiction over the Administrative Procedures Act and the rights and remedies under administrative law.

The Committee on National Security retains the jurisdictional authority of the Committee on Merchant Marine and Fishery Affairs from the 103d Congress. Jurisdiction added to the committee includes marine research, which was formerly vested in the Committee on Merchant Marine and Fisheries from the 103d Congress. This jurisdiction includes, but is not limited to, Coast and Geodetic Survey, Regional Marine Research Programs, Ocean Thermal Energy Conversion, Global Climate Change, Global Learning and Observations to Benefit the Environment, National Undersea Research Program, NOAA Corps, and NOAA fleet; and the Committee on Public Works and Transportation. It transfers nearly all of the jurisdictional authority of the Committee on Merchant Marine and Fisheries from the 103d Congress. Jurisdiction added to the Committee includes Federal management of emergencies and natural disasters. This language is added to reflect an agreement reached in the 103d Congress between the Committee on Armed Services and the Committee on Public Works and Transportation. It transfers nearly all of the responsibility for the authorization and oversight of the Federal Emergency Management Agency to the Committee on Transportation and Infrastructure. Additionally, it is my understanding that, based on an agreement with the Office of Management and Budget, programs relating to the jurisdictional transit will be moved out of budget function 050 to the budget function dealing with public works. Jurisdiction over measures relating to merchant marine, except for national security aspects of merchant marine will be further clarified by a memorandum of understanding between the National Security Committee and the Transportation and Infrastructure Committee.

In addition, the committee is granted jurisdiction over marine affairs, including coastal management, as they related to oil and other pollution of navigable waters. This vests the committee with primary jurisdiction over all aspects of the Federal Water Pollution Control Act, and the coastal nonpoint pollution program established in section 6217 of the Omnibus Budget Reconciliation Act of 1990.

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

Mr. BONIOR. Mr. Speaker, I yield myself 1 minute.

I take this minute of time to indicate to my colleagues that at the end of this 20-minute block of time there will be a motion to recommit, and I want to apprise my colleagues of what that will mean. For the newer members of this institution, you will get yet another chance to vote on a ban on gifts from lobbyists, you will get a third chance tonight to vote on a limit on royalties for books to one-third of annual salary, you will get a chance again this evening to vote on an open rule for the Congressional Accountability Act, and in addition to that, you will get a chance to institute some of the reforms that your friends and your colleagues have championed on this floor over the years, guaranteeing, for instance, a third of committee staff for minority members, limiting the term of the Speaker to three terms instead of four terms, bipartisan House Administrator, something championed on this floor day in and day out over the last session which we have had and now we do not have anymore, and you can have a chance to vote on that. Committee rules are up for a match.

All of these reforms you will get a chance to vote in motion to recommit.

Mr. DREIER. Mr. Speaker, I yield 2 1/2 minutes to our new colleague, the gentleman from Friendswood, TX [Mr. STOCKMAN].

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

Mr. STOCKMAN. Mr. Speaker, it is my distinct honor to speak in strong support of the reforms in title II. I was the first member of Congress to introduce a term limits amendment to the Constitution, you will get yet a third chance to vote on that. Committee rules are up for a match.

In the Contract With America we committed to slash the number of committees and we have kept our word. This is revolutionary legislation. Today, we will eliminate three committees (Post Office, Merchant Marine, and District of Columbia). No full standing House committees has been eliminated since 1946. Since 1946, 25 full standing committees will be eliminated. The savings will be approximately $35 million. House committees, like Federal programs, ought not live forever. Our first order of business is to put the People's House in order. We signed an agreement with the Office of Management and Budget to cut $3 billion from Defense. This will cut $500 million from the budget for the House of Representatives. We will make spending cuts easier.
This bill will ban commemorative legislation like National Asparagus Day. Banning this practice will save at least $300,000 according to the Congressional Research Service and improve the operation of Congress by eliminating the 25 percent of floor time consumed by commemoratives.

Last, and most importantly, this bill will require the Pledge of Allegiance as the third order of business each day. In 1988, the Democrats defeated an attempt to require the Pledge on the House floor. The Pledge ought not to be optional in the People's House and now it is not. I am proud of our great Nation and believe our best days are yet to come. We will set an example by beginning our day pledging allegiance to this country which has been so richly blessed.

Mr. Speaker, thank you again for this historic opportunity to lead the debate on this bill. It is a good first step and sets an example that we are able to get our affairs in order. Let us move forward and return Congress and this Nation to the people. I urge adoption.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, included in the House rules package prepared by the Republican Conference being voted upon today are provisions to direct the House Oversight Committee to abolish all Legislative Service Organizations [LSO's], including the Democratic Study Group.

The Republican rules package is being brought to the floor under a procedure which bars amendments. So today there will be no opportunity for the House to debate the merits of an organization such as the Democratic Study Group or to consider proposals to allow the Democratic Study Group to continue to provide top-quality research within the House of Representatives. However, as the newly elected chairman of the Democratic Study Group for the 104th Congress, I cannot let this occasion pass without standing up to protest this misguided action on the part of the House Republican Conference.

Although under the new Republican rules the Democratic Study Group will be allowed to reconstitute itself as a "Congressional Member Organization," DSG's ability to have an office and to pool their resources to have an indepth staff that produced indepth analyses of legislation. They have relied upon for so long is being terminated.

The Democratic Study Group has served the House of Representatives for over 30 years, providing unbiased information that pre-sents both sides of controversial issues fairly and objectively. Consequently, DSG research materials have come to be relied upon not only by House Democrats but also by Republican sub-scribes, the press, lobbyists, and con-gressional scholars. Indeed, at times, DSG has had well over 50 Republican subscribers.

The quality of DSG research products has been noted by many independent observers. For example, scholar Norman Ornstein has written that DSG "has evolved over the years into a group that provides solid, objective, and timely information" on upcoming legislation.

House Republicans have attempted to characterize their abolition of the Democratic Study Group as part of their efforts to cut costs and increase efficiency in the House, and yet terminat-ing DSG does neither.

The Democratic Study Group has been a cost-effective mechanism allowing rank-and-file Members of the House to pool their resources to have an independent staff that produced indepth legislative analyses that Members needed to carry out their legislative responsibilities.

Instead of having 435 congressional offices have individual staffers attempt to read every bill and accompanying committee report coming to the House floor, the premise of the DSG has been to have a small, independent staff analyze these bills and provide interested offices with the indepth analyses that they need.

As a result, the existence of DSG over the last three decades has actually increased the efficiency of the House of Representatives and reduced the cost to each Member of acquiring this indept information.

DSG has not only increased efficiency within the House, it has also served the American people in a very impressive manner. With a staff of only 18—including printers and support staff—the Demo-cratic Study Group produces a prodigious amount of high-quality research materials for Members, the press, and other interested parties. For example, in the 103rd Congress alone, DSG produced 517 reports on legisla-tion and major issues, totaling 7,793 pages. Any Republican claims that DSG has not been cost-effective simply ignore these facts.

Furthermore, despite Republican claims to the contrary, the elimination of DSG does not save even $1 of taxpayer money and does not cut House staff by even one position. The new Republican rules don't cut office expense allowances or staff slots—they just restrict how Members are allowed to use their allowances and staff slots. Thus, under the new Republican rules, Members will simply now be free to use money currently used to pay DSG dues to meet other office expenses and be free to use staff slots currently used for a shared DSG employee to hire another personal staff member.

If abolishing DSG doesn't cut costs or increase efficiency, what is the true motivation behind the move to terminate this 35-year-old organization which has served the House so well?

The real motivation for House Re-publicans in terminating DSG is not hard to divine. In materials distributed in the Republican Conference on December 6, when the vote to eliminate DSG was taken, it is stated: "The demise of the DSG severely damages the
power structure of the House Democrats.

Closing down DSG seems to be part of an effort to centralize information and to stifle debate on legislation that the new Republican majority produces. Indeed, House Republicans have moved to abolish DSG at the same time they promised to bring 10 complicated pieces of legislation to the House floor—the Republican “Contract With America”—within the first 100 days of the 104th Congress. Thus, at the same time that the House is embarking on its legislative schedule, the staff most equipped to provide the minority party with legislative analyses has been abolished.

Although a nonprofit organization is being formed that will attempt to provide high-quality DSG-like services to interested Members and to others, it is a disservice to the House of Representatives that such a step is now necessary.

Scholar Norman Ornstein has said that closing DSG as an integral part of the House of Representatives represents “a real loss for Congress.” More than that, it is a blow to free, open, and honest debate, and a rather blatant attempt to censor information and quash dissent in this body.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Long Beach, CA [Mr. Horn].

Mr. HORN. Mr. Speaker, we heard a few hours ago the word hypocrisy used; we have heard about the gift ban that needs to come before us. The facts of life are that this is not the place to discuss lobbyist influence, but if we are going to discuss it let us also discuss political action committees. Five or ten dollar gifts such as the nasty lip ointment which arrived in our offices today from a Vermont firm, that is not the problem. The problem is there is too much money floating around in American politics at $10,000 an election cycle per political action committee, PAC’s.

That is what we have to deal with. The fact that you can hold parties at the Republican Club and at the Democratic Club and get $500 at a clip every quarter from Washington lobbyists is the real lobbyist problem. It is not the $5 or $10 gift that pops up, the raisins from Fresno, or whatever.

I would suggest to my colleagues on the other side of the aisle that what the Republican party offered this Chamber last year and they voted down was a ban on PAC’s and a ban on soft money. Next time we ought to pass the Republican party offered this.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. Fields].

Mr. FIELDS of Louisiana. I thank the gentleman for yielding this time to me.

Mr. Speaker, let us understand what this debate is about. We have before us title II of a proposal that has over 25 major and important reforms and a motion to commit that will be coming that will say, Let’s not consider these reforms tonight, reforms that will eliminate committees, reforms that will eliminate rolling quorums, make accountable votes in committees, and require automatic roll call votes for spending money and raising taxes, and one which is especially important to our class—the freshman class of last year—and that is the discharge petition.

What is the reason for saying, Let’s not enact these reforms tonight? Because we have the gift ban proposal put forward that our Speaker today said we will address in this Congress. You cannot use the issue of saying we want to do it tonight, to dodge the important reforms. We pass the gift ban, but tonight let us focus on the reforms that this House needs, that the people of this country want, and let us get on with the business of reforming this House.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Guam [Mr. Underwood].

Mr. UNDERWOOD. I thank the gentleman for his remarks.

The SPEAKER pro tempore (Mr. SCHAEFFER) asked and was given permission to revise and extend his remarks.

Mr. UNDERWOOD. Mr. Speaker, all day the new majority has proposed a package of rules meant to symbolize a return of Government to the people. But there is one element of the rules package which flies in the face of democracy, which strengthens Federal control over the lives of citizens, which disempowers local Government and which makes this House less accessible to U.S. citizens, and that is the denial of the delegates their opportunity to vote in the Committee of the Whole.

Those who argue that against the delegate vote forget the past struggles of breaking down barriers to participation on the basis of gender, race, poll taxes and land ownership. Opponents of this issue of fellow citizens who die like you for that flag, who serve like you for that flag and who remain spectators in this country’s affairs, our history is conveniently forgotten. Those who would deny the participation of people from all places symbolize the national consciousness in World War II as the only inhabited U.S. territory invaded and occupied since the war of 1812, which was the land from which much of American power has been extended into Asia and the Pacific during the cold war.

Guam was one of the major bases used to fight the Vietnam war. But when the wars are over and we attempt to put into practice what we allegedly fought for, Guam and her people recede into the back reaches of our memory, only to be jarred when again we need the base of operations for another war, but never to share in the peace.

We may lose this time in the fight over this important symbol, but we will be here constantly, reminding you of who we are until we jar your consciousness and bring the principles of
this country into fruition wherever that flag flies.

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

Mr. BONIOR. Mr. Speaker, I yield 1 1/2 minutes to the distinguished gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, on behalf of my colleagues in the Congressional Black Caucus, I rise in strong opposition to the provision in the rules package which will eliminate all legislative service organizations.

Let's be honest—this attack on the caucuses and their right to exist is not motivated by any desire for reform. It will not save the public money.

This change has one purpose, and one purpose only—to silence the voices of those who dare to question the status quo or expect a new and "open" House of Representatives.

The elimination of the caucuses is an attempt to cut off the flow of information and ideas that the party now in power wants to still the voices, whether the Republican Party wants to still the voices, and the minority whip says we are stilling this sham.

The SPEAKER pro tempore. The gentleman from California has 3 minutes remaining and has indicated he has one speaker remaining. The gentleman is entitled to close.

MR. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FIFLER].

Mr. FIFLER asked and was given permission to revise and extend his remarks.

Mr. FIFLER. Mr. Speaker, I rise in opposition to many of the elements of this package.

While there are some admirable portions—for which I would vote if they stood alone—the package as a whole must be defeated!

When we carefully examine what these rules will do, we discover they are not reforms at all, as has been promised, but steps that actually reduce our ability to serve the public and increase opportunities for purely partisan activity.

Eliminating the Post Office and Civil Service Committee would be a disservice to the many retirees who have dedicated their lives in service to their country! I have received many letters and calls from seniors who are extremely concerned about this action.

Eliminating the legislative service organizations will make it more difficult to get a fair hearing for any program or analysis that goes in a different direction from that of the new majority.

In 1992, Congress went through a concerted effort in the aftermath of the House Post Office scandal to make the House administration a non-partisan activity, reporting in a bipartisan manner to Congress. This was true reform. But the proposed rule would eliminate the nonpartisan Doorkeeper's Office—and open a backdoor to partisan manipulation.

The new Speaker's Office is another attempt to conscript participation in a partisan manner—eliminating the progress that has been made in protecting the rights of both the minority and the majority and in fostering full debate of issues before this legislative body.

In addition, this rule prevents some of our duly-elected Representatives from voting in the Committee of the Whole House, including the representative from Washington, DC—leaving the Capital's citizens with taxation without representation. Talk about moving backwards!

We must preserve the rights of the minority and the majority. We must preserve the voices of all Representatives. We must be cautious about reform that ends up costing more than to allow that debate to be open and free.

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The SPEAKER pro tempore (Mr. Thomas). All time has expired on the minority side.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Will the speaker tell me if it is his ruling that it is still Wednesday? I just want to know what day it is. I was told we have to do this on the first day.

The SPEAKER pro tempore. The Chair advises the gentleman from Massachusetts that that is not a parliamentary inquiry. The Chair recognized him for a parliamentary inquiry. The Chair recognizes the gentleman from California [Mr. Dreier].

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from California [Mr. Dreier] has 2 minutes remaining.

Mr. DREIER. Mr. Speaker, when we began this day debating the rule I said, as I yielded time to my colleagues, that we were considering these measures under the most open procedure that has ever been used for a first day of any session of Congress in our Nation's history.

Now I have been listening to my colleagues on the other side of the aisle talk over the last several hours about this bill, bemoaning the fact that they have no chance to offer amendments. I cannot help but think about the task that I was given in January 1993 along with the gentleman from Michigan [Mr. Bonior] and several others, the gentleman from Indiana [Mr. Hamilton], former Senator David Boren, Senator Pete Domenici, to put together the first bipartisan bicameral effort in nearly half a century to reform this institution, and I was very optimistic today believing that the leadership in this House would in fact bring the measures that we have been passing by overwhelming margins with bipartisan support over the past several hours to the floor. Time and time again they made those commitments to me. They said we would do it, and what happened? Absolutely nothing.

I look at my good friend, the gentleman from Indiana [Mr. Hamilton], there with whom I served, and he knows very well that, as he went to members of his leadership, unfortunately his effort to bring about a bipartisan package of reform was denied by them, and I believe there are many other Democrat Members who wanted to have it but unfortunately the leadership did not allow it.

And what has happened here tonight? We have listened to people talk about how this process is closed, preventing Members from having the opportunity to act as the gentleman from New York [Mr. Solomon] just reminded me, throughout the hours and hours that we had and the efforts of the Joint Committee on the Organization of Congress, we took input from Democrat and Republican Members. We have got a chance to implement 23 of those, Mr. Speaker. We should do it right now.

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

The previous question was ordered. The SPEAKER pro tempore. For what purpose does the gentleman from Michigan [Mr. Bonior] rise?

MOTION TO COMMIT OFFERED BY MR. BONIOR. Mr. BONIOR. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution? Mr. BONIOR. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk reads as follows:

Mr. BONIOR moves to commit the resolution H. Res. 6 to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with the following amendment:

At the end of the resolution, add the following:

TERM LIMITS FOR SPEAKER

SEC. 224. Clause 7(b) of rule I of the Rules of the House of Representatives is amended by striking out "four" and inserting in lieu thereof "three".

EQUITABLE PARTY RATIOS ON COMMITTEES

SEC. 225. (a) In rule X of the Rules of the House of Representatives, clause 6(a) is amended by adding at the end thereof the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof) shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress (unless otherwise provided by House Rules). For the purposes of this clause, the Resident Commissioners of the Insular Areas to the House are accorded the status of Delegates to the House shall not be counted in determining the party ratio of the House.

(b) In rule X of the Rules of the House of Representatives, clause 6(f) is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force, or other subunit thereof) shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.".

MAJORITY-MINORITY COMMITTEE STAFF RATIOS

SEC. 226. (a) Notwithstanding any other provisions of law, not less than one-third of the staff funding made available to each standing, select, special, ad hoc, or other committee of the House of Representatives shall be allocated to the minority party.

(b) Subsection (a) shall not apply to the Committee on Standards of Official Conduct.

BUDGET WAIVER LIMITATION

SEC. 227. Clause 4(e) of rule XI of the Rules of the House of Representatives is amended—

(1) by striking out "(e)(i)", and inserting in lieu thereof "(e)(ii)", and

(2) by adding at the end following:

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions providing to strike one or more such waivers from the resolution.".

BAN ON GIFTS FROM LOBBYISTS

SEC. 228. Clause 4 of rule XIII of the Rules of the House of Representatives is amended to read as follows:

"(4) [a][1] No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a lobbying firm (a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity), or an agent of a foreign principal (as defined in the Foreign Agents Registration Act of 1938).

[1] The prohibition in subparagraph (1) includes the following:

(a) Anything provided by a lobbyist or a foreign agent which the Member, officer, or employee has reason to believe is paid for, charged to, or reimbursed by a client or firm of a lobbyist or foreign agent.

(b) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee.

(c) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a Member, officer, or employee.

(f) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent to a conference, re- treat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

(g) Anything provided for which the market value, or does not use and promptly returns to the donor.

(b) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 3301 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(c) Food or refreshments of nominal value offered other than in the course of a meal.

(d) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customary provided to others in similar circumstances.

(e) Pension and other benefits resulting from continued participation in an employee retirement or other benefit plan maintained by a former employer.

(f) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, or the written materials, audio tapes,
A gift given by an individual under circumstances which make it clear the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (a).

(b) A gift shall not be considered to be given for a nonbusiness purpose if the Member, officer, or employee has reason to believe the individual giving the gift will seek—

(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return;

(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

(c) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

(ii) Whether the Member, officer, or employee has reason to believe the gift was purchased by the individual who gave the gift so that the same or similar gifts to other Members, officers, or employees.

(b) In addition to the restriction on receiving gifts from paid lobbyists, lobbying firms, or foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(2) A gift to the spouse or dependent of a Member, officer, or employee or any other individual based on that individual's relationship with the Member, officer, or employee shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

(d)(1) The restrictions in paragraph (b) shall not apply to the following:

(A) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 433 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code.

(C) Bequests, inheritances, and other transfers at death.

(D) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

(E) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

(F) Opportunities and benefits which are—

(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(B) offered to members of a group or class in which membership is unrelated to congressional employment;

(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of a similar size;

(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(E) in the form of loans from banks and other financial institutions on terms generally available to the public;

(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees and are not restricted on the basis of geographic consideration.

(G) A plaque, trophy, or other momento of nominal value.

(H) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

(3) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

(A) the Member, officer, or employee participates in the event as a speaker or panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

(8) the event is appropriate to the performance of the official duties of the Member, officer, or employee.

(2) A Member, officer, or employee who attends an event described in subparagraph (A) and accepts an offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a registration fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments provided to all or substantially all other attendees.
on the basis of the personal relationship except for (d) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1995 unless the Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

(3) When it is not practicable to return a tangible item or payment to the donor of the item, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

(h)(1) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses as defined in this paragraph shall not be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee works, to accept reimbursement, and

(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Committee on Standards of Official Conduct; and

(B) travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (in the case of travel by the Member or officer) or by the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

(i) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States; and

(y) a determination that the travel is in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

(4) For purposes of this paragraph, the term ‘necessary transportation, lodging, and related expenses’ includes

(A) the name of the employee;

(5) copyright royalties.’’.}

SEC. 3. Subject to the policy direction and oversight of the Committee on House Oversight, the Director shall have operational and financial responsibility for functions as assigned by resolution of the House.

TRANSFER OF FUNCTIONS TO THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.

SEC. 231. (a) Section 106(d) of the Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

1. The Director of Non-legislative and Financial Services shall have extensive managerial and financial experience.

2. Subject to the policy direction and oversight of the Committee on House Oversight, the Director shall have operational and financial responsibility for functions as assigned by resolution of the House.

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The moral imperative that each of us feels to ensure that all Americans are represented in this House will not be changed. The ironclad commitment we have made to effectively providing that representation will not waiver. And despite this effort to diminish the voices of African American, Hispanic American, Asian Pacific American and women Representatives in the Congress, our work will continue.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the previous question is ordered on the motion to commit.

There was no objection. The SPEAKER pro tempore. The question is on the motion to commit.

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

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

Mr. ACKERMAN. Mr. Speaker, I object. The SPEAKER pro tempore. Objection is heard.

The Clerk continued the reading of the motion to commit.

Mr. BONIOR (during the reading). Mr. Speaker, I ask unanimous consent that elimination of LSO's have given Members of this body, and at a lower cost by one person working for an LSO, then so be it.

And at a lower cost by one person working for a specific American Caucus, which had hoped to or that these caucuses will not stop.

Some Members on the other side of the aisle have suggested that elimination of LSO's, and fiscally questionable, is the proposal to ward a number of suggestions for reform here in the Congress.

Some of these proposals have merit, some do not. But I believe that one of the most damaging, and fiscally questionable, is the proposal to eliminate Legislative Service Organizations here in the House.

Some Members on the other side of the House have suggested that elimination of LSO's will save money. Nothing could be further from the truth.

LSO's have given Members of this body, both Republicans and Democrats, the ability to combine their resources to more efficiently pursue policies they would have pursued anyway. Eliminating LSO's will not mean that Members of this Chamber will stop working on these issues. Far from it.

As an associate member of both the Congressional Black and Hispanic Caucuses, I can assure my colleagues that the work of these caucuses will not stop.

As chairman of the Congressional Asian Pacific American Caucus, which had hoped to organize as an LSO and will now be prevented from doing so, I can assure my colleagues that our work will continue as well.

If that work requires that each caucus member duplicate within his or her individual office the work of the caucuses could be more efficiently and at a lower cost by one person working for an LSO, then so be it.
Mr. FAWELL changed his vote from "yea" to "nay.

Messrs. BROWN of California, SAWYER, and TOWNS changed their vote from "nay" to "yea."

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THOMAS). The question is on Title II of the resolution.

Title II of the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the resolution just adopted.

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

There was no objection.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. SHAYES. Mr. Speaker, as the designee of the majority leader and pursuant to section 106 of House Resolution 6, I call up the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1 is as follows:

H.R. 1

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 "Congressional Accountability Act of 1995".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means—
(A) an individual on the payroll of an employing office of the House of Representatives;
(B) an individual on the payroll of the Senate;
(C) an individual on the payroll of the Architect of the Capitol; and
(D) an individual on the payroll of an employing office of an instrumentality.

(2) EMPLOYEE IN THE HOUSE OF REPRESENTATIVES.—The term "employee in the House of Representatives" means—
(A) an individual who is covered under rule 41 of the House of Representatives, as in effect on the date of the enactment of this Act;
(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or
(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(3) EMPLOYEE IN THE SENATE.—The term "individual on the payroll in the Senate" means—
(A) any employee whose pay is disbursed by the Secretary of the Senate;
(B) any employee described in subparagraph (A) whose claim of a violation arises out of the individual's employment; and
(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(4) EMPLOYEE OF THE ARCHITECT OF THE CAPITOL.—The term "employee of the Architect of the Capitol" means—
(A) an employee of the Architect of the Capitol or an individual within the administrative jurisdiction of the Architect of the Capitol if such employee or individual is paid from funds under a law providing appropriations for the Architect of the Capitol; or
(B) any applicant for a position that is to be occupied by an employee described in subparagraph (A); or
(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(5) EMPLOYEE OF AN INSTRUMENTALITY.—The term "employee of an instrumentality" means—
(A) any individual on the payroll of an employing office of an instrumentality whose claim of a violation arises out of the individual's employment; and
(B) any applicant for a position that is to be occupied by an employee described in subparagraph (A); or
(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

SEC. 3. APPLICATION OF LAWS.

(a) LAWS WHICH WILL APPLY.—The following laws shall apply, as prescribed by this subsection, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(3) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) (including remedies available to private employees), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(5) The Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(6) The Occupational Safety and Health Act of 1970 (other than section 19 (29 U.S.C. 653 et seq.) (subject to subsection (c)), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(7) Chapter 71 (relating to Federal labor management relations) of title 5, United States Code, effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 201 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act, except that this Act shall not apply to the United States Capitol Police.

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(10) The Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(11) The Uniformed Services Employment and Reemployment Rights Act of 1994 (29 U.S.C. 601 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(12) The Civilian Federal Employee Polygraph Protection Act of 1996 (29 U.S.C. 1001 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—Any provision of Federal law shall, to the extent that it relates to the terms and conditions of employment of covered individuals (including hiring, promotion or demotion, salary and wages, overtime compensation, benefits, work assignments or reassignments, termination, harassment, and protection from disciplinary actions, actions to abate the violation shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued.

SEC. 4. OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established in the legislative branch an Office of Compliance (hereinafter in this Act referred to as the "Office").

(b) COMPOSITION.—

(1) BOARD OF DIRECTORS.—The Office shall have a Board of Directors. The Board of Directors—
(A) shall consist of 8 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate; and
(B) any 2 of the first 8 members of the Board of Directors shall be appointed from among Members of Congress who are not current Members of the Board of Directors and shall be appointed by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

The appointments of the first 8 members of the Board of Directors shall be completed not later than 120 days after the date of the enactment of this Act.

(2) EXECUTIVE DIRECTOR.—
(A) IN GENERAL.—The Chairperson of the Board of Directors shall appoint, may reappoint, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this Act as the "executive director"). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5336 of title 5, United States Code. The executive director shall be an individual with training or
expertise in the application of the laws referred to in section 3 that are enacted after the date of the enactment of this Act;

(2) TRAVEL EXPENSES.—Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member;

(3) REMOVAL.—Any member of the Board of Directors may be removed from office by a majority decision of the appointing authority. The Board of Directors may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this Act.

(h) The executive director may, with the prior consent of the Government department or agency concerned, use the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(3) The Chairperson of the Board of Directors shall conduct a study of the manner in which the provisions of Federal law considered in subsection (a) are applied to the legislative branch of the Federal Government. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(4) The Board of Directors shall, in accordance with section 553, issue final regulations not later than 60 days after the date of the completion of the comment period on the proposed regulations.

(b) IN GENERAL.—Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations that specify which of the provisions of Federal law considered in such study shall apply to the legislative branch of the Federal Government. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(2) TRANSMITTAL.—A final regulation is transmitted to the Congress for consideration under section 553(b) of title 5, United States Code.

(3) REGULATION REQUIREMENTS.—Regulations under paragraphs (1) and (2) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government under the provision of law made applicable to the legislative branch of the Federal Government, including provisions referred to as ‘‘remedies’’.

(a) Lawmaking.—In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(b) AMENDMENTS AND REPEALS.—When proposing regulations under subparagraph (A) to implement the requirements of a law referred to in section 5(b), such regulation shall apply to the legislative branch of the Federal Government. The Board of Directors shall recommend to the Congress changes in or repeals of existing law to accommodate the application of such law to the legislative branch of the Federal Government.

(2) TRAVEL EXPENSES.—Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member;

(3) REMOVAL.—Any member of the Board of Directors may be removed from office by a majority decision of the appointing authority. The Board of Directors may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this Act.

The Chairperson of the Board of Directors shall conduct a study of the manner in which the provisions of Federal law considered in subsection (a) are applied to the legislative branch of the Federal Government. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

SEC. 5. STUDY AND REGULATIONS.

(a) INITIAL ACTION.—(1) IN GENERAL.—The Board of Directors shall conduct a study of the manner in which the provisions of Federal law referred to in section 3(a) are applied to the legislative branch of the Federal Government under subsection (2) shall study the application to the legislative branch of the Federal Government and shall conduct a study of the manner in which the provisions of Federal law referred to in section 3(a) are applied to the legislative branch of the Federal Government.

(b) IN GENERAL.—Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553, issue final regulations not later than 60 days after the date of the comment period on the proposed regulations.
The concurrent resolution shall be open to the public. Any meeting of the Office shall be open to the public. The procedure for consideration of alleged violations of the legislative branch of the Federal Government under this Act consists of 4 steps as follows:

1. Step I, counseling, as set forth in section 8.

2. Step II, mediation, as set forth in section 9.

3. Step III, formal complaint and hearing, as set forth in section 10.

4. Step IV, judicial review, as set forth in section 11.

The procedure for consideration of alleged violations of laws made applicable to the legislative branch of the Federal Government under this Act consists of 3 steps as follows:

1. Step I, counseling, as set forth in section 8.

2. Step II, mediation, as set forth in section 9.

3. Step III, formal complaint and hearing, as set forth in section 10.

A congressional employee may elect the procedures described in paragraphs (3) or (5) but not both procedures.
an additional 60 days the time for conducting a hearing.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) SPONDA POWER.—

(1) IN GENERAL.—A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board in the course of a proceeding. Subpoenas may be served in accordance with any such civil action, any party may demand a jury trial, and the employee may have counsel present during any part of the hearing.

(g) DECISION.—A hearing board may authorize subpoenas, which shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(h) SERVICE OF PROCESS.—All process of any court order under this subsection may be served in the judicial district in which the person required to be served resides or may be found.

(i) IMMUNITY.—The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code, service of the petition for review shall be on the Senate or House Legal Counsel, or the appropriate entity of an instrumentality of the legislative branch of the Federal Government because of the exercise of a right under this Act as is a violation of a law made applicable to the legislative branch of the Federal Government under this Act.

(j) EXHAUSTION REQUIREMENT.—No civil action shall be brought under section 10 on a complaint relating to a violation of a law made applicable to the legislative branch of the Federal Government because of the exercise of a right under this Act as is a violation of a law made applicable to the legislative branch of the Federal Government under this Act.

(k) JUDICIAL REVIEW.—Any intimidation of, or reprisal against, any employee by any Member of the House of Representatives, Senator, or officer or employee of the House of Representatives or Senate, by the Architect of the Capitol or anyone employed by the Architect of the Capitol or by an instrumentality of the legislative branch of the Federal Government because of the exercise of a right under this Act constitutes an unlawful employment practice which may be investigated and, in the same manner under this Act as is a violation of a law made applicable to the legislative branch of the Federal Government under this Act.

(l) CONFIDENTIALITY.—(a) C O N S E R V A T I O N.—All rules shall be strictly confidential except that the Office and the employee may agree to notify the Office or the hearing office of the allegations.

(b) M E D I A T I O N.—All mediation shall be strictly confidential.

(c) C O M M I S S I O N.—Except as provided in subsections (d) and (e), the hearings and deliberations of the hearing board shall be confidential.

SEC. 15. RELEASE OF RECORDS FOR JUDICIAL ACTION—The records of the hearing boards may be made public if required for the purpose of judicial action under section 5.

SEC. 16. POLITICAL AFFILIATION AND PLACE OF RESIDENCE—(a) C O N S E R V A T I O N.—It shall not be a violation of a law made applicable to the legislative branch of the Federal Government under this Act to consider—

(1) party affiliation, (2) domicile, or (3) political compatibility with the employing office,
of a congressional employee with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term “employee” means—
(1) an employee on the staff of the House of Representatives leadership;
(2) an employee on the staff of a committee or subcommittee;
(3) an employee on the staff of a Member of the House of Representatives or Senator;
(4) an officer or employee of the House of Representatives or Senate elected by the House of Representatives or Senate or appointed by a Member of the House of Representatives or Senator, other than those described in paragraphs (1) through (3), or
(5) an applicant for a position that is to be occupied on an actual or usual described in paragraphs (1) through (4).

SEC. 17. ENFORCEMENT; OTHER REVIEW PROHIBITED.

(a) ENFORCEMENT.—This Act shall not be construed to authorize enforcement by the executive branch of any of the laws made applicable to congressional employees under this Act.

(b) REVIEW.—No congressional employee may commence a judicial proceeding to redress practices prohibited under section 5, except as provided in this Act.

SEC. 18. STUDY.

(a) STUDY.—The Office shall conduct a study—
(1) of the ways that access by the public to information held by the Congress may be improved, streamlined, and made consistent between the House of Representatives and the Senate,
(2) of the application of the requirements of section 552a of title 5, United States Code, to the legislative branch of the Federal Government;
(3) of information held by the non-legislative offices of the legislative branch of the Federal Government; and
(4) provisions for judicial review of denial of access to information held by the legislative branch of the Federal Government.

(b) STUDY CONTENT.—The study conducted under subsection (a) shall examine—
(1) information that is currently made available under section 552a of title 5, United States Code, to the legislative branch of the Federal Government; and
(2) information held by the non-legislative offices of the legislative branch of the Federal Government, including—
(A) the instrumentalties,
(B) the Architect of the Capitol,
(C) the Chief Administrative Officer of the House of Representatives,
(D) the Clerk of the House of Representatives,
(E) the Secretary of the Senate,
(F) the Inspector General of the House of Representatives,
(G) the Sergeant at Arms of the House of Representatives and the Sergeant at Arms of the Senate,
(H) the United States Capitol Police, and
(i) the House Commission on Congressional Mailing Standards;
(3) financial expenditure information of the legislative branch of the Federal Government; and
(4) provisions for judicial review of denial of access to information held by the legislative branch of the Federal Government.

(c) TIME.—The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the Congress not later than one year after the date of the initial appointment of the Board of Directors.

The gentleman from Connecticut [Mr. SHAYS] will be recognized for 30 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I might consume, and I do so to the Chair, because I think that the Congressional Accountability Act is not one person’s bill, it was authored 2 years ago by a colleague of mine, Dick Swett. There were four original cosponsors, Roscoe Bartlett, Jay Dickey, David Mann, and Paul McHale. The cochairman of the Freshman Bipartisan Task Force on Congressional Reform TILLIE FOWLER; PETER TORKILDSEN, Karen Shepherd, Eric Fingerhut and 100 freshmen co-sponsored this bill. The presidents of the freshman class last year, EVA CLAYTON and BUCK MCKEON, cosponsored this bill. The joint Committee on the Organization of Congress headed by LEE HAMILTON and DAVID DRIER, Republic and Democrats throughout, championed this bill through their committee. The chairmen and ranking members of House Administration and Committee on Rules that marked up H.R. 4822 on which this bill is based, Republicans and Democrats, were essential to its work: CHARLIE ROSE, BILL THOMAS, JOE MOAKLEY, JERRY SOLOMON. Other leaders who have been working on this issue for years and years and years, BILL GOODLING and HARRIS FAWELL and others, in particular BARNEY FRANK, who encouraged the Speaker of the House in this past time to move forward with this bill, was essential to its passage last time with J ohn BOEHNER. Mr. Speaker, this bill has had bipartisan support. It moved forward in this Chamber last year with bipartisan support. Republicans and Democrats have marked their mark on this bill.

I also want to thank the former Speaker Tom Foley for guaranteeing a vote and moving it to the Senate and for NEWT GINGRICH, our present Speaker, for championing this bill wherever he went, and to thank STENY HOYER for his work. The bottom line to this is that this is our bill, it belongs to all of us, and it is a strong bill. It includes all the laws that we are presently exempted from. It covers all the instrumentalities, the Library of Congress, the GAO, it gives them the protection, and it allows employees for the first time to go to court, civil action if they choose to, de novo, or to have a court appeal. In the whole process of deliberation on this bill, Mr. Speaker, we had 3 guiding principles that Dick Swett and I worked with many other Members. If a law is right for the private sector, it is right for Congress. Congress will write better laws when it has to live by the same laws it imposes on the private sector and the executive branch and we must as well respect the separation of powers embodied in the Constitution.

Mr. Speaker, I do not quite know how long this bill will take in debate, it may be a full hour, but it is truly our bill. It passed this Chamber with overwhelming support, and it is my hope that the Senate will act shortly on this legislation, maybe tomorrow, and that both chambers will move forward on this bill possibly by next week.

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

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I want to thank the SPEAKER pro tempore [Mr. HASTERT]. The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, I rise in strong support of H.R. 1.

I want to at the outset congratulate the gentleman from Connecticut [Chris SHAYS] and Dick Swett from New Hampshire. Dick is no longer with us. Chris is obviously here. They worked very hard on this issue in the last Congress. They raised the visibility of this issue, but more importantly than that, they worked with very key members of this House on both sides of the aisle to try to reach agreement on the very difficult question as to how we include the House and the Senate and the instrumentalities of Congress under the provisions of 10 specific bills which we have passed over the last six decades and apply those so that our employees will enjoy the same protection as the employees of other entities in this country.

It is important that we are moving forward on this bill. It has been blocked frankly for too long. The House passed this bill essentially twice in the last Congress, only to see our efforts thwarted by Republican-led efforts in the Senate, unfortunately. The Democratic and Republican Members of this House want this bill and as has been said earlier in the day voted to approve it 427-4 back in August of last year.

We have gone a long way toward making sure that the Congress lives under the same laws as any other Americans. Most pieces of legislation we have passed apply to Congress. The Americans with Disabilities Act which I proudly cosponsored specifically applies to Congress, as did the Civil Rights Act, the Minimum Wage Act, the Fair Labor Standards Act, and the Family and Medical Leave Act, all apply now. The House has also had in place since 1988 prohibitions against employment discrimination.

H.R. 1 will ensure that all Members of the Congress, not just House Members, live under all the laws we pass and do so permanently, not just as internal House rules which are now on the books adopted by this House in October of last year, just as a statute, a part of statutory law.

I cannot tell you how many times I have had business men and women, men and women in every walk of life complain that Congress passes laws
Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Goodling], chairman of the Economic and Educational Opportunity Committee, who is truly the father of this legislation.

[Mr. Goodling asked and was given permission to revise and extend his remarks.]

Mr. Goodling. Mr. Speaker, on the last day Congress met on October 7, I recorded my serious concerns with the rule on congressional coverage then before the House. While I realized the rule was made necessary by the Senate’s failure to act, I felt compelled to note the absence of an employee right to go to court, for full trial, where the underlying law provided that right to private sector employees, rendered the proposal fundamentally defective and I am gratified that the bill now before us extends that right by statute to Hill employees.

It also extends 10 major employment laws to Congress, and it is my understanding that we will also add court enforcement under the Veterans Reemployment Act through negotiations with the Senate to the bill that ultimately goes to the President.

Let us send a bill to the President soon. I am pleased that after the last several years where many of us have felt alone in trying to bring attention to this issue that it now appears certain we are on the verge of enactment of true congressional coverage. Yes, let us welcome the moment, but let us also admit that this is a step that should have been taken long ago.

We will never be as careful as we should be in passing, changing, and drafting laws until we ourselves are forced to comply with those laws and the fundamental unfairness of a double standard is obvious in any case. So let us not pat ourselves on the back too soon.

I also want to acknowledge the bipartisanship here in these late hours and am pleased effective congressional coverage will become law on the Republican watch.

Politics, of course, is not a perfect process. This bill is not a perfect process either. Punitive damages have not been included, and personal liability is excluded.

Prior bills I have introduced provided for such liability, but I will leave that battle to another day, recognizing its controversial nature, and not wishing to jeopardize the passage of the legislation.

This is a new beginning that will go a long way in restoring the confidence of the American people in this great institution.

Finally, I wish to acknowledge the leadership of my colleagues, the gentleman from Connecticut, Chris Shays, and the gentleman from Illinois, Harris Fawell, on this issue and that of key staffers such as Randy Johnson, Gary Visscher, Peter Carson, and Rob Green.

Mr. Speaker, let us work out whatever difference we have with the Senate and get this legislation to the President this month.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. Hamilton], who cochaired the bipartisan reform commission.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding the time. It is my pleasure to support H.R. 1, the Congressional Accountability Act. Let me acknowledge that there have been many Members in both Chambers who deserve credit for the passage of this bill tonight, and I commend especially the gentleman from Connecticut and the gentleman from Maryland for their outstanding leadership.

I think there are three reasons why it is important for Members of Congress to follow the same laws that cover the private sector. First, the widespread perception that Members have exempted themselves from many laws significantly undermines the confidence of the American people in this institution. We lose credibility and legitimacy when people believe that Members are somehow above the law.

Second, more fully applying laws to Congress will improve the quality of legislation that we pass. A number of Members have made that point this evening. It can be difficult for Members to understand completely the practical implications of the legislation that we pass when we are not forced to confront these implications in our own places of work.

Third, and this point I think has not been mentioned, it is simply unfair to congressional employees not to extend to them the same rights and protections available to those who work elsewhere.

I also add just a word of caution. House passage of this Congressional Accountability Act is not the final process or hurdle in the process of bringing this legislation to enactment. The Senate, I know, has promised very quick consideration of a bill to apply laws to Congress. My information is, however, that the bill that the Senate will pass is going to be very different from the bill that we pass, and then we will have to agree on a single consensus package. We still have got a lot of work to do on this package. I hope Members will continue to follow it very carefully until we bring it to the point of enactment.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois, Mr. Harris Fawell, who has really been a champion of this legislation for years.

[Mr. Fawell asked and was given permission to revise and extend his remarks.]

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time. He has been the leader and has brought this bipartisan
group together, but the gentleman from Pennsylvania [Mr. GOOLDING] and so many others, have been also in the ranks. As has been stated, many Members have had a part to play.

We have all heard the old phrase that Congress would exempt itself from the law of gravity if it thought it could get away with it. And, indeed, Congress has tried to get away with it for a long time.

But that is changing now. And I compliment the new leadership in the House for having a Congressional Accountability Act as the first bill to be presented to this Congress.

We know this bill is not perfect. And the full specifics as to the exact manner in which the 10 "place of employment" labor laws shall be applied to congressional employers will be fully determined by the passage of regulations by the Office of Compliance.

But the bill does establish the standard that congressional employees will have the right, in instances of violations of these labor laws by Members of Congress, to the same basic employee protections as possessed by employees in the private sector. This will include the right of congressional employees to seek a full de novo jury trial in Federal court against their congressional employers, complete with general damages, court costs and recovery of attorney's fees.

The bill does now allow for such employees to obtain punitive damages against their congressional employers. In addition, Members of Congress are indemnified for any damages, costs, or legal fees to which a prevailing employee may be found entitled. Private sector employers can generally be held personally liable for those types of damages under civil rights law, the Age Discrimination in Employment Act and the Americans With Disabilities Act.

What is most important, however, is that our Leadership in Congress is now committed to place this long overdue type of legislation on the front burner, indeed, making it the first bill to be considered in this 104th Congress. The Senate is doing likewise and doubtless both the House and Senate in conference will soon agree on a final law that the place of employment labor laws shall be applied to congressional employers will be fully determined by the passage of regulations by the Office of Compliance.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. SHAYS], the vice chairman of the Democratic Caucus.

Mr. SHAYS. Mr. Speaker, I am pleased that once again this body has taken up the Congressional Accountability Act as it did twice last year, and I am particularly proud of my colleague from Connecticut [Mr. SHAYS], who joined with a former Member, Mr. Swett from New Hampshire, and did yeoman service to bring about this reform.

As some of us might remember as we read back in history, exempting Congress from various laws began because we thought we would not have the enforcement power that we should have if executive branches had administrative powers over us, so we would not be a coequal branch of government.

As you know, we went too far, and the laws did not apply to Congress. This is unacceptable to the public. I think this is excellent legislation. I think it demonstrates the best sense of what we can do together, Members of both parties, Congress.

Once again, may I compliment the gentleman from Connecticut [Mr. SHAYS]. He has done an excellent job.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT], an original co-sponsor of this legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in strong support of H.R. 1, the Congressional Accountability Act.

In the 103d Congress, I was an original sponsor of this legislation along with my colleague Mr. Shays and am proud to be speaking on the House floor after 2 years of diligent work. This bill is, quite frankly, long overdue.

H.R. 1 is simple and straightforward—it makes us comply with the same laws we impose on the private sector including the Fair Labor Standards Act, the Americans With Disabilities Act, the Family and Medical Leave Act, and OSHA.

It is my view that Member of Congress should be treated the same as our laws treat the American people. If the laws we pass are good enough for our constituents, then they should be good enough for their Representative in Congress. If these laws are so onerous, Congress should simply stop passing them.

I believe we must go further than this bill in reforming Congress. However, H.R. 1 is a giant step in the right direction and I commend all those responsible for bringing this bill to fruition.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

(MRS. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, over the years, this Congress has developed a package of policies and a set of laws designed to provide employee protection and to combat discrimination. Those laws have helped to make America better and more fair.

This bill, H.R. 1, will apply those same laws to Congress that now apply to all other employers. I was pleased to be a cosponsor of this bill in the last session of Congress, and I will vote for this bill.

If discrimination occurs in Congress, there should be protection from it, regardless of race, creed, color, sex, age, family status, physical condition, or any other protected class. Labor practices should be fair, the workplace should be safe, and fair notice and retraining should be the expectation of those who work here.

We have outlined the days when Congress can expect special and different treatment from the average employer. If the Constitution means anything for anyone, equal protection of the laws must apply to everyone.

Of all that we have done today, this is the one measure that affects the ordinary citizen. It is a good bill, and I urge my colleagues to vote "yes" for passage.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Arkansas [Mr. DICKEY], one of the six original cosponsors, a member of the freshman class that was so important to passage of this bill.

Mr. DICKEY. Mr. Speaker, in 1978 a restaurant owner in Pine Bluff, AR, my hometown, built a restaurant with two required parking spaces, a ramp, and a streetlight for the disabled. In 1992 the regulators came in and said, "The laws have changed, and you have got to move that ramp and the two parking places to the front door."

Rather than fight the Government or pay a fine or both, the ramp was moved, the two spaces were moved, but the streetlight was left. So the cost to the owner was $4,000 plus an extra space for the streetlight.

The owner is watching carefully tonight to see that we pass this bill, the Congressional Accountability Act. Why? Because if Congress has to abide by the regulators who come in and sustain their positions with their fines, then Congress someday will say, as we have said for a long time, "We cannot keep this place going with these expenses."

Then the people who fuel the engine of our economy, the small business person, will find relief in our leadership.

Mr. HOYER. Mr. Speaker, I yield 1 minute to thegentlewoman from Pennsylvania [Mrs. FATTAH].

Mr. FATTAH. Mr. Speaker, in a day that could have passed being fairly irrelevant to real Americans, this is something that I think we all can be proud of.

I would like to congratulate and thank my fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. G OODLING] and the American from Indiana [Mr. HAMILTON], and all of the original cosponsors of this effort in the last session and their hard work on it,
and on this day, this is something that goes beyond symbolism. This is, indeed, something that both the majority and minority Members of the Congress can be proud of.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN], who was the cochairman of the Freshman Bipartisan Task Force on Congressional Reform, so important to the passage of this bill.

Mr. TORKILDSEN. Mr. Speaker, I also want to applaud the efforts of the gentleman from Connecticut [Mr. SHAYS] and of everyone else involved in this measure to bring it forward for passage tonight.

I rise tonight in strong support of H.R. 1. In a direct contradiction of what the Framers of the Constitution intended, Congress has been exempting itself from the very laws that every American must follow.

In the 57th Federalist Paper, James Madison wrote that Members of the House that is free from the operation of the same laws which will not have its full operation on themselves and their friends as well as on the great mass of the society. This has always been one of the strongest bonds by which human policy can connect the rulers and the people together.

Madison was right. For too long what he called one of the strongest bonds connecting lawmakers and the people has been absent from the Congress.

Last fall the House overwhelmingly passed similar legislation. Failure of the Senate to act requires the House to act again this year.

I urge my colleagues to support this measure to make Congress abide by the laws every American citizen must comply with every single day.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCHALE], one of the original cosponsors of this legislation that passed last year.

Mr. MCHALE. Mr. Speaker, I rise in strong support of H.R. 1, the Congressional Accountability Act, a piece of legislation which I suspect will soon become one of the most important internal reforms enacted by the Congress during the past 50 years.

In Roman times it was said that the people become more subservient to justice when they see the author of the law obeying it himself. That, in fact, was the very principle cited by the gentleman from Massachusetts [Mr. TORKILDSEN] a few moments ago in Federalist 57 as drafted by James Madison, the father of our Bill of Rights.

Although I suspect a vote on this matter will be bipartisan and overwhelming, that should not cloud the recognition that but for the tremendous courage and tenacity of our colleague, the gentleman from Connecticut [Mr. SHAYS], and the leadership of our former colleague, Dick Swett, this matter would not have been brought before the House tonight.

Mr. Speaker, I believe very strongly that in our system of justice we cannot have two tiers. All members of our society, be they private citizens or Members of Congress, are governed by the rule of law, the same rule of law.

I urge an affirmative vote on H.R. 1.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Ms. FOWLER], who was also just an essential part of the passage of this bill last year as cochairman of the freshman bipartisan task force on congressional reform.

Ms. FOWLER. Mr. Speaker, I rise today in strong support of the Congressional Accountability Act. I urge my friend from Connecticut [Mr. SHAYS] for his hard work.

From the beginning, this was a truly bipartisan effort. Both the Republican and Democrat freshman classes made this bill a top priority early on. By the time this bill passed in the 103rd Congress, 97 Members of our class, Democrats and Republicans, had signed on as cosponsors.

Bringing Congress under the laws it passes for everyone else was something I implored on when I first ran for this office 2 years ago. It is something I fought for during my first term. It is something we simply must complete on this first day of the 104th Congress if we are to begin earning back the trust and respect the American people once had for this great institution.

The significant long-term impact of this bill will be that we pass better laws. Knowing that what we pass will affect us directly will surely make us more vigilant, more pragmatic, and maybe more austere when making the laws.

I urge my colleagues to support this legislation.

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Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. ROSA DELAURO], one of our chief deputy whips.

Ms. DELAURO. Mr. Speaker, I rise today in support of H.R. 1, the Congressional Accountability Act and to commend my friend and colleague from Connecticut [CHRIS SHAYS] for his determination to see this important legislation come to pass.

This bill, which is substantially identical to the legislation that the House of Representatives passed last year and a technical cosponsor.

The significant long-term impact of this bill will be that we pass better laws. Knowing that what we pass will affect us directly will surely make us more vigilant, more pragmatic, and maybe more austere when making the laws.

I urge my colleagues to support this legislation.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BEILENSON].

Ms. DELAURO. Mr. Speaker, I rise today in strong support of H.R. 1, the Congressional Accountability Act. This bill, which is substantially identical to the legislation that the House of Representatives passed last August, represents a long-overdue step toward ensuring both that legislative branch employees are treated fairly, and that Members of Congress, as employers, are held to the same standards that our laws demand of private-sector employers.

Mr. Speaker, the charge that Congress exempts itself from laws it passes for everyone else is one of the most frequently heard criticisms of Congress, and understandably so. It is simply wrong to deny to congressional employees the same kinds of employment protections we grant to other employees, and it is wrong to insulate ourselves from the effects of these laws.

Last year, the House of Representatives demonstrated that it was in overwhelming agreement that workplace protections should apply by passing H.R. 4822, the Congressional Accountability Act, by a vote of 427 to 4.
are strong supporters of this legislation were hopeful—right up until the last moment of the 103d Congress—that the momentum generated by our strong showing on the vote would galvanize the other body to follow suit, and that we would complete action on this legislation before adjourning.

Unfortunately, that did not happen, and we are here today on this first day of the new Congress, considering again a bill which rightly deserves the high priority it has been given by the new House leadership.

Mr. Speaker, to briefly review the background of this legislation: Members are aware, in recent years, both the House of Representatives and the Senate have attempted to apply employment-related laws to Congress. It has been a difficult endeavor because we have had to construct a way to do so without breaching the separation of powers doctrine under the U.S. Constitution, which could occur if the executive branch enforced these laws.

For the last 7 years, the House has applied the Family and Medical Leave Act; the Age Discrimination in Employment Act; the Fair Labor Standards Act; the Occupational Safety and Health Act; the Federal Labor Management Relations Act; the Employee Polygraph Protection Act; and the Worker Adjustment and Retraining Act; and the Rehabilitation Act of 1973. These laws will be administered by a new Office of Compliance, which would replace the Office of Fair Employment Practices. The Office of Compliance would be governed by a 5-member Board of Directors, all of whom would be appointed jointly by the Speaker and the minority leader of the House, and the majority and minority leaders of the Senate. The Office would consist of an Executive Director who is appointed by the Board, and other staff. To help ensure the independence of this new office, the bill prohibits appointing to the Board of Directors current and former Members, current and former House employees (unless their employment ended more than 4 years prior to their appointment), and lobbyists; the same restrictions, except for lobbyists, will also apply to the Executive Director.

The Board will conduct a study of the way in which the laws should be applied to the Legislative branch, and then follow that study with proposed regulations prescribing the application of the laws to the House of Representatives. Unless the House rejects the regulations by resolution of disapproval, those regulations will take effect. If they are rejected, the Board would reissue new regulations. Eight laws will be applied at the beginning of 1996, and the remaining two (OSHA and the Federal Labor Relations Act) will be applied at the beginning of 1997, regardless of whether regulations are promulgated by that time.

The bill also establishes a process for resolving alleged violations of the law: first, counseling; then, mediation; and, then, formal complaint and hearing. An independent hearing board will review employee complaints, and upon a finding of liability, prescribe remedies consistent with those that are available to private-sector employees under the relevant law. Parties dissatisfied with the outcome of the hearing would have the opportunity to have a decision reviewed by the Board of Directors.

Laws which currently apply to House employees shall continue to apply until the laws made applicable under this resolution are in effect. The bill also requires the Office of Compliance to study and recommend additional laws to be applied on a continuing basis, and specifically to review the availability of information in the House and study the possible application of the Freedom of Information Act and the Privacy Act. The Office would also be responsible for educating Members, officers, and employees about their rights and responsibilities under the applicable laws. And, the Office would be required to compile and distribute to Members, Representatives of the Office by House employees, and to develop a system for collecting information on demographic data of employees, and on employment in House offices.

Mr. Speaker, passage of this bill will make Members of the House significantly more accountable for our actions as employers. Perhaps just as importantly, it will give us a better understanding of the effects of laws every private-sector employer must live under and, hopefully, lead to more diligence and care and accountability for the laws we pass. I urge my colleagues to support this legislation.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. Upton], an original cosponsor of the bill.

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

Mr. Speaker, it is high time that Congress starts to do what it asks everyone else to do: Live under its own laws. When I walk into a restaurant in my home town in Michigan, the owners of that restaurant must abide by a litany of Federal laws. The kitchen is regulated by OSHA, the doors and tables and chairs must abide by the Americans with Disabilities Act, the employees and managers are protected by the Fair Labor Standards Act, Age Discrimination in Employment Act, and the Civil Rights Act of 1964 to name just a few. Each year we pass more and more regulations on American businesses. It is time for us to start practicing what we preach, and walk the walk.

The House passed this bill before during the 103d Congress. Elements of this bill were approved by a whopping margin of 348 to 3. However, it was the last vote of the very last day of the 103d Congress. We have an opportunity to act again on the issue on the very first day of the 104th Congress. Let us...
Mr. Speaker, to paraphrase Yogi Bera, it's deja vu all over again. This bill came before us before because this House overwhelmingly passed it last year. I am happy to vote for congressional compliance 25 times if need be.

Mr. Speaker, I find it ironic that on the day we cut committee staff by a third and put thousands of people out of work we celebrate. Mr. Speaker, I also find it ironic that as we cut the committee staff by a third, the office budgets of the new Speaker and the new majority leader have increased by nearly 30 percent.

Mr. Speaker, it is important that we enact this legislation that protects employees.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Connecticut, Mr. Peter Blute.

Mr. BLUTE. Mr. Speaker, I thank my good friend and neighbor from Connecticut for yielding this time to me.

Mr. Speaker, tonight this is a very important issue that we deal with. It is true that the Shays act is about accountability and the arguments about the particulars of the bill have been made ably by Members of both parties. It is a true bipartisan effort that we deal with tonight.

But there is one more important aspect of this bill that I think we should focus on as we cast our votes. Tonight we have an opportunity to do something about the perception out there in the land that Members of Congress are somehow a privileged elite. We have an opportunity to do something about the view of our constituents that somehow we are above the law. We have an opportunity to show our constituents that we are not in a distant capital and not understanding of their real-world problems.

Worst of all, the perception that the Congress is an arrogant institution. We have an opportunity tonight to do with that issue. Let us take the first step by passing the Shays act and begin to rehabilitate the reputation of our institution.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts, Mr. Frank.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to thank the gentleman for yielding this time to me.

Mr. Speaker, I want to reiterate my objection to the procedure by which we are dealing with this. Tom Foley, our former Speaker, has been, it seems to me, unfairly maligned to some extent. We let him pass this bill, and we passed this bill, as the gentleman from Connecticut has been very decent in pointing out, under Tom Foley's leadership; but we passed it not in the middle of the night. I understand we are up here in the middle of the morning because we are in the midst of this revolution, we are going to work hard except we are taking off now, I gather, for about 10 days. So we stay up late at night, rush this bill through, no amendments as a bow, no discussion will come through. Members are aware, for instance, and I am in favor of this, but it says in here no Member of Congress will be personally liable for the payment of compensation. I think that makes sense.

I do not think all the Members have had a chance to talk about this. This bill does not apply the Freedom of Information Act to Congress. It says we will study it. I think that is a sensible thing, but those are things that ought to be talked about.

This bill, unlike the bill we had before, allows Members to use federally funded frequent flyer miles, and that is not easy for me. It allows those to be used for personal use. Now people in the private sector cannot do that. What we are doing with this is giving good intentions a bad name.

Yes, it is a good bill. It is a good bill when we worked it out last year. Typically the gentleman from Connecticut [Mr. Shays] tries very hard to be bipartisan, but sometimes, I guess, there are constraints. This is an all-partisan sponsorship. This bill was bipartisan until now. What we have got is this silly insistence of rushing this bill through with no amendments at 1 o'clock in the morning when we are able to take 10 days off and do absolutely nothing so the Republicans can take something that was passed under Democratic leadership last year and claim authorship of it.

Mr. Speaker, they are lucky that one particular bill does not apply to Congress, the copyright laws, because if it did, this example of intellectual theft and attempted partisan piracy would be ruled illegal.

Mr. SHAYS. Mr. Speaker, I yield a minute and a half to my colleague, the gentleman from California, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, I think the gentleman from Connecticut [Mr. Shays] for yielding this time to me.

Mr. Speaker, how interesting it is to note the tone of the debate for this last bill this evening. Most of it has been spoken in bipartisanship, and I say that it is music to the ears of most. I think even the old bulls, and the young freshmen, and the sophomores, and the most and juniors—I look at for 4 years of floor action where the outcome, most of it was predetermined before it ever came to the floor. In only 16 years, only one Republican motion to recommit passed in 16 years. That is a crime, and that should not happen from our side to the now-minority either.

I would say to my colleagues, Yes, fight. I did not vote for a single closed rule in 4 years unless it had been cleared by the majority and the minority. I would fight for continued open rules in most cases. The King-of-the-Hill rule in which not a single Republican win was recorded because the outcome was afforded before it ever got to the floor, and that is not in the best interests of the minority or the majorities.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from California [Mr. Riggs], and I welcome him back to this Chamber.

Mr. RIGGS. Mr. Speaker, I thank the gentleman from Connecticut [Mr. Shays] for yielding this time to me, and I realize the hour is getting late, colleagues. I can even hear some audible snoring, so I will take less than my minute and just point out tonight we are ending the double standard that has existed for more than 50 years in this institution and in the process that we are demonstrating to the people that we are willing to change in that Congress no longer considers itself above the law. The Congressional Accountability Act was not reauthorized last year. The Freedom of Information Act was not reauthorized last year, and I am heartened to see the bipartisan support for this legislation.

I thank the gentleman for yielding and congratulate him on his leadership. House action on the Congressional Accountability Act is long overdue.

Mr. Speaker, in the 102d Congress, I had the privilege of serving as chairman of the congressional coverage coalition. We continually attempted to bring Congress under the same employment laws as the rest of the country, but we were stymied in our efforts.

The Congress under the Family and Medical Leave Act, but were prevented by the Rules Committee from even offering the amendment. We wanted to bring staff under statutory civil rights protections, but were similarly rebuffed. Again, we weren't given a chance to debate the merits and vote.

These amendments were offered at a time when Congress was being described by the media as "peak city," as a place out of touch with the real world; and—most damning of all—the "imperial Congress."

People reacted with boiling anger when stories such as the House bank and House dining room fiascos became public knowledge.
Many Members of Congress just couldn’t understand why the public was so aroused. Congress was desensitized. Americans who run businesses—great and small—must comply with burdensome regulations. It is unconscionable that Congress exempted itself from every major employment and civil rights law it passed.

Businesses have long complained about bureaucratic red tape. One likely reason that Congress has not been responsive is that it has not been subject to these same demands.

Those who want to continue the status quo will say that employees have protections in the House. However, the opposite is true, the executive must comply and the Supreme Court would approve.

Well and the Supreme Court would...
aware of this, because this is a new rule for Members who have been here for a while. As I understand it, rising and asking for unanimous consent to revise and extend your remarks and saying you are in opposition, gives you the right to be in the RECORD to say only that and nothing further, except in a language you were not speaking. Is that correct?

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa. [Mr. GANSKE asked and was given permission to revise and extend his remarks.]

Mr. GANSKE. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, let me say, first, what a privilege it is for me to join this great body, and I want my children to be proud also. That is why we should pass this bill. It is the right thing to do. Congress should operate under the same laws everybody else does—it is only fair. But Congress has ignored the practical consequences of these laws. Prior to November 8, I was a surgeon, essentially running a small business. When Congress has to deal with the same laws and regulations that small businesses do, I predict that we will comply many of the laws in a more commonsense way. I urge you to vote for this bill.

Mr. Speaker, it is very fitting that my first floor statement as the new Representative of the Fourth District of Iowa is about congressional reform.

Congressional reform was a major concern to the voters in last November's elections, throughout the country and specifically in the Fourth District of Iowa. Citizens concerned about the future of this country insisted that Congress needed to reform itself and make the Federal Government responsive to the voters demanded control of their government.

Today, on this first day of the 104th Congress, I am proud to say to the people of the Fourth District of Iowa that the new Republican majority is doing just that.

Today, I will be voting for nine major reforms of this institution—reforms that are long overdue. Reforms that will forever change the way business is done in Washington. These reforms include: Applying all laws to Congress; cutting the number of committees and subcommittees; cutting committee staff by a third; opening committee meetings to the public; limiting the terms committee chairmen can serve; banning proxy voting in committees; requiring the three-fifths majority to increase income tax rates; ending phony accounting by requiring a three-fifths majority to increase in- 

the last time the House dissolved a standing committee was 1947. That is going to change beginning today. Three committees will be shut down—Merchant Marine and Fisheries, Post Office and Civil Service, and the District of Columbia Committee. Committee chairs will be required to eliminate an additional 25 subcommittees, and committees will come from nearly 2,000 this year to about 1,300.

Legislative Service Organizations are groups for like-minded members supported by congressional staff, housed in congressional buildings, and often spending the taxpayers' money like no accountable. This type of abuse is one reason the public distrusts our government. Well, no more. These organizations will be eliminated.

These reforms are just the beginning. Any institution that is not constantly reforming itself in the face of changing times will soon collapse. I say to my colleagues, Democrat and Republican, that these reforms are dramatic and historic, but they are just the beginning of a long journey to redeeming the reputation of the U.S. Congress.

I look forward to working with my colleagues to continue to bring new changes to this institution, today and well into the future. Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California. [Mr. ROYCE asked and was given permission to revise and extend his remarks.]

Mr. ROYCE. Mr. Speaker, I rise in support of a longstanding Republican initiative that we have waited many years to see become law. It would put into permanent law section 108 of the rules changes which we just adopted. Simply put, it will subject Congress to the same laws that we apply to everyone else. I call it the golden rule. No American should be immune from the law or receive special treatment in its application, but that is what Congress has done by routinely exempting itself from the very laws it imposes upon others.

A double standard is a symbol of the arrogance of power which epitomizes Washington for so many citizens. It will also spur lawmakers to review more carefully the laws they pass.

In summary, if we pass it, we have to live by it. I urge an aye vote.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio. [Mr. BOEHNER asked and was given permission to revise and extend his remarks.]

Mr. BOEHNER. Mr. Speaker, my colleagues, I am going to congratulate one Member who has been particularly active and has done a great job, along with the gentleman from New Hampshire, Mr. Swett, in the last session. It is about time this bill has come to the floor so we can actually get it implemented.

But I hope there will be two things that come as a result of this legislation. First, that Members will begin to realize when we are drafting bills and we are building bills here on the floor, that the full weight of these bills will in fact fall upon us as Members of Congress. I think that with the passage of this bill, Members will recognize that fact, that we are going to have to live under these. We might be a little more cautious.

Second, I would point out that we ought to, as we begin to live under these laws, we are going to realize that the American people said on November 8 that they view Government is too big, it spends too much, and is too intrusive, and maybe we ought to look at some of those laws and revise a lot of them.

Let me also say as we begin to close this debate tonight, that as this opening day comes to a close, we have lived up to the first part of our Contract with America. We have Reform of the people's House. And just as important as that was, today we did that in a very bipartisan manner. And I hope that as we continue over the next 99 days, we will continue to pass the rest of the Contract with America in this same spirit of bipartisanship.

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

Mr. Speaker, in November there were 435 contracts made in each of our districts, and we came here to represent as best we can the aspirations and the hopes of our constituents. I would hope that as we proceed, that we together work to merit and properly explain this institution so that we can merit the respect of the American public.

I want to tell my new friends on both sides of the aisle who have come here that we spend a lot of time in this institution denigrating this institution. We have 435 campaigns that spend millions of dollars, and on both sides of the aisle we tell the American public how bad this institution is.

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been observed, is give the redress that is given in the private sector.

That has been done for some very legitimate reasons in terms of the separate but equal status of this body with the executive department which is called upon in other instances to enforce these statutes. And determination has been made that it would be inappropriate to subject one coequal body to regulation by another coequal body. In fact, this very legislation, which is bipartisan in nature, addresses that concern and sets up an Office of Compliance within the Congress.

As we do by respecting the separation of powers embodied in the Constitution and provide appeals to the courts. Mr. Speaker, I have experienced firsthand from a business standpoint the financial burdens imposed by excessive unfunded Federal mandates such as the Family and Medical and Leave Act, OSHA laws, and the Americans with Disabilities Act. As we close this historic first day of the 104th Congress, having significantly reformed the rules by which this institution operates, it is appropriate that we bring these laws to bear on us as we have imposed them on others. Hopefully, this will provide the discipline we need to better scrutinize future bills in terms of costs and excessive Federal intervention in our lives.

I urge my colleagues to vote for passage of H.R. 1. Ms. NORTON. Mr. Speaker, my thanks to Representative Chris SHAYS for not giving up on H.R. 1, the Congressional Accountability Act. The gentleman from Connecticut should feel doubly rewarded since this very bill passed the House once before—during the 103d Congress. Since the Senate chose to turn it down, we are doing the right thing in passing this legislation. As a member of the Joint Committee on the Organization of the Congress, I took a special interest in applying our laws to Members. I felt obligated to do so as a past chair of the Equal Employment Opportunity Commission, which has jurisdiction over many of the laws at issue today in this bill. Give the House credit, however, for having years ago applied these laws to itself. What has been missing was not the laws but an enforcement mechanism independent of the House. I am particularly proud that this mechanism is the central contribution of the Congressional Accountability Act.

This bill more than meets the standard set by those who sought passage of a law to apply congressional acts to Congress itself. H.R. 1 sets a higher standard. For example, H.R. 1 allows employees to go immediately to court or to an administrative hearing to initiate a claim of discrimination. As a lawyer and former professional in the field, I have some reservations about eliminating the useful and ancient rule that claimants exhaust administrative remedies before proceeding to more costly and cumbersome court processes. The courts are already clogged. These days they should be reserved as much as possible for matters such as criminal trials. Cost-free administrative resolution of claims of the kind encompassed by this legislation reduces employee frustrations and is more effective and often far more yielding of appropriate remedies in shorter periods of time.

Nevertheless, if this bill passes we must celebrate the choice to allow Members and employees to submit to an administrative process where hearing officers are selected from a rotating list of professionals recommended by the Administrative Conference of the United States and the Federal Mediation and Conciliation Service. The independent fact-finding process from control of the House is extraordinary for a legislative body and does great honor to the House.

I hope that this time Members in the majority will insist that Republicans in the Senate take the lead of their Republican colleagues in the House and make the Congressional Accountability Act the law.

I am pleased to support H.R. 1. Mr. FRANKS of Connecticut. Mr. Speaker, today I rise in support of H.R. 1, the Congressional Accountability Act. This bill is the first step toward fulfilling the Republican pledge to the American people to demonstrate our sincerity about changing the way we conduct business in this body. For over 100 years, beginning with the first exemption from the Civil Service Act of 1883, Congress has absolved itself from laws which apply to private employers and other Government employers. The American people are not fooled—they recognize hypocrisy when they see it. It’s not surprising that a majority of the American people consider us to be an elitist, privileged, out-of-touch group of individuals who can not recognize that it is wrong to require compliance from the entire Nation—except for ourselves. Thanks to the Republican leadership, we now have a chance to change our image—to show the American people that we too will accept the responsibility for complying with the laws that we pass for the rest of America.

The bill before us today applies 10 laws to this body—the Fair Labor Standards Act; title VII of the Civil Rights Act of 1964; Americans with Disabilities Act; Age Discrimination in Employment Act; Family and Medical Leave Act; Occupational Safety and Health Act; Federal Labor Management Relations Act; Employee Polygraph Protection Act; Worker Adjustment and Retraining Notification Act; and the Rehabilitation Act of 1973. The newly created Office of Compliance will develop regulations to apply these laws to Congress in consistent with application in the private sector. A four-step process is established to address employee complaints. If, after the mediation process, the complaint is not resolved, the aggrieved employee may seek redress in U.S. District Court for alleged violations.

I am confident that the compromise reached before us today will strengthen our credibility with the American people. It is time for this body to accept that we can no longer treat ourselves as a privileged body accountable for actions which violate the laws of this Nation.

I look forward to passage and implementation of this bill.

Mr. FAWEller. Mr. Speaker, the concept of applying the laws of the land to Congress has been one which I have been fighting for since I first came to Congress. This is why I am pleased to see a bill on the floor of the House which attempts to achieve this goal. The bill before us today, H.R. 1, the Congressional Accountability Act, is a step in the direction of true congressional coverage, and it is very similar to the bill of the same name which was passed by the House last August. Both measures have been a long time in coming.

The hypocrisy of Congress in exempting itself from the very laws it imposes on others is
Mr. TRAFICANT. Mr. Speaker, I rise in strong support of the Congressional Accountability Act and applaud those leaders on both sides of the aisle for legislation forward in the House. In the 103rd Congress, Democrats and Republicans in the House acted responsibly and passed this important and long overdue legislation. I am pleased that it is one of the first orders of business in the 104th Congress.

One of the reasons I strongly support this legislation is that it will—for the first time—extend Federal labor law to the U.S. Capitol Police.

For the past 2 years, I have waged a lonely struggle to get the House leadership to address the serious morale problem which exists on the U.S. Capitol Police. Over the past 10 years, dramatic progress has been made in transforming the Capitol Police form a patronage club to one of the best trained and most professional law enforcement agencies in the country. Unfortunately, the upgrades in training and professional standards have not been matched by parallel advances in labor or management policies. I have found instances of age, sex, and racial discrimination. I have found that in all too many instances management, unwittingly, undertakes incompetent. The Capitol Police Board has made some important changes, but has done nothing to address the fundamental structural problems that exist. For example, the ombudsman they established to hear complaints and grievances reports directly to management, and is perceived by the rank and file as a tool of management and not as an objective third party who can resolve problems.

The 3-day demonstration on the steps of the Capitol in February 1994 was proof positive that the morale problem is widespread, and not simply a matter of a few disgruntled officers making a lot of noise. There is a serious problem and Congress can’t ignore it.

Many of the problems on the force could be effectively addressed simply by giving the rank and file what every other Federal labor enforcement agency has—collective bargaining rights. As a Democrat, I am ashamed of the fact that the party of the working man and woman has turned its back on the brave officers who protect and serve them every day.

With passage of the Congressional Accountability Act, Congress has the opportunity to right this wrong. The act would afford the U.S. Capitol Police with the same labor rights as other Federal law enforcement officers.

The legislation would allow for a 2-year grace period before the Capitol Police would be permitted to collectively bargain. I intend to ask the Speaker and other congressional leaders to waive this provision and afford the rank and file the right to collectively bargain immediately. I would also strongly recommend that action be taken to fully professionalize the management of the force so that the officers are being led by experienced and competent managers. By acting swiftly on this issue we will be sending a positive message to the rank and file that—at long last—those who run the House care about the men and women who protect and serve.

In closing, Mr. Speaker, I urge my colleagues to support the Congressional Accountability Act.
Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have something entered in the RECORD as if they had said something, and under the new rules all they can do is to issue a retraction. I do not see how they could revise remarks unmade, so Members would be out of order, and they could only extend the chance to review unmade remarks in a different typeface.

Mr. SOLOMON. Mr. Speaker, I might be heard on the point of order.

The SPEAKER pro tempore (Mr. LAZIO of New York). The Chair would advise that Members’ remarks can only be revised for technical reasons.

Mr. SHAYS. Is there objection to the request of the gentleman from Connecticut?

Mr. THOMAS. Order will come out of order, and they could only extend the chance to review unmade remarks is out of order, and they could only extend in a different typeface.

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Mr. SHAYS. Is there objection to the request of the gentleman from Connecticut?
Mr. GEPHARDT. Mr. Speaker, I seek recognition for the purpose of inquiring with the majority leader the schedule for next week. I yield to the majority leader for that purpose.

Mr. ARMey. I thank the distinguished minority leader for yielding.

Let me announce the schedule for the rest of this week and the following week. We have had a long but productive day, and the vote we have just concluded is the last scheduled vote for today. I would be advised that votes on further business are possible but I believe unlikely. Certainly we will not be calling any from our side, and I doubt that they will be called from the other side. Still, nevertheless, it is possible.

The remainder of this week and next week will be extremely busy workdays. Although we do not expect votes on the floor the remainder of this week or next, committees will be fully occupied with their organizational meetings, hearings, and markups on contract bills and other business. I would like to remind all Members that under our new rules attendance at committee meetings are particularly important. First, any votes taken in committee will be open to public record. Second, there is a ban on proxy voting so Members will have to attend all meetings at which votes are taken in order for their constituents' voices to be heard.

In order to reiterate, the House will meet at 10 o'clock tomorrow in pro forma session. Friday the House will not be in session. Next week the House will meet in pro forma session Monday, Wednesday, and Friday. The House will convene at 2 o'clock, 11 a.m. on Wednesday and 10 a.m. on Friday.

Mr. GEPHARDT. Could the gentleman from Texas ask me to relate to Members as to when he thinks in the following week there will be the first vote and at what time and on what day? Would that be on Tuesday?

Mr. ARMey. Will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMey. Monday of the following week of course is a holiday. We are not here. The House will convene at 2 o'clock, 11 a.m. on Wednesday and 10 a.m. on Friday.

Mr. GEPHARDT. Yes, but what about our side, I mean your side, could there be any votes scheduled?

Mr. ARMey. I doubt that they will be called from our side. But I believe unlikely. Certainly we will not be calling any from our side, and I doubt that they will be called from the other side. Still, nevertheless, it is possible.

Mr. GEPHARDT. Could the gentleman ask me to relate to Members as to when he thinks in the following week there will be the first vote and at what time and on what day? Would that be on Tuesday?

Mr. ARMey. The gentleman is asking me to relate to Members as to when he thinks in the following week there will be the first vote and at what time and on what day? Would that be on Tuesday?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMey. Monday of the following week of course is a holiday. We are not here. The House will convene at 2 o'clock, 11 a.m. on Wednesday and 10 a.m. on Friday.

Mr. GEPHARDT. Could the gentleman ask me to relate to Members as to when he thinks in the following week there will be the first vote and at what time and on what day? Would that be on Tuesday?

Mr. ARMey. The gentleman is asking me to relate to Members as to when he thinks in the following week there will be the first vote and at what time and on what day? Would that be on Tuesday?

Mr. GEPHARDT. I yield to the gentleman from Texas.
ADJOURNMENT FROM WEDNESDAY, JANUARY 11, 1995 TO FRIDAY, JANUARY 13, 1995

Mr. ARMS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, January 11, 1995, it adjourn to meet at 10 a.m. on Friday, January 13.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERMISSION FOR MEMBERS TO EXTEND REMARKS FOR LEGISLATIVE DAY OF JANUARY 4, 1995

Mr. ARMS. Mr. Speaker, I ask unanimous consent that for the legislative day of January 4, 1995 all Members be permitted to extend their remarks, and to include extraneous material, in that section of the Record entitled "Extension of Remarks".

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

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. ARMS. Mr. Speaker, your committee appointed on the part of the House to join a like committee of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

Mr. Speaker, I might point out that the committee consisted of myself and the minority leader, the gentleman from Missouri [Mr. GEPHARDT]. We had a pleasant conversation with the President. I am sure he will be communicative to us later.

Mr. Speaker, I yield, if he should wish, to the minority leader, the gentleman from Missouri [Mr. GEPHARDT], for any remarks he would like to make.

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

This call was a tradition which we have usually fulfilled. We fulfilled it earlier today or yesterday with the gentleman from Texas. We did inform the President, as we are required to do, that the House is seated, we have elected officers, elected a Speaker, and that we were ready for legislative action, and I believe we are having a meeting later today with the President and the bipartisan leadership.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. GEPHARDT. Mr. Speaker, I offer a resolution (H. Res. 7) providing for the designation of certain minority employees, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. Res. 7
Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six majority employees authorized therein shall be the following named persons, effective January 3, 1995, until otherwise ordered by the House, to-wit: Thomas O'Donnell, George Kundanis, Marti Thomas, Michael Wessel, Laura Nicholas, and Steve Elmdorf, each to receive a gross compensation pursuant to the proviso of House Resolution 119, Ninety-fifth Congress, as permanent law by section 115 of Public Law 95-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING OF THE HOUSE OF REPRESENTATIVES

Mr. SOLOMON. Mr. Speaker, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 8
Resolved, That unless otherwise ordered, the hour of meeting of the House shall be 2 o'clock post meridiem on Mondays; 11 o'clock ante meridiem on Tuesdays; and 10 o'clock ante meridiem on Wednesdays; and 10 o'clock ante meridiem on all other days of the week up to and including May 13, 1995, and thereafter from May 15, 1995, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays and 10 o'clock ante meridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING FOR MORNING HOUR DEBATE AND RESTRICTED SPECIAL ORDER SPEECHES UNTIL FEBRUARY 16, 1995

Mr. SOLOMON. Mr. Speaker, upon consultation with the minority leader, the Speaker has announced the format for recognition for morning hour debate and restricted special order speeches, which will continue until February 16, 1995. It is understood that the continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XIV should circumstances so warrant.

Mr. Speaker, I ask unanimous consent that until February 16, 1995, the House may convene 90 minutes earlier than the time otherwise established by order of the House on Mondays and Tuesdays of each week solely for the purpose of conducting morning hour debates under the following conditions:

First, prayer by the Chaplain, approval of the Journal, and the Pledge of Allegiance to the flag to be posthumously until the resumption of the House session following the completion of morning hour debate;

Second, debate to be limited to 30 minutes allocated to each party, with initial and subsequent recognitions alternating between parties;

Third, recognition to be conferred by the Speaker only pursuant to lists submitted by the respective leaders;

Fourth, no Member to be permitted to address the House for longer than 5 minutes except for the majority leader, minority leader, and minority whip; and

Fifth, morning hour debate will be followed by a recess declared by the Speaker pursuant to clause 12 of rule I, until the appointed hour for the resumption of legislative business.

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

There was no objection.

FORMAT FOR SPECIAL ORDERS

The SPEAKER. Upon consultation with the minority leader, the Chair announces that the format for recognition for morning hour debate and restricted special order speeches, which began on February 23, 1994, will continue until February 16, 1995, as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special order speeches up to four hours after the conclusion of morning hour debate. Such speeches may not extend beyond the 4-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize any special order speeches beyond midnight.

The Chair will first recognize Members for 5-minute special order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special order speeches. The 4-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve
its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties, regardless of the date the order was granted by the House.

The allocation of time within each party's 2-hour period, or shorter period if prorated to end by midnight, is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up for any special order speeches earlier than 1 week prior to the special order, and additional guidances may be established for such signups by the respective leaderships.

Pursuant to clause 9(b)(1) of rule I, the television cameras will not pan the Chamber, but a "crawl" indicating morning hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate recognition by the Speaker is without prejudice to the Speaker's ultimate recognition by the Speaker and his right to object.

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 9) providing for the Republican Steering Committee and the Democratic Party Committee, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

PROVIDING FOR TRANSFER OF TWO EMPLOYEE POSITIONS

H. Res. 10

Resolved, That, effective at the beginning of the 104th Congress, two statutory employee positions under the chief majority whip are transferred to the majority leader.

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

There was no objection.

The resolution was agreed to. A motion to reconsider was laid on the table.

RECOGNIZING THE SACRIFICE AND COURAGE OF ARMY WARRANT OFFICERS DAVID HILEMON AND BOBBY W. HALL II

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the concurrent resolution (H. Con. Res. 1) recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994, and ask for its immediate consideration.

The Clerk appends the title of the concurrent resolution.

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

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, and I do not intend to do that. I think it needs to be explained, and I would like for the gentleman from South Carolina to concur in this, that this resolution deals with the fact that a helicopter of the Army was shot down in Korea on December 17, 1994, and that Army Chief Warrant Officer David Hilemon and Army Chief Warrant Officer Bobby W. Hall II were shot down over North Korea.

This resolution is intended to recognize the sacrifice of Army Chief Warrant Officer David Hilemon to his country and to express the gratitude for his selflessness and deepest regret for his loss of life to his family and to recognize the exceptional service of Army Chief Warrant Officer Bobby W. Hall II to his country and express commendation for his courage.

Am I correct, I ask the gentleman from South Carolina [Mr. SPENCE]?

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

Mr. McCOLLUM. Further reserving the right to object, I yield to the gentleman from South Carolina.

Mr. SPENCE. That is exactly it, yes. Mr. McCOLLUM. Further reserving the right to object, Mr. Speaker, I would like to point out in particular to the families of those involved this was a tremendous ordeal.

The individuals involved deserve the commendation that is given in this resolution. It was a very strenuous thing for our country to do, to go back to Korea.

It is only appropriate that the very first order of business of this Congress in terms of a formal resolution, beyond what we are doing today, be this concurrent resolution.

With that in mind, and further reserving the right to object, I yield to the gentleman from Florida [Mrs. THURMAN], in whose district resides the family and Bobby Hall, Warrant Officer Bobby Hall, who did survive, and I yield for whatever comment she may make under my reservation.

Mrs. THURMAN. I thank the gentleman from Florida and the gentleman from South Carolina.

I know that you have worked tirelessly today to help me get this up tonight. So I really appreciate their concern and their help.

Mr. Speaker, today I introduced a resolution recognizing the sacrifice and courage of Army Warrant Officers Bobby Hall and David Hilemon, whose helicopter was shot down over North Korea on December 17, 1994.

David Hilemon gave his life in the service of our country, and Bobby Hall performed with bravery and honor during his 13 days in captivity in North Korea. These soldiers displayed the highest ideals of our armed services, and their efforts on behalf of our country should be justly noted.

In addition, I thank the gentleman from New Mexico [Mr. Richardson] who played an invaluable role in bringing this incident to a close, and he also deserves our gratitude. His leadership helped secure the remains of David Hilemon, and he kept the pressure on the North Koreans to release Bobby Hall.

Bobby Hall lives in Brooksville, FL, in the district I represent. On Saturday, Brooksville will be having a celebration in honor of his homecoming.

I have to tell you I never saw anything like it, with yellow ribbons and declared vigils, people coming out into the street, giving food and doing things for the Halls and for their family and loved ones. They just went out of their way to make sure that these folks were taken care of in a time that was not easy.

I do not believe that I ever have seen a community so committed or so united in purpose. Saturday's celebration will be a fitting tribute to Bobby Hall and his family and to the thousands of people who prayed for his safe return.

Finally, I want to express my condolences to the family of David Hilemon for their loss.

I again thank the gentlemen for their assistance.

Mr. McCOLLUM. Mr. Speaker, further reserving the right to object, and I do not intend to do so, I want to thank the gentlewoman for her efforts in this matter, and I would like to comment on the record that first of all Brooksville, FL, was my birthplace and hometown and Bobby Hall II whom we are noting here in this commendation, his father was in my high school class when I graduated from high school, Hernando High School there.

I did spend time speaking with his father on several occasions during the
time that he was in captivity. It is truly a very important day in that community to celebrate this occasion of the good news return and this particular commemorative is a very important piece of that.

So I thank the gentleman from South Carolina [Mr. SPEENCE] for offering it tonight. I do not intend to object. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Lazio of New York). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. CON. RES. 1

Whereas on December 17, 1994, the helicopter of Army Chief Warrant Officer David Hilemon and Army Chief Warrant Officer Bobby W. Hall II was shot down over North Korea;

Whereas as a result of this incident, Chief Warrant Officer Hilemon sacrificed his life for his country and Chief Warrant Officer Hall was taken captive by the Korean People’s Army;

Whereas on December 22, 1994, Chief Warrant Officer Hilemon’s remains were returned to the United States at the Demilitarized Zone at Panmunjom and on December 28, 1994, he was laid to rest with full military honors and in full view of Mt. Rainier in January 28, 1994, he was laid to rest with full military honors and in full view of Mt. Rainier in

COMMITTEE ON BANKING AND FINANCIAL SERVICES:

Mr. Leach, Chairman; Mr. McCollum; Mrs. Roukema; Mr. Bereuter; Mr. Roth; Mr. Baker of Louisiana; Mr. Lazio; Mr. Bachus; Mr. Zirkle; Mr. Royce; Mr. Lucas; Mr. Weller; Mr. Hayworth; Mr. Metcalf; Mr. Bono; Mr. Ney; Mr. Ehrlich; Mr. Barr; Mr. Chrysler; Mr. Cremeans; Mr. Fox; Mr. Heineman; Mr. Stockman; Mr. LaBlond; Mr. Watts of Oklahoma (when sworn); and Mrs. Kelly.

COMMITTEE ON THE BUDGET:

Mr. Kasich, Chairman; Mr. Hobson; Mr. Walker; Mr. Kolbe; Mr. Shays; Mr. Herger; Mr. Bunning; Mr. Smith of Texas; Mr. Allard; Mr. Miller of Florida; Mr. Lazio; Mr. Franks of New Jersey; Mr. Smith of Michigan; Mr. Inglis; Mr. Hoke; Ms. Molinari; Mr. Nussle; Mr. Hoekstra; Mr. Largent; Mrs. Myrick; Mr. Brownback; Mr. Shadegg; Mr. Radanovich; and Mr. Bass.

COMMITTEE ON COMMERCIAL AND FOREIGN COMMUNICATIONS:

Mr. Bliley, Chairman; Mr. Moorhead; Mr. Field of Texas; Mr. Oxley; Mr. Bilirakis; Mr. Schaefer; Mr. Barton of Nebraska; Mr. Upton; Mr. Stearns; Mr. Paxon; Mr. Gillmor; Mr. Klug; Mr. Franks of Connecticut; Mr. Greenwood; Mr. Crapo; Mr. Cox; Mr. Burr; Mr. Gilman; Mr. Ganske; Mr. Frisa; Mr. Norwood; Mr. White; and Mr. Coburn.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES:

Mr. Goodling, Chairman; Mr. Petri; Mrs. Roukema; Mr. Gunderson; Mr. Fawell; Mr. Ballenger; Mr. Barrett of Nebraska; Mr. Cunningham; Mr. Hoekstra; Mr. McKinson; Mr. Castle; Mrs. Meyers of Kansas; Mr. Sam Johnson of Texas; Mr. Talent; Mr. Greenwood; Mr. Kлось; Mr. Riggs; Mr. Poizad; Mr. Wears of Florida; Mr. Funderburk; Mr. Souder; Mr. McIntosh; and Mr. Norwood.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT:

Mr. Gilman; Mr. Burton of Indiana; Mrs. Morella; Mr. Shays; Mr. Schiff; Mr. Ros-Lehtinen; Mr. Zelliff; Mr. McHugh; Mr. Horn; Mr. Mica; Mr. Bliley; Mr. Davis; Mr. Hefley; Mr. Ford; Mr. Tate; Mr. Chrysler; Mr. Gutknecht; Mr. Souder; Mr. Martinez; Mr. Scarborough; Mr. Shadegg; Mr. Flanagan; Mr. Bass; Mr. LaTourette; Mr. Sanford; and Mr. Bilich.

COMMITTEE ON HOUSE Oversights:

Mr. Thomas of California; Chairman; Mr. Ehlers; Mr. Roberts; Mr. Boehner; Ms. Dunn; Mr. Diaz-Balart; Mr. Hoekstra; Mr. Biggs; Mr. Funderburk; Mr. Chabot; Mr. Sanford; and Mr. Salomon.

COMMITTEE ON INTERNATIONAL RELATIONS:

Mr. Gilman, Chairman; Mr. Goodling; Mr. Leach; Mr. Roth; Mr. Hyde; Mr. Bereuter; Mr. Smith of Nevada; Mr. Burton of Indiana; Mrs. Meyers of Kansas; Mr. Gallegly; Mr. Ros-Lehtinen; Mr. Ballenger; Mr. Rohrabacher; Mr. Manzullo; Mr. Royce; Mr. King of Iowa; Mr. Kim; Mr. Brownback; Mr. Connolly; Mr. Funderburk; Mr. Chabot; Mr. Sanford; and Mr. Salomon.

COMMITTEE ON THE JUDICIARY:

Mr. Hyde, Chairman; Mr. Good, Mr. Sensen- brenner; Mr. McCollum; Mr. Gekas; Mr. Coble; Mr. Smith of Texas; Mr. Schiff; Mr. Gallegly; Mr. Canady; Mr. Inglis of South Carolina; Mr. Chesters; Mr. Hoke; Mr. Bono; Mr. Heineman; Mr. Bryant of Tennessee; Mr. Chabot; Mr. Flanagan; and Mr. Barr.

COMMITTEE ON NATIONAL SECURITY:

Mr. Spence, Chairman; Mr. Stupak; Mr. Hunter; Mr. Kasich; Mr. Bateman; Mr. Hansen; Mr. Weldon of Pennsylvania; Mr. Dornan; Mr. Heffley; Mr. Saxton; Mr. Cunningham; Mr. Buyer; Mr. Garamendi; Mr. McHugh; Mr. Talent; Mr. Everett; Mr. Bartlett of Maryland; Mr. McKeon; Mr. Lewis of Kentucky; Mr. Watts of Oklahoma (when sworn); Mr. Thornberry; Mr. Chambliss; Mr. Hillrey; Mr. Scarborough; Mr. Jones; Mr. Longley; Mr. Tiahrt; and Mr. Hastings of Washington.

COMMITTEE ON RESOURCES:

Mr. Young of Alaska, Chairman; Mr. Hansen; Mr. Saxton; Mr. Garamendi; Mr. Doolittle; Mr. Allard; Mr. Gilchrest; Mr. Calvert; Mr. Pombo; Mr. Torkildsen; Mr. Hastings; Ms. Cubin; Mr. Cooley; Ms. Chenoweth; Ms. Smith of Washington; Mr. Radanovich; Mr. Jones; Mr. Thornberry; Mr. Hastings of Washington; Mr. Pascrell; Mr. Longley; and Mr. Shadegg.

COMMITTEE ON RULES:

Mr. Solomon, Chairman; Mr. Quillen; Mr. Drier; Mr. Goss; Mr. Linder; Ms. Pryce; Mr. Diaz-Balart; Mr. Walden; and Mr. Wilson.

COMMITTEE ON SCIENCE:

Mr. Walker, Chairman; Mr. Sensenbrenner; Mr. Boehlert; Mr. Fawell; Mrs. Morella; Mr. Weldon of Pennsylvania; Mr. Rohrabacher; Mr. Barton of Texas; Mr. Calvert; Mr. Baker of California; Mr. Bartlett of Maryland; Mr. Ehlers; Mr. Wamp; Mr. Weldon of Florida; Mr. Millard; Mr. Hostetler; Mr. Stockman; Mr. Cutknecht; Ms. Seastead; Mr. Tiahrt; Mr. Largent; Mr. Hilleary; Ms. Cubin; Mr. Foley; and Mrs. Myrick.

COMMITTEE ON SMALL BUSINESS:

Mr. Meyers of Kansas, Chairman; Mr. Hefley; Mr. Zelliff; Mr. Talent; Mr. Manzullo; Mr. Torkildsen; Mr. Bartlett of Maryland; Mr. Ehlers; Mr. Wamp; Mr. Latham; Mr. LaTourette; Mr. Seastead; Mr. Tiahrt; Mr. Kelly; Mr. Chrysler; Mr. Longley; Mr. Jones; Mr. Salmon; Mr. Hilleary; Mr. Souder; Mr. Brownback; Mr. Chabot; Mrs. Myrick; Mr. Funderburk; and Mr. Metcalf.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE:

Mr. Shuster, Chairman; Mr. Young of Alabama; Mr. Clinger; Mr. Petri; Mr. Thompson of Wisconsin; Mr. Coble; Mr. Duncan; Ms. Molinari; Mr. Zelliff; Mr. Ewing; Mr. Gilchrest; Mr. Hurd; Mr. Burton of Indiana; Ms. Black; Mr. Runte; Mr. Flake; Mr. Ganske; Ms. Pryce; Mr. Blalock; Mr. Nussle; Mr. Diaz-Balart; and Mr. Ney.

COMMITTEE ON VETERANS’ AFFAIRS:

Mr. Stump, Chairman; Mr. Smith of New Jersey; Mr. Bilirakis; Mr. Spence; Mr. Johnson of Carolina; Mr. Everett; Mr. Buyer; Mr. Quinn; Mr. Bachus; Mr. steams; Mr. Ney; Mr. Fox; Mr. Flanagan; Mr. Barr; Mr. Stockman; Mr. Wood; Mr. Hayworth; and Mr. Hagedorn.

COMMITTEE ON WAYS AND MEANS:

Mr. Archer, Chairman; Mr. Crane; Mr. Thomas of California; Mr. Shaw; Mr. Johnson of Connecticut; Mr. Bunning; Mr. Houghton; Mr. Herger; Mr. McCrery; Mr. Hancock; Mr. Camp; Mr. Ramstad; Mr. Zimmerman; Mr. Nussle; Mr. Sam Johnson of Texas; Ms. Dunn; Mr. Collins of Georgia; Mr. Portman; Mr. English of Pennsylvania; Mr. Ensign; and Mr. Christensen.

Mr. BOEHNER (during the reading).

Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.
Resolved. That the following named Members be and they are hereby elected to the following standing committees of the House of Representatives:

**COMMITTEE ON AGRICULTURE**
- E (Kika) de la Garza, Texas; George E. Brown, Jr., California; Chaka Fattah, Pennsylvania; Tom Davis, Virginia; Tom Vilsack, Iowa; James Sensenbrenner, Wisconsin; James E. Sensenbrenner, Jr., Wisconsin; Newt Gingrich, Georgia; Ken Calvert, California; James P. Moran, Virginia; Nita M. Lowey, New York; Ray Blank, Maryland; Robert E. Andrews, New Jersey; Don Young, Alaska; Jim Sensenbrenner, Wisconsin; Joe Wilson, South Carolina; Scott Garrett, New Jersey; Howard Butterfield, North Carolina; and Ted Poe, Texas.

**COMMITTEE ON APPROPRIATIONS**
- John L. Mica, Florida; John B. Larson, Connecticut; James S. Lankford, Oklahoma; Scott Garrett, New Jersey; Robert W. Nickeas, New York; Maurice Hinchey, New York; James Lankford, Oklahoma; Steve Beshear, Kentucky; Jim Costa, California; Ted Yoho, Florida; and Michael McCaul, Texas.

**COMMITTEE ON BANKING AND FINANCIAL SERVICES**
- Henry B. Waxman, California; Peter Domenici, New Mexico; John E. Sununu, New Hampshire; Michael G. Oxley, Ohio; Paul Broun, Georgia; Bill Posey, Florida; Dana Rohrabacher, California; and James A. Langevin, Rhode Island.

**COMMITTEE ON EDUCATION AND THE WORKFORCE**
- E. G. Gohm, New York; Joaquin Castro, Texas; Adam Smith, Washington; Joe Hines, Indiana; Pete Stark, California; Bill Pascrell, Jr., New Jersey; ca; as Henry, Kansas; Leonard Lance, New Jersey; and Jamie Raskin, Maryland.

**COMMITTEE ON ENERGY AND COMMERCE**
- John D. Dingell, Michigan; Henry A. Waxman, California; Edward J. Markey, Massachusetts; W. J. (Billy) Tauzin, Louisiana; Ron Wyden, Oregon; John Spratt, South Carolina; John B. Larson, Connecticut; James Comer, Kentucky; Thomas J. Manton, New York; Edolphus Towns, New York; Patsy T. Mink, Hawaii; George E. Brown, Jr., California; Howard B. Berman, California; Jim Costa, California; and Tim Walberg, Michigan.

**COMMITTEE ON FOREIGN AFFAIRS**
- George E. Brown, Jr., California; John E. Sununu, New Hampshire; Jon Kyl, Arizona; John Mica, Florida; James Sensenbrenner, Wisconsin; Richard Lugar, Indiana; Doug Fields, Georgia; Frank Wolf, Virginia; and Peter Visclosky, Indiana.

**COMMITTEE ON GOVERNMENT REFORM**
- James L. Oberstar, Minnesota; Nick J. Rahall II, West Virginia; Robert B._BORDER_PASTA_ (Robert) Scott, Virginia; James Sensenbrenner, Wisconsin; Bill Pascrell, Jr., New Jersey; Bill Posey, Florida; and Jim Cooper, Tennessee.

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**
- Norman Mineta, California; James L. Oberstar, Minnesota; Nick J. Rahall II, West Virginia; Robert B. Bord воск_последующего (Robert) Scott, Virginia; James Sensenbrenner, Wisconsin; Bill Pascrell, Jr., New Jersey; Bill Posey, Florida; and Jim Cooper, Tennessee.
ELECTING REPRESENTATIVE BERNARD SANDERS OF VERMONT TO STANDING COMMITTEES

Mr. Fazio of California. Mr. Speaker, I request a separate privileged resolution (H. Res. 13) and ask for its immediate consideration.

The Clerk reads the resolution, as follows:

H. Res. 13

Resolved. That the following named Members be and are hereby elected to the following standing committees:

- Committee on Banking and Financial Services: Bernard Sanders of Vermont.
- Committee on Budget: Bernard Sanders of Vermont.
- Committee on Commerce: Bernard Sanders of Vermont.
- Committee on Energy and Commerce: Bernard Sanders of Vermont.
- Committee on Education and Labor: Bernard Sanders of Vermont.
- Committee on Financial Services: Bernard Sanders of Vermont.
- Committee on Foreign Affairs: Bernard Sanders of Vermont.
- Committee on Government Reform and Oversight: Bernard Sanders of Vermont.

Mr. Fazio of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. J. JACKSON-LEE. Mr. Speaker, on rollcall 3 I am recorded as not voting because I was unavoidably detained. Had I been present, I would have voted "yes."

I ask unanimous consent that this statement appear in the RECORD immediately following that vote.

The SPEAKER. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

APPOINTMENT AS MEMBERS OF HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to section 127 of Public Law 97-377, the Chair appoints as members of the House of Representatives page board the following Members of the House: Mr. EMERSON of Missouri, and Mr. KOLBE of Arizona.

APPOINTMENT AS MEMBERS OF HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. Pursuant to the provisions of 40 U.S.C., 175 and 176, the Chair appoints the gentleman from Texas, Mr. ARMY, as a member of the House Office Building Commission, to serve with himself and the gentleman from Missouri, Mr. GEPHRIT.

APPOINTMENT AS MEMBERS OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Pursuant to the provisions of clause 1 of rule 48 and clause 6(f) of rule 10, the Chair appoints as Members of the Permanent Select Committee on Intelligence the following Members of the House:

Mr. COMBEST, of Texas, Chairman; Mr. DORAN, of California; Mr. YOUNG, of Florida; Mr. HANSEN, of Utah; Mr. LEWIS, of California; Mr. GOS, of Florida; Mr. SHUSTER, of Pennsylvania; Mr. McCOLLUM of Florida; Mr. GALLE, of Delaware; Mr. DICKS of Washington; Mr. RICHARDSON, of New Mexico; Mr. DIXON of California; Mr. TORRICELLI, of New Jersey; Mr. COLEMAN of Texas; Ms. PELOSI, of California; and Mr. LAUGHLIN, of Texas.

POLICIES OF THE CHAIR

The SPEAKER. The Chair customarily takes this occasion on the opening day of a Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning: first, privileges of the floor; second, the introduction of bills and resolutions; third, unanimous consent requests for the consideration of bills and resolutions; fourth, recognition for 1-minute speeches and special orders; fifth, decorum in debate; sixth, the conduct of votes by electronic device; and seventh, requests for leave of committees to sit during the 5-minute rule.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Speaker intends to continue in the 104th Congress the policies reflected in these statements. The policy announced in Congresses prior to the 103d Congress with respect to the introduction of bills and resolutions by their first introduction of bills and resolutions; the consideration of bills and resolutions; the introduction of bills and resolutions; the conduct of votes by electronic device; and the conduct of requests for leave of committees to sit during the 5-minute rule is once again pertinent. The policy announced in the 102d Congress with respect to jurisdictional concepts related to clause 5(b) of rule XXXII—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

1. PRIVILEGES OF THE FLOOR

The Speaker's announcement to the former Doorkeeper and the Sergeant-at-Arms in the 98th Congress on January 25, 1983, and in the 99th Congress on January 21, 1986, regarding strict enforcement of rule XXXII, specifying those persons having the privileges of the floor during sessions of the House, will be applied during the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1983

The Speaker. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended. That rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated recently as August 22, 1974, by Speaker Albert under Deschler's Procedure in the House of Representatives, the rule strictly limits the number of Members and committee staff to assure proper enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to the policy and has directed [the Doorkeeper and] the Sergeant at Arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 21, 1986

The Speaker. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended. That rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and on January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of Members and committee staff to assure proper enforcement of the rule. The Chair has consulted and has the concurrence of the Minority Leader with respect to the policy and has instructed [the Doorkeeper and] the Sergeant at Arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 2, 1983

The Speaker. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of Members and committee staff to assure proper enforcement of the rule. The Chair has consulted and has the concurrence of the Minority Leader with respect to the policy and has instructed [the Doorkeeper and] the Sergeant at Arms to assure proper enforcement of the rule.

2. Introduction of Bills and Resolutions

The Speaker's statement in the 98th Congress on January 3, 1983, regarding the signing of bills and resolutions by first sponsors, will continue to apply in the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1983

The Speaker. The Chair would like to make a statement concerning the introduction and referrence of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Hereofore on the first day of each session, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to issue the bill that may be introduced. Those bills which are not referred and do not appear in the RECORD as of today will be included in the
The Speaker. The House adopted a special rule earlier today which allows the first 20 bills and the first two joint resolutions introduced in the 104th Congress to have more than one Member reflected as a "first" sponsor. Those bills must bear not only the signatures of the sponsor first listed but the signatures of all "first" sponsors listed.

3. Unanimous-Consent Requests for the Consideration of Bills and Resolutions

The Speaker's policy with respect to recognition of unanimous-consent requests for the consideration of unreported bills and resolutions and for the consideration of House bills with Senate amendments (other than executive messages), as finally announced in the 98th Congress on January 25 and April 26, 1984, will apply during the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1995

The Speaker. As indicated in section 757 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2 of the rule XIX, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7 of rule I, will decline recognition for unanimous consent requests for consideration of bills and resolutions unless assurances are given that the request has been cleared by that leadership. This denial of recognition by the Chair will not reflect necessary or proper opposition on the part of the Chair to orderly recognition of the matter in question, but will reflect the determination upon the part of the Chair that orderly proceedings will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

ANNOUNCEMENT BY THE SPEAKER, APRIL 26, 1994

The Speaker. With respect to unanimous consent requests to dispose of Senate amendments to House bills on the Speaker's table, the Chair is pursuant to such a request granted by the Majority Leader if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

4. Recognition for 1-Minute Speeches and Special Orders

The Speaker's statement in the 98th Congress on January 3, 1991, with respect to the Speaker's policy for recognition for 1-minute speeches and special orders, was made by the Speaker on January 25, 1995, with respect to the Speaker's policy for recognition for 1-minute speeches and special orders absent an agreement between the leaders of the House.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 8, 1994, RELATIVE TO RECOGNITION FOR ONE-MINUTE SPEECHES

The Speaker. After consultation with and concurrence of the Leader, the Chair announces that he will institute a new policy of recognition for "1-minute" speeches and for special order requests. The Chair will allocate time for "1-minute" speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the time the Chair is left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995, RELATIVE TO "RESIDUAL" POLICY FOR RECOGNITION FOR SPECIAL ORDER SPEECHES

The Speaker. Absent an agreement between the leadership regarding recognition for requests to address the House for "special order speeches" at the end of legislative business, the Chair will decline recognition for permission to address the House for any period exceeding more than one week in advance of the request. In accordance with the Speaker's policy as enunciated on August 8, 1994, the Chair will first recognize Members who practice for 5 minutes or less, alternating between majority and minority Members in the order in which those permissions were granted by the House. Thereafter, the Chair will recognize Members who wish to address the House for longer than 5 minutes up to 1 hour, again alternating between majority and minority Members in the order in which those permissions were granted by the House. However, unlike the Speaker's policy of August 8, 1994, the Chair will alternate daily between partisan leadership speeches, giving the first special order longer than five minutes regardless of the order in which permissions were granted.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995, RELATIVE TO "IMMEDIATE" POLICY FOR RECOGNITION FOR SPECIAL ORDER SPEECHES AND MORNING HOUR DEBATE

The Speaker. Upon consultation with the Minority Leader, the Chair announces that the format for recognition for "morning hour" order speeches, which began on February 23, 1994, will continue until February 16, 1995, as outlined below.

On Tuesdays, following legislative business, the Chair may recognize Members for special order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special order speeches up to four hours after the conclusion of five minute special order speeches. Such speeches shall extend beyond the four-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leadership and notification to the House. However, at no time shall the Chair recognize for any special order speeches beyond midnight. The Chair will first recognize Members for five-minute special order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize Members for speeches of longer lengths. The four-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for recognizing Members designated by the Majority and Minority Leaders. Recognition will alternate initially and subsequently between the parties, regardless of the date the order was granted by the House.

The allocation of time within each party's two-hour period (or shorter period if prohibited to end by midnight) is to be determined by the Chair by the respective leaderships. Members may not sign up for any special order speeches earlier than one week prior to the special order, and additional requests will be considered only for such sign-ups by the respective leaderships.

Pursuant to clause 9(b)(1) of rule I, the television cameras will not pan the chamber, "zoom" in on the Chair or others that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate decision that the rules of the House or Appropriations Committee, or recognized party of the House, in the Speaker's judgment, are not being violated. The Speaker has authority to invoke any special order speeches under clause 2 of rule XIV should circumstances so warrant.

5. Decorum in Debate

The Speaker's statement in the 102d Congress on January 3, 1991, with respect to decorum in debate, will apply during the 104th Congress as supplemented by an announcement made by the Speaker earlier today.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1991

The Speaker. It is essential that the dignity of the proceedings be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly but the question on the numerous requests that may be made by the Chair in this period that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XIV to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair personally and not to extend beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Speaker and the Member speaking in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995

The Speaker. The Chair would like all Members to be on notice that the Chair interprets certain verbs as indicating their persons on the floor. Before giving Members down precisely when their time has expired, the Chair will lightly tap the gavel as a warning that a Member has 10 seconds remaining. Further, the Chair may immediately interrupt Members in debate who transgress rule XIV by failing to avoid personalities in debate with respect to the President, the Speaker, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.
CONGRESSIONAL RECORD – HOUSE
January 4, 1995

6. Conduct of Votes by Electronic Device

ANNOUNCEMENT BY THE SPEAKER JANUARY 4, 1995

The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes. As Members are aware, clause 5 of rule XV provides that Members shall have not less than 15 minutes in which to answer an ordinary rollcall vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand as a reminder of that point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendments, including the time consumed by rollcalls. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair’s enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly, including the time consumed by rollcalls. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply advise the Chair that Members of the time remaining on the voting clock.

Although no occupant of the Chair would prevent a Member who is in the well of the Chamber from voting, the Chair will not entertain requests for reconsideration of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in closing as early as possible electronic votes at the earliest opportunity. Members should not signal delays from outside the chamber to assume that votes will be held open until they arrive in the chamber.

7. Requests for Leave of Committees to Sit During the Five-Minute Rule

The Speaker’s statement in the 98th Congress on March 3, 1983, with respect to requests for committees to sit during the 5-minute rule, will again apply during the 104th Congress, except that the Chair, under Rule XI, may entertain a motion of the Majority Leader granting such leave to one or more committees.

ANNOUNCEMENT BY THE SPEAKER MARCH 3, 1983

The Speaker. The Chair announces that he will recognize Members to make requests for committees to sit during the 5-minute rule only at certain times during the legislative day. While the precedents indicate that such requests pertain to the absence of the voting clock, the presence of a quorum, or the need to prevent a quorum, the Chair will also consider the request to be made at any other time under the 5-minute rule, if the Chair will so, in the discretion of the Chair, to sit during legislative day.

First as has been established by precedent, permission to sit shall require unanimous consent. If the request pertains to the absence of a quorum, the Chair will consider the request to be made at any other time under the 5-minute rule, if the Chair will so, in the discretion of the Chair, to sit during legislative day.

The Speaker. If I might before the announcement by the Majority Leader, or his designee, of the program for the next week, the Chair would entertain requests for committees to sit during the following week and 10 objections would then be required. The Chair wants it to be clearly understood that the first available opportunity in the House following the announcement of the program is an appropriate time for considering requests pertaining to the following week. Let us avoid a postponement of the business of the House before the completion of all legislative business.

Second, the Chair will not entertain requests on days when all votes on legislative matters have been postponed to a later date; however, the Chair will accept requests for committee hearings to be held later in the week if the request is for the hearing of the ranking minority member of the committee or subcommittee.

Third, on days when legislative business is to be conducted by rollcall votes in order on the legislative calendar, the Chair will recognize during the 1-minute period only if it is assured that the minority member of the committee or subcommittee involved supports the requests for the hearings or meetings.

Requests that have been objected to by 10 or more Members pursuant to clause 2(i) of Rule XI may not be renewed on the same day unless the Chair is assured that the objections have been withdrawn. The Chair will in no instance entertain requests after the legislative business of the day has been concluded; that is, after leaves of absence have been laid down or unanimous consent requests from the majority and minority tables have been entertained at the end of the day.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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


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

Dear Mr. Speaker,

Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I, with the designation of Ms. Linda Nave, Deputy Clerk, am authorized to notify you, on behalf of the Clerk of the House, that today there was an electronic vote by the House on the following motion: The motion for the sale of the U.S. Department of Defense real property located at the Port of New York and New Jersey. The motion to sell was passed by a vote of 432-5. This requirement imposed administrative burdens on the Justice Department, yet served no useful purpose. At the request of the Justice Department, the motion has been deleted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker. If I might before the following series of motions, Mr. SOLOMON] moves to adjourn, let me inform the Members that the Speaker desires to adjourn the House. Mr. Speaker, I am today introducing five pieces of legislation that received overwhelming bipartisan support in the last Congress. They cover a range of important issues the 104th Congress must address: telecommunications reform, Superfund reform, safe drinking water, and interstate waste and flow control. These bills are largely the same as the final versions of the legislation written or acted upon by the Committee in the House in the last Congress. Interstate waste and flow control passed the House by unanimous consent. Safe drinking water was approved under the suspension calendar. Superfund was approved by a 44-0 margin in committee. And the House approved telecommunications reform by a vote of 423-5.

The telecommunications legislation will reform our Nation’s outdated telecommunications laws, and create an environment where competition, rather than government regulation, will govern the services that customers will have available. The text of the bill that I am introducing today is identical to last year’s, with two exceptions:

First, the requirement for the Justice Department to hold a hearing in which the Bell company requests relief has been deleted. This requirement imposed administrative burdens on the Justice Department, yet served no useful purpose. At the request of the Justice Department, it has been deleted.

Second, there was some confusion last year about a provision that could have delayed Bell Company entry into certain long distance markets as a result of an ambiguity in the statute. During the House consideration of the legislation, Chairman Brooks and I engaged in a colloquy to clarify that ambiguity. I have made changes in the text of the legislation I am introducing today to conform the statutory text with the colloquy.

The interstate waste and flow control bills resolve some long-standing disputes between state and local governments, and between different regions of the country. The Superfund reform had the support of a broad coalition of industry, small business, State and local governments, the environmental community, banks, and many
extend his remarks and include extra-

of Mr. G EPHARDT) for today after 10:15

will well and faithfully discharge the duties

ervation or purpose of evasion; and that I

obligation freely, without any mental res-

and allegiance to the same; that I take this

the United States against all enemies, for-

3331: the text of which is carried in 5 U.S.C.

gates of the House of Representatives,

ber, Resident Commissioner, and Dele-

State. 22), to be administered to Mem-

tion 2 of the act of May 13, 1884 (23

United States, and as provided by sec-

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accord-

ingly (at 2 o'clock and 24 minutes a.m.), the House adjourned until today, Thursday, January 5, 1995, at 10 a.m.

OATH OF OFFICE MEMBERS, RESI-

COMMISSIONER, AND DEL-

EGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by sec-

2 of the act of May 13, 1884 (23 State. 22), to be administered to Mem-

bers, Resident Commissioner, and Dele-

gates of the House of Representatives, the text of which is carried in 5 U.S.C.

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, for-

ign and domestic; that I will bear true faith and allegiance to the same; that I take this

obligation freely, without any mental res-

ervation or purpose of evasion; and that I

will well and faithfully discharge the duties

of the office on which I am about to enter.

has been subscribed to in person and

filed in duplicate with the Clerk of the House of Representatives by the follow-

Member of the 103d Congress, pur-


Honorable Steve Largent, 1st District Okla-

H.R. 4066. An Act to suspend temporarily

the duty on the personal effects of partici-

pants in, and certain other individuals asso-

associated with, the 1994 World Cup Soccer

Games, the 1994 World Rowing Champion-

ships, the 1995 Special Olympics World

Games, the 1996 Summer Olympics, and the

1996 Paralympics.

MAY 4, 1994

H.R. 821. An Act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces and to their dependents.

H.R. 2884. An Act to establish a national framework for the development of School-to-

Work Opportunities systems in all States, and for other purposes.

H.R. 3693. An Act to designate the United States Courthouse under construction in Denver, Colorado, as the “Byron White Unit-

ed States Courthouse”.

MAY 16, 1994

H.J. Res. 239. Joint Resolution to authorize the President to proclaim September 1994 as “Classical Music Month”.

H.R. 4204. An Act to designate the Federal building located at 711 Washington Street in Boston, Massachusetts, as the “Jean Mayer Human Nutrition Research Center on Aging”.

MAY 19, 1994

H.R. 1134. An Act to provide for the trans-

fer of certain public buildings located in Clear Creek County, Colorado, to the Forest Ser-

vice, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

H.R. 1727. An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

MAY 25, 1994

H.J. Res. 303. Joint Resolution to designate June 6, 1994, as “D-Day National Remem-

brance Day”.

H.R. 2888. An Act to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the “John Minor Wis-

dom United States Court of Appeals Build-

ing”, and for other purposes.

MAY 31, 1994

H.R. 2139. An Act to authorize appropria-

tions for the National Historical Publica-


JUNE 10, 1994

H.R. 3863. An Act to designate the Post Of-

ce building located at 401 E. South Street in Jackson, Mississippi, as the “Medgar

E. Wiley Evers Post Office”.

JUNE 13, 1994

H.R. 1632. An Act to amend title 11, Dis-

trict of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to re-

move gender-specific references therein.

JUNE 16, 1994

H.R. 965. An Act to provide for toy safety and for other purposes.

JUNE 28, 1994

H.R. 3676. An Act to amend the District of Columbia Spouse Equity Act of 1988 to pro-

vide for coverage of the former spouses of judges of the District of Columbia courts.

H.R. 4205. An Act to amend title 11, D.C. Code, to clarify that blind individuals are el-

igible to serve as jurors in the Superior Court of the District of Columbia.

JULY 5, 1994

H.R. 1183. An Act to validate conveyance of certain lands in the State of California that

would otherwise be void.

JULY 20, 1994

H.R. 3024. An Act to authorize additional

appropriations for the operation of the National Aeronautics and Space Administra-

tion for the fiscal year ending September 30, 1994.

MAY 19, 1994

H.R. 500. An Act to provide for a process

for the solicitation of applications for a National Science Foundation Science-

Technology Center.

MAY 25, 1994

H.R. 580. An Act to authorize appropria-


MAY 31, 1994

H.R. 1386. An Act to amend the National Endowment for the Arts Act to authorize

appropriations for fiscal year 1995, and for other purposes.

JUNE 10, 1994

H.R. 3866. An Act to provide for the con-

struction of a Federal building in Denver, Colorado.

JUNE 13, 1994

H.R. 1632. An Act to amend title 11, Dis-

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igible to serve as jurors in the Superior Court of the District of Columbia.

JULY 5, 1994

H.R. 1183. An Act to validate conveyance of certain lands in the State of California that
concealed in the service retirement laws, and for other purposes.

OCTOBER 6, 1994

H.J. Res. 363, A joint Resolution to designate October 1994 as "Crime Prevention Month".

H.R. 3768, An Act to designate a facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building", and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes.

H.R. 3878, An Act to provide for the transfer of excess land to the Government of Guam, and for other purposes.

H.R. 3979, An Act to authorize the Secretary of the Interior to carry out a program to be known as the "Junior Duck Stamp Conservation and Design Program", and for other purposes.

H.R. 3993, An Act to designate the United States Post Office building located at 220 South 40th Avenue in Hattiesburg, Mississippi, as the "Roy M. Wheat Post Office".

H.R. 4077, An Act to designate the United States Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the "Candace White Post Office".

H.R. 4088, An Act to designate the United States Post Office building located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley Post Office".

H.R. 4154, An Act to amend the Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes.


H.R. 4247, An Act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

OCTOBER 10, 1994


OCTOBER 11, 1994

H.R. 995, An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.

H.R. 4217, An Act to reform the Federal crop insurance program, and for other purposes.

OCTOBER 14, 1994

H.J. Res. 389, A joint Resolution to designate the second Sunday in October of 1994 as "National Children's Day".

H.J. Res. 398, A joint Resolution to establish the fourth Sunday of July as "Parents' Day".

H.J. Res. 415, A joint Resolution designating the week beginning October 16, 1994, as "National Penny Charity Week".

H.R. 734, An Act to amend the Act entitled, "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pima and Papago Indians of Arizona, and for other purposes".

H.R. 3964, An Act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically, sexually, or emotionally abusing a child.

OCTOBER 15, 1994

H.R. 4299, An Act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency and Disability System, and for other purposes.

H.R. 4543, An Act to designate the United States courthouse to be constructed at 907 South Card Street in St. Louis, Missouri, as the "Matthew J. Perry, J.r. United States Courthouse".

OCTOBER 16, 1994

H.R. 910, An Act for the relief of Elizabeth M. Hill.

OCTOBER 19, 1994

H.J. Res. 401, A joint Resolution designating the months of March 1995 and March 1996 as "Irish-American Heritage Month".

H.J. Res. 417, A joint Resolution providing for temporary extension of the application of the final paragraph of section 10 of the Railroad Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.


H.R. 2826, An Act to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

H.R. 2829, An Act to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes.


H.R. 4379, An Act to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes.

H.R. 4653, An Act to settle Indian land claims within the State of Connecticut, and for other purposes.

H.R. 5155, An Act to authorize the transfer of naval vessels to certain foreign countries.

H.R. 6, An Act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

OCTOBER 21, 1994

H.J. Res. 425, A joint Resolution providing for the convening of the First Session of the One Hundred Fourth Congress.

H.R. 2135, An Act to provide for a National Native American Veterans' Memorial.

H.R. 2666, An Act for the relief of Orlando Wayne Narasingh.

H.R. 2946, An Act to redesignate the Post Office building located at 1000 Lamar Street in Wichita Falls, Texas, as the "Graham B. Purcell, J.r. Post Office Building".


H.R. 3192, An Act to designate the United States Post Office building located at 3000 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. Post Office".

H.R. 4278, An Act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

H.R. 4361, An Act to amend chapter 63 of title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes.

H.R. 4535, An Act to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes.

H.R. 4696, An Act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Cultural Consortium to enter into certain agreements for the conservation of rhinoceros and tigers and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

H.R. 4950, An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

H.R. 5033, An Act to authorize the Secretary of the Treasury to enter into Water Bank Act agreements that are due to expire on December 31, 1994.


OCTOBER 25, 1994

H.R. 512, An Act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefit plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, and for other purposes.

H.R. 5135, An Act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

H.R. 5184, An Act for the relief of James B. Stanley.

H.R. 5206, An Act to redesignate the Post Office building located at 600 Princess Anne Street in Fredericksburg, Virginia, as the "Samuel E. Perry Post Office Building".


H.R. 4833, An Act to reform the management of Indian Trust Funds, and for other purposes.

H.R. 4842, An Act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act and to provide for tribal Self-Governance, and for other purposes.

H.R. 4922, An Act to amend title 18, United States Code, to make a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.


OCTOBER 29, 1994

H.R. 2970, An Act to reauthorize the Office of Special Counsel, and for other purposes.

OCTOBER 31, 1994


H.R. 3678, An Act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources.

H.R. 4196, An Act to ensure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy...
and a Sustainable Environment qualify for loans and grants from the Rural Development Administration.

H.R. 4455, An Act to authorize the Export-Import Bank of the United States to provide financial assistance for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

H.R. 4776, An Act to codify without substantial change related to transportation and to improve the United States Code.

H.R. 5094, An Act to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes.

H.R. 5176, An Act to amend the Federal Water Pollution Control Act relating to San Diego Bay discharge and waste water reclamation.

H.R. 5252, An Act to amend the Social Security Act and related Acts to make miscellaneous and technical amendments, and for other purposes.

NOVEMBER 2, 1994

H.J. Res. 327, Joint Resolution designating the month of November in each of calendar years 1993 and 1994 as "National American Indian Heritage Month".

H.R. 362, Joint Resolution designating January 16, 1995, as "National Good Teen Day".

H.R. 1348, An Act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Area in the State of Connecticut, and for other purposes.

H.R. 3050, An Act to expand the boundaries of the Red Rock Canyon National Conservation Area.

H.R. 3059, An Act to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

H.R. 3313, An Act to amend title 10, United States Code, to correct certain veterans' health care programs, and for other purposes.

H.R. 3964, An Act to designate the building located at 226 Coleman Avenue in Waveland, Mississippi, for the period of time during which it houses operations of the United States Postal Service, as the "J. John Longo, Jr. Post Office".

H.R. 4180, An Act to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes.

H.R. 4365, An Act to designate the building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the "Ubaldina Simmons Post Office".

H.R. 4452, An Act to designate the United States Post Office building located at 115 North Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer Post Office".

H.R. 4497, An Act to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

H.R. 4551, An Act to designate the United States Post Office building located at 301 West Lexington Street in Independence, Missouri, as the "William J. Randall Post Office".

H.R. 4571, An Act to designate the United States Post Office building located at 1801 North Main Street in Mt. Pleasant, Michigan, as the "Wilbert Armstrong Post Office".

H.R. 4596, An Act to designate the building at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office".

H.R. 4767, An Act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

H.R. 4790, An Act to make certain technical corrections, and for other purposes.

H.R. 5078, An Act to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydroelectric power by the Grand Coulee Dam, and for other purposes.


H.R. 4781, An Act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

H.R. 4814, An Act to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact.

H.R. 4867, An Act to authorize appropriations for high-speed rail transportation, and for other purposes.

H.R. 4967, An Act to designate the United States courthouse located at 231 West Lafayette Boulevard in Detroit, Michigan, as the "Theodore Levin United States Courthouse" and to designate the postal facility located at 1401 West Fort Street in Detroit, Michigan, as the "General Post Office".

H.R. 5102, An Act to amend title 18, United States Code, with respect to certain crimes relating to Congressional medals of honor.

H.R. 5163, An Act to amend the Omnibus Budget Reconciliation Act of 1993 to permit the promp sharing of timber sale receipts of the Forest Service and the Bureau of Land Management.

H.R. 5200, An Act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States.

H.R. 5220, An Act to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995.

H.R. 5244, An Act to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

H.R. 5246, An Act to amend the Foreign Assistance Act of 1974 to make certain corrections relating to international narcotics control activities, and for other purposes.

NOVEMBER 9, 1994

H.J. Res. 56, Joint Resolution to designate the week beginning April 11, 1994, as "National Public Safety Telecommunications Week".

S.J. Res. 163, Joint Resolution designating March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

S.J. Res. 163, Joint Resolution to proclaim March 20, 1994, as "National Agriculture Day."

S.J. Res. 171, Joint Resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week."

MARCH 25, 1994

S. 1296, An Act to amend the Food Stamp Act of 1977 to modify the requirements relating to the requirement of households to pay for food stamps in accordance with their ability to pay for food stamps, to provide for certain administrative changes in the Food Stamp Program, and for other purposes.

S. 1299, An Act to authorize the Export-Import Bank of the United States to provide assistance to Federal agencies and to the people of the United States who are the beneficiaries of development assistance transactions, and for other purposes.

S. 1363, An Act to provide for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.
S. 466, An Act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

S. 2500, An Act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

S. Res. 90, Joint Resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

OCTOBER 25, 1994

S. 784, An Act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 927, An Act to amend the United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans’ benefits programs, and for other purposes.


S. 2407, An Act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2534, An Act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

S. Res. 227, Joint Resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation’s Capital.

S. Res. 229, Joint Resolution regarding United States policy toward Haiti.

NOVEMBER 2, 1994

S. 21, An Act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

S. 1146, An Act to provide for the settlement of water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County Arizona, and for other purposes.

S. 1634, An Act to amend the Child Nutrition Act to modify the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.


COMMUNICATION FROM THE HON. ROBERT H. MICHEL, MINORITY LEADER

OFFICE OF THE REPUBLICAN LEADER,
HOUSE OF REPRESENTATIVES,

Hon. Thomas S. Foley, Speaker, House of Representatives
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 906(b) of Public Law 103-236, I hereby appoint the following individuals to the Commission on Protecting and Reducing Government Secrecy:

Representative Larry Combest of Texas and Mr. Martin Faga of Bethlehem, Pennsylvania.

Sincerely,

BOB MICHEL,
Republican Leader.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

1. A communication from the President of the United States, transmitting his report of one revised deferral of budgetary resources, totaling $1.2 billion, pursuant to 2 U.S.C. 685(c) (H. Doc. No. 104-8); to the Committee on Appropriations and ordered to be printed.

2. A communication from the President of the United States, transmitting his request to Congress for available savings in defense expenditures totaling $32,200,000 in budget authority for the Departments of Housing and Urban Affairs, and Commerce, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-9); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President’s first special impoundment message for fiscal year 1995, pursuant to 2 U.S.C. 685 (H. Doc. No. 104-14); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Controller, Office of the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5. A letter from the Comptroller, Office of the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6. A letter from the Secretary of the Treasury, transmitting a copy of the President’s Executive order updating the ’Manual for Courts-Martial, United States, 1995’; to the Committee on National Security.

7. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 639(b)(3)(i); to the Committee on Banking and Financial Services.

8. A letter from the Secretary of Education, transmitting final priorities—Special Studies Program, pursuant to 20 U.S.C. 1233(d)(1); to the Committee on Economic and Educational Opportunities.

9. A letter from the Secretary of Education, transmitting final priorities—rehabilitation training programs, pursuant to 20 U.S.C. 1233(d)(1); to the Committee on Economic and Educational Opportunities.

10. A letter from the Secretary of Education, transmitting final priorities—special demonstrations; and projects with industry, pursuant to 20 U.S.C. 1233(d)(1); to the Committee on Economic and Educational Opportunities.

11. A letter from the Secretary of Education, transmitting final regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

12. A letter from the Secretary of Education, transmitting final regulations—Federal Perkins Loan Program, Federal Work-Study Program, and Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

13. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning project arrangements to be conducted under the 1992 agreement with Australia on cooperation in nuclear activities (Transmittal No. 13-94), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.


JANUARY 4, 1995
50. A letter from the Chairman, Corporation for Public Broadcasting, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

51. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

52. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

53. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

54. A letter from the Attorney General, Department of Justice, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

55. A letter from the Secretary, Department of Transportation, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

56. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

57. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General covering the period April 1, 1994, through September 30, 1994, and the semiannual management report, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

58. A letter from the Chairman, Farm Credit Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

59. A letter from the Federal Housing Finance Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

60. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

61. A letter from the Administrator, General Services Administration, transmitting the semiannual report on activities of the Department's inspector general for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

62. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

63. A letter from the Chairman, Interstate Commerce Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

64. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

65. A letter from the Acting Archivist, National Archives, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

66. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

67. A letter from the Chairman, National Endowment for the Arts, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

68. A letter from the Chairman, National Endowment for Democracy, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

69. A letter from the President, National Foundation for the Arts, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

70. A letter from the Chairman, National Labor Relations Board, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

71. A letter from the Chairman, National Mediation Board, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

72. A letter from the Chairman, National Science Foundation, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

73. A letter from the Director, Office of Personnel Management, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

74. A letter from the Director, Peace Corps, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

75. A letter from the Director, Peace Corps, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

76. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

77. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

78. A letter from the Director, Selective Service System, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

79. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and the management report on financial reports, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

80. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

81. A letter from the Executive Director, State Justice Institute, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

82. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

83. A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.
transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

84. A letter from the Administrator, U.S. Information Agency, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 99-393, section 412(a); to the Committee on Government Reform and Oversight.

85. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 99-393, section 412(a); to the Committee on Government Reform and Oversight.

86. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Pub- lic Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

87. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c); to the Committee on Oversight and Government Reform.

88. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, and the semiannual report on activities of the Committee on Science, Space, and Technology, pursuant to 31 U.S.C. 3512(c); to the Committee on Oversight and Government Reform.

89. A letter from the Chairman, U.S. Commission for the Preservation of America's Heritage Abroad, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c); to the Committee on Oversight and Government Reform.


91. A letter from the Director, U.S. Sol- dier's Home, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c); to the Committee on Oversight and Government Reform.

92. A letter from the Director, Woodrow Wilson Center, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c); to the Committee on Oversight and Government Reform.

93. A letter from the Clerk of the House, transmitting a list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives (H. Doc. No. 104-15); to the Committee on House Oversight and ordered to be printed.

94. A communication from the President of the United States, transmitting a report on the results of the National Seismic Hazard Mapping Study as required by the National Earthquake Hazards Reduction Act of 1977, pursuant to 42 U.S.C. 2432(b) (H. Doc. No. 104-12); to the Committee on Ways and Means and ordered to be printed.

95. A communication from the President of the United States, transmitting a report concerning emigration laws and policies of the Republic of Bulgaria, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104-12); to the Committee on Ways and Means and ordered to be printed.

96. A letter from the Acting Secretary, Department of the Treasury; transmitting the U.S. Government annual report for the fiscal year ended September 30, 1994, pursuant to 31 U.S.C. 3512(c); to the Committee on Ways and Means.

97. A letter from the Director, Office of Management and Budget, transmitting the OMB's final sequestration report to the President and Congress for fiscal year 1995, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-87); to the Committee on the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted December 22, 1994]

Mr. MINEA: Committee on Public Works and Transportation. Summary of legislative activities of the Committee on Public Works and Transportation during the 103d Congress (Rept. 103-877). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. Activities report of the Committee on Veterans' Affairs, House of Representatives, 103d Congress (Rept. 103-878). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 23, 1994]

Mr. GLICKMAN: Permanent Select Committee on Intelligence. Report on the activities of the Permanent Select Committee on Intelligence during the 103d Congress (Rept. 103-879). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 29, 1994]

Mr. HAMILTON: Committee on Foreign Affairs. Legislative activities report of the Committee on Foreign Affairs during the 103d Congress (Rept. 103-880). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. Report of the activities of the Committee on Armed Services for the 103d Congress (Rept. 103-881). Referred to the Committee of the Whole House on the State of the Union.

[January 2, 1995]

Mr. DINGELL: Committee on Energy and Commerce. Report of the activities of the Committee on Energy and Commerce for the 103d Congress (Rept. 103-882). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. Report on the activities of the Committee on the Judiciary during the 103d Congress (Rept. 103-883). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Report on the activities of the Committee on Government Operations during the 103d Congress (Rept. 103-884). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAMPORT: Committee on Small Business. Summary of activities of the Committee on Small Business during the 103d Con- gress (Rept. 103-885). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. Report on the activities of the Committee on Agriculture during the 103d Congress (Rept. 103-886). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. Final report on the activities of the Committee on Merchant Marine and Fisheries Committee, 103d Congress (Rept. 103-887). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. Summary of activities of the Committee on Science, Space, and Technology during the 103d Congress (Rept. 103-888). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBIE: Committee on Appropriations. Report on the activities of the Committee on Appropriations (Rept. 103-889). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHAYS, Mr. GOODLING, and Mr. THOMAS (for themselves, and Mr. MCHALE, Mr. HOYER, Mr. DICKEN, Mr. HAMILTON, Mrs. FOWLER, Mr. CLATTON, Mr. FAWELL, Mr. BREETT of Wisconsin, Mr. BARTLET of Maryland Mr. TORKILDSEN, Mr. MCKEON, Mr. ALLARD, Mr. ARCHER, Mr. ARSEY, Mr. BACHUS of California, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. BULLENGER, Mr. BARRETT of Nebraska, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BLY, Mr. BLUTE, Mr. BOEHELTERT, Mr. BONILLA, Mr. BONDO, Mr. BRYANT of Tennessee, Mr. BUNN of Oregon, Mr. BURR, Mr. BURMEYER, Mr. CALVERT, Mr. CAM, Mr. CANADY, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COL, Mr. COLE, Mr. COBURN, Mr. COMBEST, Mr. COX, Mr. CRANE, Mr. CRAP, Mr. CREMAN, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DAVIES, Mr. DERE, Mr. DUNN of Washington, Mr. EHRICH, Mr. ENSIGN, Mr. EWIN, Mr. FLANAGAN, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. FRISA, Mr. GALLEGY, Mr. GANSKE, Mr. GILLMOR, Mr. GOODE, Mr. GOSS, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUTNICK, Mr. HANCOCK, Mr. HEFLY, Mr. HOKSTEDT, Mr. HORN, Mr. HOSTETTER, Mr. Hough, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mr. KIM, Mr. KING, Mr. KLUG, Mr. KNOLLER, Mr. LAHOOD, Mr. LANTOS, Mr. LARGE, Mr. LATOFF, Mr. LAVRIETTE, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDE, Mr. LIVINGSTON, Mr. LOBIONDO, Mr. LONGLEY, Mr. LUCAS, Mr. McCOUL, Mr. McCADENCE, Mr. MICHUR, Mr. MCBHANON, Mr. MCINTOSH, Mr. MANZULL, Mr. MARTIN, Mr. MEYERS of California, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MORME, Mrs. MORELLA, Mr. MYRICK, Mr. NEHER, Mr. NEY, Mr. NIEUSSEL, Mr. PACKARD, Mr. PAXON, Mr. PETI, Mr. PORTER, Mr. PRYCE, Mr. QUINN, Mr. 1
H. R. 1. A bill to make certain laws applicable to the legislative branch of the Federal Government; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on House Oversight, Government Reform and Oversight, Rules, 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. CLINGER, Mr. BLUTE, Mr. NEUMANN, and Mr. PARKER (for themselves, Mr. ALLARD, Mr. ARMY, Mr. BACHUS, Mr. BAKER of California, Mr. BUNNING, Mr. BACHUS, Mr. BALLenger, Mr. BARR, Mr. BARTlett of Maryland, Mr. BARTON of Texas, Mr. BILIRakis, Mr. Bono, Mr. BRYANT of Tennessee, Mr. BROWNback, Mr. BURR, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CARLSON, Mr. CANADY, Mr. CASTLE, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COLLINS of Georgia, Ms. COLLINS of Michigan, Mr. COOLEY, Mr. COX, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS, Mr. Doolittle, Mr. DORNAN, Mr. DREIER, Ms. DUNN, Mr. EMERSON, Mr. ENGLISH, Mr. EnsiN, Mr. EVERett, Mr. EWING, Mr. FAWELL, Mr. FLANagan, Mr. FOLEY, Mr. FORBES, Mr. FOWLER, Mr. FOX, Mr. FREILINGHUYSEN, Mr. FRISA, Mr. GANSKE, Mr. GILLMor, Mr. GoodlattE, Mr. GoodlIng, Mr. GOSS, Mr. Greenbery, Mr. HANCOCK, Mr. HASTERT, Mr. HASTings of Washington, Mr. HAYworth, Mr. HEINeman, Mr. HERGEr, Mr. HILLeary, Mr. HOBSON, Mr. HOKE, Mr. HOSTETTLER, Mr. HORN, Mr. HOUGHTON, Mr. HUTCHInson, Mr. HUTCHInson of South Carolina, Mr. ISSTok, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KIM, Mr. KINGston, Mr. KNOBBEN, Mr. LAHood, Mr. LARGEnt, Mr. LATHAM, Mr. LATOURETTE, Mr. LEE, Mr. LEWIS, Mr. LEWIS of Kentucky, Mr. LIGHTfoot, Mr. LINDER, Mr. LIOBONDO, Mr. LINDEN, Mr. LICHTENstein, Mr. LUNDGREN, Mr. McMICHUg, Mr. MCKINTOSh, Mr. MICA, Mr. MILLer of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. NUSLLe, Mr. OXley, Mr. PACKARD, Mr. POMBo, Mr. PORTman, Mr. QUILLen, Mr. QUINN, Mr. RADanovich, Mr. ROHRabacher, Mr. RIGGS, Mr. ROTH, Mr. ROYCE, Mr. SATXON, Mr. SCHAEL, Mr. SENSEnBRENNER, Mr. SHADegg, Mr. SHaw, Mr. SHays, Mr. SMith of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMoLON, Mr. STAErNS, Mr. StockMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYlor of North Carolina, Mr. THomBERRY, Mr. TIAHRT, Mr. UPTon, Mr. VRoBUR, Mr. WELD on of Florida, Mr. WELD on of Pennsylvania, Mr. WHItFIELd, Mr. WICKEr, Mr. WELLer, Mr. ZELIFF, Mr. ZIMMER of Nevada, Mr. ZIMMER of Young of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRlich, and Mrs. MEYers of Kansas): H.R. 20. A bill to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM, Mr. CANADY, Mr. BARR, and Mr. BREWSTER (for themselves, Mr. ALLARD, Mr. ARMY, Mr. BACHUS, Mr. BAKER of California, Mr. BALLenger, Mr. BARTlett of Maryland, Mr. BARTON of Texas, Mr. BILIRakis, Mr. BILLEY, Mr. BLUTE, Mr. BURR, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COOLEY, Mr. CURran, Mr. Davis, Mr. Doolittle, Mr. DORNAN, Mr. Dunn, Mr. ENGLISH, Mr. EMERSON, Mr. EWING, Mr. EVERett, Mr. FLANagan, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. GILcRест, Mr. GILMAN, Mr. GoodlattE, Mr. Gordon, Mr. GOSS, Mr. GREENbery, Mr. HANCOCK, Mr. HASTERT, Mr. HASTings of Washington, Mr. HAYworth, Mr. HEINeman, Mr. HERGEr, Mr. HILLeary, Mr. HOSTETTLER, Mr. HUTCHInson, Mr. INGLIS of South Carolina, Mr. ISSTok, Mr. JONES, Mr. KIM, Mr. KINGston, Mr. KNOBBEN, Mr. LAHood, Mr. LARGEnt, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LIGHTfoot, Mr. LINDER, Mr. MCMICHUg, Mr. MCKINTOSh, Mr. MICA, Mr. MILLer of Florida, Mr. MOLINARI, Mrs. MYRICK, Mr. NUSLLe, Mr. OXley, Mr. PACKARD, Mr. POMBo, Mr. QUINN, Mr. RIGGS, Mr. ROHRabacher, Mr. ROTH, Mr. ROYCE, Mr. SATXON, Mr. SENSEnBRENNER, Mr. SHADegg, Mr. SHaw, Mr. SHays, Mr. SMITH of Texas, Mr. SMoLON, Mr. STAErNS, Mr. StockMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYlor of North Carolina, Mr. THomBERRY, Mr. TIAHRT, Mr. UPTon, Mr. VRoBUR, Mr. WELD on of Florida, Mr. WELD on of Pennsylvania, Mr. WHItFIELd, Mr. WICKEr, Mr. WELLer, Mr. ZELIFF, Mr. ZIMMER of Nevada, Mr. ZIMMER of Young of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRlich, and Mrs. MEYers of Kansas): H.R. 20. A bill to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM, Mr. CANADY, Mr. BARR, and Mr. BREWSTER (for themselves, Mr. ALLARD, Mr. ARMY, Mr. BACHUS, Mr. BAKER of California, Mr. BALLenger, Mr. BARTlett of Maryland, Mr. BARTON of Texas, Mr. BILIRakis, Mr. BILLEY, Mr. BLUTE, Mr. BURR, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COOLEY, Mr. CURran, Mr. Davis, Mr. Doolittle, Mr. DORNAN, Mr. Dunn, Mr. ENGLISH, Mr. EMERSON, Mr. EWING, Mr. EVERett, Mr. FLANagan, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. GILcRест, Mr. GILMAN, Mr. GoodlattE, Mr. Gordon, Mr. GOSS, Mr. GREENbery, Mr. HANCOCK, Mr. HASTERT, Mr. HASTings of Washington, Mr. HAYworth, Mr. HEINeman, Mr. HERGEr, Mr. HILLeary, Mr. HOSTETTLER, Mr. HUTCHInson, Mr. INGLIS of South Carolina, Mr. ISSTok, Mr. JONES, Mr. KIM, Mr. KINGston, Mr. KNOBBEN, Mr. LAHood, Mr. LARGEnt, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LIGHTfoot, Mr. LINDER, Mr. MCMICHUg, Mr. MCKINTOSh, Mr. MICA, Mr. MILLer of Florida, Mr. MOLINARI, Mrs. MYRICK, Mr. NUSLLe, Mr. OXley, Mr. PACKARD, Mr. POMBo, Mr. QUINN, Mr. RIGGS, Mr. ROHRabacher, Mr. ROTH, Mr. ROYCE, Mr. SATXON, Mr. SENSEnBRENNER, Mr. SHADegg, Mr. SHaw, Mr. SHays, Mr. SMITH of Texas, Mr. SMoLON, Mr. STAErNS, Mr. StockMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYlor of North Carolina, Mr. THomBERRY, Mr. TIAHRT, Mr. UPTon, Mr. VRoBUR, Mr. WELD on of Florida, Mr. WELD on of Pennsylvania, Mr. WHItFIELd, Mr. WICKEr, Mr. WELLer, Mr. ZELIFF, Mr. ZIMMER of Nevada, Mr. ZIMMER of Young of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRlich, and Mrs. MEYers of Kansas): H.R. 20. A bill to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Title I. A bill to restrict the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

Title II. A bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

By Mr. CONGRESSIONAL RECORD Ð HOUSE

January 4, 1995

Title II. A bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

By Mr. CONGRESSIONAL RECORD Ð HOUSE

January 4, 1995
and Educational Opportunities, Banking and Financial Services, Commerce, Agriculture, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER, Mr. PORTMAN, Mr. CONDIT, and Mr. DAVIS (for themselves, Mr. SHAYS, Mr. MCHUGH, Mr. MICA, Mr. HORN, Mr. ZELIFF, Mr. BURTON of Indiana, Mr. SCHIFF, Mr. BLUTE, Mr. FOX, Mr. WALSH and Mr. BUNNING of New York):

H.R. 6. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes; to the Committee on Ways and Means; and

Title VI, referred to the Committee on International Relations; and

Title VII, referred to the Committee on the Budget.

By Mr. BUNNING, Mr. HASTERT, Mrs. KELLY, and Mrs. THURMAN (for themselves, Mr. WICKER, Mr. HOKE, Mrs. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CHRYSLER, Mr. CUNNINGHAM, Mr. CANADY, Mr. MCCOLLUM, Mr. SHAYS, Mr. BARTON of Texas, Mr. MILLER of Florida, Mr. BACHUS, Mr. ARMY, Mr. FORBES, Mr. HORNE, Mrs. WALDHOLTZ, Mr. TATE, Mr. DUNN, Mr. MICA, Mr. MCHUGH, Mr. BACHUS, Mr. SMITH of Texas, Mr. WELDON of Pennsylvania, Mr. OXLEY, Mr. ROTH, Mr. DANAN, Mr. DANNER, Mr. SAXTON, Mr. WHITMER, Mr. BALLENGER, Mr. CALLAHAN, Mr. TALENT, Mr. BAKER of Louisiana, Mr. SCHAFFER, Mr. DUNN, Mr. GROSS, Mr. WELDON of Pennsylvania, Mr. COMBEST, Mr. COBLE, Mr. EHRICH, Mrs. MEYERS of Kansas, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. KINSEY of Indiana, Mr. COX, Mr. SHAW, Mr. HERGER, Mr. HEINEMAN, Mrs. FOWLER, Mr. STEARNS, Mr. HUTCHINSON, Mr. ZIMMER, Mr. LINDER, Mr. EMERSON, Mr. HOSTETTER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mr. HOUCHTON, Mr. FREILINGHUYSEN, Mr. EWING, Mrs. CUBIN, Mr. HASTINGS of Washington, Mr. WELDON of Florida, Mr. GANSKE, Mr. COBURN, Mr. LARGENT, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. ALBRIGHT, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KINSEY of Indiana, Mr. GOODLING, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. WAMP, Mr. GILCHREST, Mr. BLUTE, Mr. SOLOMON, Mr. JONES, Mr. TATE, Mr. STAMP, Mr. EVERETT, Mr. MILLER of Florida, Mr. LATOURRETTE, Mr. FLANAGAN, Mr. BURR, Mr. MOLINARI, Mr. GILDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. HILLERY, Mr. WICKER, Mr. BONGO, Mr. COYLE, Mr. McINTOSH, Mr. SMITH of New Jersey, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CUNNINGHAM, Mr. CHRYSLER, Mr. CANADY, Mr. MCCOLLUM, Mr. BARTON of Texas, Mr. GILMOR, Mr. BARR, Mr. ARMY, Mr. FORBES, Mrs. WALDHOLTZ, Mr. TATE, Mr. DUNN, Mr. MICA, and Mr. MCHUGH):

H.R. 7. A bill to revitalize the national security of the United States:

Title I, referred to the Committee on International Relations; in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title II, referred to the Committee on International Relations, and in addition to the Committee on National Security, and the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPENCE, Mr. GILMAN, Mr. BRYANT of Tennessee, Mr. HAYES (for themselves, Mr. WELDON of Pennsylvania, Mr. DORAN, Mr. SAXTON, Mr. TORKILDSEN, Mr. BARTLET of Maryland, Mr. CALAHAN, Mr. ROYCE, Mr. BACHUS, Mr. HOKE, Mr. HASTERT, Mr. SMITH of Texas, Mr. FENDERBURG, Mr. CLINGER, Mr. PERDUE, Mr. LINDER, Mr. POMBO, Mr. NUSSEL, Mr. CRANE, Mr. TAYLOR of North Carolina, Mr. CRAGO, Mr. KOLBE, Mr. HALL of Texas, Mr. PUNCE of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRICH, Mrs. MEYERS of Kansas, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. KINSEY of Indiana, Mr. COX, Mr. SHAW, Mr. HERGER, Mr. HEINEMAN, Mrs. FOWLER, Mr. STEARNS, Mr. HUTCHINSON, Mr. ZIMMER, Mr. LINDER, Mr. EMERSON, Mr. HOSTETTER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mr. HOUCHTON, Mr. FREILINGHUYSEN, Mr. EWING, Mrs. CUBIN, Mr. HASTINGS of Washington, Mr. WELDON of Florida, Mr. GANSKE, Mr. COBURN, Mr. LARGENT, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. ALBRIGHT, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KINSEY of Indiana, Mr. GOODLING, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. WAMP, Mr. GILCHREST, Mr. BLUTE, Mr. SOLOMON, Mr. JONES, Mr. TATE, Mr. STAMP, Mr. EVERETT, Mr. MILLER of Florida, Mr. LATOURRETTE, Mr. FLANAGAN, Mr. BURR, Mr. MOLINARI, Mr. GILDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. HILLERY, Mr. WICKER, Mr. BONGO, Mr. COYLE, Mr. McINTOSH, Mr. SMITH of New Jersey, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CUNNINGHAM, Mr. CHRYSLER, Mr. CANADY, Mr. MCCOLLUM, Mr. BARTON of Texas, Mr. GILMOR, Mr. BARR, Mr. ARMY, Mr. FORBES, Mrs. WALDHOLTZ, Mr. TATE, Mr. DUNN, Mr. MICA, and Mr. MCHUGH):

H.R. 8. A bill to amend the Social Security Act to increase the earnings limit, to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits and to provide incentives for the purchase of long-term care insurance, and for other purposes:

Titles I-III, referred to the Committee on Ways and Means; and

Title IV, referred to the Committee on the Judiciary.

By Mr. ARCHER, Mr. DELAY, Mr. SAXTON, Mr. BALLENGER, Mr. CALLAHAN, Mr. TALENT, Mr. BAKER of Louisiana, Mr. SCHAFFER, Mr. DUNN, Mr. GROSS, Mr. WELDON of Pennsylvania, Mr. COMBEST, Mr. COBLE, Mr. EHRICH, Mrs. MEYERS of Kansas, Mr. YOUNG of Florida, Mr. GROSS, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. COX, Mr. STEARNS, Mr. BAKER of California, Mr. SHAW, Mr. HERGER, Mr. HEINEMAN, Mr. HENDRICKS, Mr. GREENWOOD, Mr. ZIMMER, Mr. LINDER, Mr. HUTCHINSON, Mr. EMERSON, Mr. HOSTETTER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mr. HOUCHTON, Mr. FREILINGHUYSEN, Mr. CUBIN, Mr. KINGSTON, Mr. EWING, Mr. HASTINGS of Florida, Mr. CUNNINGHAM, Mr. KINSEY of Indiana, Mr. GILDERSON, Mr. GILMOR, Mr. BARR, Mr. ARMY, Mr. FORBES, Mrs. WALDHOLTZ, Mr. TATE, Mr. DUNN, Mr. MICA, and Mr. MCHUGH):
SENSENBRENNER, Mr. STEARNS, Mr. HUTCHINSON, Mr. HANCOCK, Mr. TAL- 
ENT, Mr. EMERSON, Mr. ENGLISH, Mr. ENSIGN, Mr. HOSTETTLER, Mr. JONES, 
Mr. TIAHRT, Mr. MYRICK, Mr. EWING, Mr. ROYCE, Mr. FRANCIS, Mr. CUBIN, Mr. 
KINGSTON, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. BILIRAKIS, Mr. 
BLILY, Mr. BLUTE, Mr. BONO, Mr. BUNNING, Mr. BURR, Mr. BURTON, Mr. 
HILLIARD, Mr. ROSTOW, Mr. CALVERT, Mr. CAMP, Mr. CANDY, Mr. 
CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. CROOK, Mr. COoley, 
Mr. CONRAD, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DOO- 
little, Mr. DORAN, Mr. DUNN, Mr. EMERSON, Mr. ENSIGN, Mr. EVERETT, Mr. 
EPPERSON, Mr. FORBES, Mr. FOWLER, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. 
GILCHREST, Mr. GILMAN, Mr. GOODWIN, Mr. GOOLER, Mr. HASTERT, Mr. 
HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. 
HILLEARY, Mr. HOBSON, Mr. HOSTETTLER, Mr. Houghton, Mr. 
INGlis of South Carolina, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. 
KIM, Mr. KNOLLBERG, Mr. LAPPOPO, Mr. LARSENT, Mr. LATOURETTE, Mr. 
LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCCOLLUM, Mr. 
MCINTOSH, Mr. MICA, Mr. Miller of Florida, Ms. MOLINARI, Mrs. MYRICK, 
Mr. NUSLE, Mr. Packard, Mr. PORTER, Mr. PORTMAN, Mr. RADANOVICH, Mr. 
Roth, Mr. ROYCE, Mr. SANFORD, Mr. SCHAEFAER, Mr. SENSENBRENNER, Mr. 
SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of South New Jer- 
sy, Mr. Smith of Michigan, Mr. SOL- 
OMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. 
TAYLOR of North Carolina, Mr. 
TEJEDA, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mrs. WADLONHTZ, Mr. 
WAMP, Mr. WELDON of Florida, Mr. WIMP, Mr. KOLB, Mr. 
PAXON, Mr. YOUNG of Florida, Mr. 
COBEE, Mr. EHRlich, and Mrs. MEYERS of Kansas); 
H. R. 11. A bill to reform the Federal 
civil justice system; to reform product liability law; 
Title I, referred to the Committee on the 
Judiciary, and in addition to the Committee 
on Rules, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned; 
Title II, referred to the Committee on 
Commercial and Government Reform and 
Oversight, and in addition to the Committee 
on Judicia, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned; 
Title V, referred to the Committee on 
Government Reform and Oversight; and 
Title VI, referred to the Committee on the 
Judiciary; 
H. R. 7. A bill to provide for the 
reform in the Federal civil 
justice system; to 
reform product liability law; 
Title I, referred to the Committee on the 
Judiciary, and in addition to the Committee 
on Rules, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned; 
Title I, referred to the Committee on 
Judiciary, and in addition to the Committee 
on Rules, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned; 
Title I, referred to the Committee on 
Judiciary, and in addition to the Committee 
on Rules, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned; 
Title V, referred to the Committee on 
Government Reform and Oversight; and 
Title V, referred to the Committee on the 
Judiciary, and in addition to the Committee 
on Rules, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned;

By Mr. BARTON of Texas, Mr. HYDE, Mr. TATE, and Mr. PETE GEREN of 
Texas (for themselves, Mr. ALLARD, Mr. ARMEEY, Mr. BACHUS, Mr. BAKER of California, 
Mr. BALLENGER, Mr. BARR, Mr. BARTLETT of Mary- 
land, Mr. BARTON of Texas, Mr. BILI- 
rakis, Mr. BLILY, Mr. BLUTE, Mr. BONO, Mr. BUNNING, Mr. BURR, Mr. BURTON, Mr. 
HILLIARD, Mr. ROSTOW, Mr. CALVERT, Mr. CAMP, Mr. CANDY, Mr. 
CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. CROOK, Mr. COoley, 
Mr. CONRAD, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DOO- 
little, Mr. DORAN, Mr. DUNN, Mr. EMERSON, Mr. ENSIGN, Mr. EVERETT, Mr. 
EPPERSON, Mr. FORBES, Mr. FOWLER, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. 
GILCHREST, Mr. GILMAN, Mr. GOODWIN, Mr. GOOLER, Mr. HASTERT, Mr. 
HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. 
HILLEARY, Mr. HOBSON, Mr. HOSTETTLER, Mr. Houghton, Mr. 
INGlis of South Carolina, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. 
KIM, Mr. KNOLLBERG, Mr. LAPPOPO, Mr. LARSENT, Mr. LATOURETTE, Mr. 
LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCCOLLUM, Mr. 
SHADEGG, Mrs. JONES, Mr. ROYCE, Mr. SANFORD, Mr. SCHAEFAER, Mr. SENSENBRENNER, Mr. 
SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of South New Jer- 
sy, Mr. Smith of Michigan, Mr. SOL- 
OMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. 
TAYLOR of North Carolina, Mr. 
TEJEDA, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mrs. WADLONHTZ, Mr. 
WAMP, Mr. WELDON of Florida, Mr. WIMP, Mr. KOLB, Mr. 
PAXON, Mr. YOUNG of Florida, Mr. 
COBEE, Mr. EHRlich, and Mrs. MEYERS of Kansas); 
H. R. 7. A bill to provide for the 
reform in the Federal civil 
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Judiciary, and in addition to the Committee 
on Rules, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned; 
Title I, referred to the Committee on 
Judiciary, and in addition to the Committee 
on Rules, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned; 
Title V, referred to the Committee on 
Government Reform and Oversight; and 
Title V, referred to the Committee on the 
Judiciary, and in addition to the Committee 
on Rules, for a period to be subsequently 
determined by the Speaker, in each case for consideration of such pro- 
visions as fall within the jurisdiction of the committee 
concerned;
McCrery, Ms. Molinari, Mrs. Meyers of Kansas, Mr. Miller of Florida, Mr. Moorhead, Mrs. Myrick, Mr. Neumann, Mr. Nussle, Mr. Oxley, Mr. Packard, Mr. Pombo, Mr. Portman, Mr. Radanovich, Mr. Quillen, Mr. Quinn, Mr. Riggs, Mr. Roth, Mr. Royce, Mr. Sanford, Mr. Saxton, Mr. Schaffer, Mr. Sensenbrenner, Mr. Shimkus, Mr. Shadegg, Mr. Shaughnessy, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Smith of Michigan, Mr. Solomon, Mr. Spence, Mr. Sensenbrenner, Mr. Stockman, Mr. Stump, Mr. Talent, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Tiahrt, Mrs. Waldholtz, Mr. Wamp, Mr. Weldon of Florida, Mr. Weller, Mr. White, Mr. Whitfield, Mr. Wicker, Mr. Zimmer, Mr. Crapo, Mr. Kolbe, Mr. Paxton, Mr. Young of Florida, Mr. Cole, and Mr. Ehrlach);

H.J. Res. 1. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McCollum, Mr. Hansen, Mr. LoBiondo (for themselves, and Mr. Linder), Mr. Gillum, Mr. Allard, Mr. Armenti, Mr. Bachus, Mr. Baker of California, Mr. Ballegger, Mr. Barcia of Michigan, Mr. Bark, Mr. Barnett of Idaho, Mr. Behlavit of Maryland, Mr. Bass, Mr. Beuerman, Mr. Bilbray, Mr. Bilirakis, Mr. Bliley, Mr. Blute, Mr. Bonilla, Mr. Brown of Maryland, Mr. Bryant of Tennessee, Mr. Bunning, Mr. Burr, Mr. Buyer, Mr. Calvert, Mr. Camp, Mr. Canady, Mr. Chambliss, Mr. CDU Throckmorton, Mr. Cole of Georgia, Mr. Cooley, Mr. Crane, Mr. Cremeans, Mr. Cunningham, Mr. Deal, Mr. Diaz-Balart, Mr. Dickey, Mr. Doolittle, Mr. Dunn, Mr. English, Mr. Ensinger, Mr. Everett, Mr. Ewing, Mr. Fields of Texas, Mr. Flanagan, Mr. Foley, Mr. Forbes, Mr. Fox, Mr. Franks of Connecticut, Mr. Frisa, Mr. Funderburk, Mr. Gallegly, Mr. Ganske, Mr. Geckas, Mr. Goodlatte, Mr. Gooss, Mr. Graham, Mr. Greenwood, Mr. Gunter, Mr. Gutschke, Mr. Hancock, Ms. Harman, Mr. Hastings of Washington, Mr. Hayworth, Mr. Healy, Mr. Hobson, Mr. Hoeckstra, Mr. Hoke, Mr. Horn, Mr. Houghton, Mr. Hutchinson, Mr. Inglis of South Carolina, Mr. Istook, Mr. Issa, Mr. Jackson, Mr. Kinzinger, Mr. Kline, Mr. Knollenberg, Mr. LaHood, Mr. Latham, Mr. Latourette, Mr. Lazio, Mr. Leach, Mr. Lewis of Kentucky, Mr. Lindner, Mr. Lucas, Mr. McClinton, Mr. McKeon, Mr. Meehan, Mr. Melancon, Mr. Mica, Mr. Miller of Florida, Mr. Minge, Mrs. Myrick, Mr. Neumann, Mr. Ney, Mr. Norwood, Mr. Nussle, Mr. Packard, Mr. Paxton, Mr. Pombo, Mr. Portman, Ms. Pryce, Mr. Quinn, Mr. Raskin, Mr. Radanovich, Mr. Riggs, Mr. Rohrabacher, Mr. Royce, Mr. Shadegg, Mr. Shadegg, Mr. Schaffer, Mr. Seastar, Mr. Shadegg, Mr. Shaw, Mr. Smith of Michigan, Mr. Smith of Texas, Mr. Smith of Oregon, Mr. Stockman, Mr. Stump, Mr. Talent, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Tiahrt, Mr. Tiberi, Mr. Upton, Mr. Walsh, Mr. White, Mr. Whitfield, Mr. Wicker, Mr. Zimmer, and Mr. McKeon);

H.J. Res. 2. Joint resolution 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; to the Committee on the Judiciary.

By Mr. Inglis of South Carolina (for himself, Mr. Donnelly, Mr. Sanford, Mr. Arney, Mr. Gooss, Mr. Hutchinson, Mr. Dickey, Mr. Royce, Mr. Hoekstra, Mr. Lewis of Kentucky, Mr. Salmon, Mr. Graham, Mr. Davis, Mr. Heinlein, Mr. Chabot, Mr. Smith of Washington, Mr. Ganske, Mr. Chrysler, Mr. Ensinger, Mr. Cooley, Mr. Christensen, Mr. Fox, Mr. Gehrke, Mr. Niccolini, Mr. Shadegg, Mr. Metcalf, Mr. Whitfield, Mr. Bass, Mr. Solomon, Mr. Forbes, Mr. Blute, Mr. Smith of Texas, Mr. Bachus, Mr. Kim, Mr. Riggs, Mr. Longley, Mr. Cox, Mr. Smith of Michigan, Mr. Baker of California, Mr. Weldon of Florida, Mr. Cass, Mr. Radanovich, Mr. Roth, Mr. Packard, Mr. Stump, Mr. Everett, Mr. Thornberry, Mr. Allard, Mr. Bono, Mr. Cunningham, Mr. Tate, Ms. Dunn, and Mr. Talent);

H.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States limiting the period of time U.S. Senators and Representatives may serve to the Committee on the Judiciary.

By Mr. Allard (for himself, Mr. Bachus, Mr. Barcia of Michigan, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Barto of Texas, Mr. Bereuter, Mr. Burton of Indiana, Mr. Coburn, Mr. Crapo, Mr. Cunningham, Mr. Doolittle, Mr. Duncan, Mr. Emerson, Mr. Franks of New Jersey, Mr. Gallegly, Mr. Gilchrist, Mr. Goodlatte, Mr. Hefley, Mr. Hunter, Mr. Knollenberg, Ms. Molinari, Mr. Oxley, Mr. Quillen, Mr. Rohrabacher, Mr. Roth, Mr. Royce, Mr. Schaffer, Mr. Schiff, Mr. Sensenbrenner, Mr. Stump, Mr. Talent, Mr. Walsh, and Mr. Wilson);

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriation bills; to the Committee on the Judiciary.

By Mr. McCollum (for himself, Mr. Hansen, Mr. Gilmore, Mr. Pombo, Mr. Barreto of Nevada, Mr. Evensen, Mr. Buyer, Mr. Packard, Mr. Stump, Mr. Graham, Mr. Gutknecht, Mr. McKee, Mr. Allard, Mr. Goodlatte, Mr. Chabot, Mr. Price, Mr. Hoekstra, Mr. Deal, Mr. Bereuter, Mr. Schaffer, Mr. Wilson, Mr. Chambliss, Mr. Harman, Mr. Gooss, Mr. Tate, Mr. Bartlett of Maryland, and Mr. Forbes);

H.J. Res. 5. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Senators and Representatives may serve to the Committee on the Judiciary.

By Mr. Spence (for himself, Mrs. Thurman, Mr. Stearns, Mr. McCollum, Mr. Richardson, Mr. Bilirakis, Mr. Goudreau, Mr. Goudreau of Florida, Mr. Deutsch, Mr. Gibbons, Mr. Peterson of Florida, Mrs. Fowler, Mr. Canady, Mr. Shaw, Mr. Diaz-Balart, Mr. Young of Florida, Ms. Miller of Florida, Ms. Brown of Florida, Mr. Scarborough, Ms. Ros-Lehtinen, Mr. Foley, and Mr. Weldon of Florida);

H. Con. Res. 1. Concurrent resolution recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994, to the Committee on National Security.

By Mr. Boehner:

H. Res. 1. Resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. Arney:

H. Res. 2. Resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

H. Res. 3. Resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

H. Res. 4. Resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. Solomon:

H. Res. 5. Resolution providing for the consideration of the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. Arney:

H. Res. 6. Resolution adopting the Rules of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. Gephardt:

H. Res. 7. Resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. Solomon:

H. Res. 8. Resolution fixing the daily hour of meeting for the 104th Congress; considered and agreed to.

By Mr. Arney:

H. Res. 9. Resolution providing amounts for the Republican Steering Committee and the Democratic Policy Committee; considered and agreed to.

H. Res. 10. Resolution providing for the transfer of two employee positions; considered and agreed to.

By Mr. Boehner:

H. Res. 11. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FaZio:

H. Res. 12. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

H. Res. 13. Resolution electing Representative Bernadine Sanders of Vermont to standing committees; considered and agreed to.

By Mr. Linder:

H. Res. 14. Resolution providing for the consideration of a joint resolution (H. Res. 21) 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; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the Speaker: Memorial of the General Assembly of the State of California, relative to Peace Industry of the Month Program; to the Committee on Economic and Educational Opportunities.

2. Also, memorial of the General Assembly of the State of California, relative to the Industry of the Month Program; to the Committee on Economic and Educational Opportunities.

3. Also, memorial of the General Assembly of the State of California, relative to Peace
4. Also, memorial of the General Assembly of the State of California, relative to the Osaka Prefectural Government; to the Committee on International Relations.

5. Also, memorial of the General Assembly of the State of California, relative to Code Enforcement Week; to the Committee on Government Reform and Oversight.

6. Also, memorial of the General Assembly of the State of California, relative to Italian Americans; to the Committee on House Oversight.

7. Also, memorial of the General Assembly of the State of California, relative to memorial highways; to the Committee on Transportation and Infrastructure.

8. Also, memorial of the General Assembly of the State of California, relative to the Roger Van Den Broeke Memorial Plaque; to the Committee on Transportation and Infrastructure.

9. Also, memorial of the General Assembly of the State of California, relative to the Veterans' Memorial Freeway; to the Committee on Transportation and Infrastructure.

10. Also, memorial of the General Assembly of the State of California, relative to the Veterans' Memorial Freeway; to the Committee on Transportation and Infrastructure.

11. Also, memorial of the General Assembly of the State of California, relative to Stone Turnpike Memorial Freeway; to the Committee on Transportation and Infrastructure.

12. Also, memorial of the General Assembly of the State of California, relative to special highway designations; to the Committee on Transportation and Infrastructure.

13. Also, memorial of the General Assembly of the State of California, relative to the H. Dana Bowers Memorial Vista Point; to the Committee on Transportation and Infrastructure.

14. Also, memorial of the General Assembly of the State of California, relative to State trade and commerce with Japan and other Pacific rim nations; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1. The SPEAKER presented a petition of the Embassy of the Argentine Republic, relative to GATT; which was referred to the Committee on Ways and Means.
SENATE

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. KEMPThORNE (for himself, Mr. DOLE, Mr. GLENN, Mr. ROTH, Mr. DOMENICI, Mr. EXON, Mr. COVERDELL, Mr. BROWN, Mr. BURNS, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. BENNETT, Mrs. Hutchison, Mr. ABRAHAM, Mr. ASHCroFT, Mr. BOND, Mr. BREaux, Mr. CAMPBELL, and Mr. COATS):

S. 1 A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committees have 30 days to report or be discharged.

UNFUNDED MANDATE REFORM ACT

Mr. KEMPThORNE. Mr. President, I would like to make a few comments concerning Senate bill 1. I appreciate greatly what the majority leader, Senator DOLE, stated about Senate bill 1 and the fact he has designated that, in fact, Senate bill 1.

All across America, literally thousands of mayors and county commissioners, school board members, and Governors are absolutely delighted with the fact that this reform measure has been selected by the majority leader, Senator DOLE, in a bipartisan fashion to deal with this dilemma of unfunded Federal mandates.

For State and local officials, Senate bill 1 represents the reform that they have wanted for years concerning unfunded Federal mandates. Senate bill 1 also represents, Mr. President, hope, hope that finally Congress is going to craft that sort of Federal partnership that we talk about in acknowledging that local and State governments are Federal partners with this Government.

Senate bill 1 also offers to business men and women relief from mandates and regulations imposed by Congress and the Federal agencies without knowing the costs. The issue of who best governs and decides local issues is at the heart of the unfunded mandate debate, and right now, Congress does not know the costs nor does it pay for these Federal mandates.

Because Congress passes legislation without ever knowing the costs or consequences to State and local governments, the number and costs of these unfunded mandates continue to escalate. As mayors and Governors struggle to find the money to pay for Washington dictates, they have been sending a strong message to Washington, DC. Their message was simple but it was continuous. Their message has been that unfunded Federal mandates are wrong. They have been saying that they keep us from putting policemen on our streets; they reduce classroom instruction in our schools; they prevent us from balancing our budgets.

I found so interesting the comment by the Democrat Governor of Nebraska, Ben Nelson, who is a friend of mine, when he said, "I was elected Governor, not the administrator of Federal programs for Nebraska."

I think that sums up what has been happening. We have overstepped our bounds in our regulations to our State and local governments.

Congress is getting the message, and where once you in Washington did not know what a funded mandate was, fighting unfunded mandates is S. 1 front and center. We are going to deal with it.

I am proud to join with Senator DOLE and with Senator GLENN and Senator ROTH and Senator DOMENICI and Senator EXON, and a number of other Senators, in cosponsoring this legislation so that we now have a majority of Senators who are cosponsors of S. 1 the first day of this 104th Congress.

This legislation forces Congress to know mandate policy. It requires Congress to fund mandates imposed on State and local governments. If we do not, they can be ruled out of order and a rollcall vote will decide whether the Senate should consider unfunded mandate legislation. To quote Victor Ashe, mayor of Knoxville, "S. 1 is a serious and tough mandate in its form and will begin to restore the partnership which the founders of this Nation intended to exist between the Federal Government and State and local governments."

S. 1 uses the same principles guiding last year's legislation unanimously approved by the Senate Governmental Affairs Committee and cosponsored by 67 Senators. Specifically, this new bill creates a point of order that requires any legislation imposing a mandate greater than $50 million on State and local governments must have a Congressional Budget Office estimate of the total cost of the mandate. It further requires that the legislation must include the funding to pay for the costs of the mandate through direct funding, new taxes, or appropriations. If the mandate is to be paid for by the appropriations bill, then the money to pay all direct costs in compliance with the mandate must be appropriated. Or, if it is not fully funded, then one of two...
things must happen: Either the mandate
does not take effect or the mandate must be
collapsed back to a level

I also require that our partners in local and State
government be consulted in the Congressional
Budget Office. Additionally, legislation imposing
mandates greater than $200 million on the
private sector must have a CBO mandate
cost estimate or be ruled out of

Mr. President, I wish to emphasize that
this legislation is not intended to
stop compliance with mandates and
regulations already in place. The goal is to
stop the imposition of future un-

I think there is something ironic and
symbolic, Mr. President, in the fact
that the number of States currently
objecting to this Federal mandate is 13,
the same number of those original 13
States who throughout their vision,
combined to create the United States of
America, those visionaries who were
bound to protect the intrusive behavior of
the Federal Government. This legis-
lation is a great step forward in carry-
ing out what the Founding Fathers in-
tended.

We have worked closely, too, with
our colleagues in the House. A compa-
nion bill has been developed in the
House. I am confident that once the
Senate passes this legislation, it will
pass in the House of Representatives.

Mr. President, on November 8, when
we had the election, there were a series
of messages that were sent. The people
told them they did not want business
as usual from Congress; and they
told me, think, that they do not want us
to get entrenched in partisan politics
because we do not get things done that
totally need to get done. They said they
want us to work for what is right for
this country, and that is why we must
end the imposition of mandates and
opportunities for bipartis-

This legislation has that bipartisan
support. I wish to thank Senator
GLENN and Senator ROTH for their lead-
ership and partnership in this impor-
tant piece of legislation.

I also want to acknowledge Senator Byron
DORGAN for his effort in author-
izing the private-sector point of order
and Senator DOMENICI and NICKLES for
their efforts to include in this bill provisions
directing Federal agencies to analyze
and report the effects that imposed
regulations will have on the Nation’s
economy and productivity and inter-
national competitiveness.

I wish to note that last session, when
we were not in the majority, Senator
GLENN was the chairman of the Gov-

Mr. President, this legislation al-
ready has the strong endorsement of
the U.S. Conference of Mayors, Na-
tional Association of Counties, Na-
tional Governors Association, the Council of
State Governments, the National Con-
ference of State Legislatures, the Na-
tional School Boards Association, and,
with the United States Chamber of
Commerce, the National Federation of
Independent Business, and the National
Retail Federation—not only bipartisan,
but it is public and private sectors
working together in true partnership
fashion.

Mr. GLENN. Mr. President, I know
the time is short. The Senator was giv-
ing a litany of those who worked hard
on this, including myself, but he left
himself out. No one has stuck to this
any more than he has.

I know last year, when I was chair-
man of the Governmental Affairs
Committee, if we went more than a week
without having something on the
schedule over there on this subject, he
was on my back about it, and properly
so. He was not alone in his concern. He has
traveled the whole country meeting with
this group of seven. He has been a real
sparkplug on this, and deserves a tre-
mendous amount of credit himself. And
while he, I think, may make some comments in a
little bit, while I was in the Chamber I
wanted to make sure he got some recog-
nition on this, too.

I appreciate his earlier comments
very much. I thank the Chair.

Mr. KEMPTHORNE. Mr. President, I
ask unanimous consent that the text of the
bill be printed in the RECORD.

I ask unanimous consent that the
letters of endorsement be made a part of the
RECORD.
Control Act of 1974 is amended by adding at the end thereof the following new paragraphs:

'(1)(1) The term `Federal intergovernmental mandate' means—
(A) a provision in legislation, statute, or regulation that—
(i) requires compliance with or carry out State, local, and tribal governmental programs or any other public or private sector program or business enterprise or activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate;
(ii) requires compliance with or carry out State, local, governmental, and tribal governmental programs or any other public or private sector program or business enterprise or activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate;
(iii) requires compliance with or carry out State, local, or tribal governments and, or the private sector by reason of such expenditures will be offset by any direct savings to the States, local governments, and, or the private sector, as a result of—-
(A) if compliance with the Federal mandate; or
(B) if other changes in Federal law or regulations so adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and
(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with all applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

'(2) The term `amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

'(3) The term `private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

'(4) The term `local government' has the same meaning as in section 6501(6) of title 31, United States Code.

'(5) The term `tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 888. 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

'(6) The term `small government' means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

'(7) The term `State' has the same meaning as in section 601(9) of title 31, United States Code.

'(8) The term `agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

'(9) The term `rule' has the meaning of `final rule' as defined in section 302(2) of title 5, United States Code.'.

SEC. 4. EXCLUSIONS.

The provisions of this Act and the amendments made by this Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(A) enforces constitutional rights of individuals;
(B) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicap or disability status;
(C) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the protection of the natural environment; or

(6) the President designates as emergency legislation and that the Congress so designates.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

(a) In General.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"(a) Duties of Congressional Committees.—

'(1) In General.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee of authorization shall contain the information required by paragraphs (3) and (4).

'(2) Submission of Bills to the Director.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or joint resolution.

'(3) Reports on Federal Mandates.—Each report described under paragraph (1) shall contain—

(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and private sector costs resulting from the Federal mandates, the report shall also contain—

(i) if so, the reasons for that intention; and

(ii) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution for activities of State, local, or tribal governments subject to the Federal mandate;

(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs would affect the competitive balance between State, local, or tribal governments and privately owned businesses.

'(4) Intergovernmental Mandates.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution for activities of State, local, or tribal governments subject to the Federal mandate and

(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs would affect the competitive balance between State, local, or tribal governments and privately owned businesses.
(B) any existing sources of Federal assistance, if any, that are identified in the paragraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

(5) Preemption clarification and information. —When a committee of authorization of the Senate or the House of Representatives reports a joint resolution or report, and the joint resolution or report includes an explicit statement that the direct costs of the Federal mandates under the committee's jurisdiction specified in the joint resolution or report will not equal or exceed the thresholds specified in subsection (a)(2), the committee shall, for each fiscal year for which the committee report is printed, publish the statement in the Congressional Record in advance of the Senate to consider—

(a) a bill, joint resolution, amendment, motion, or conference report that would impose or increase Federal mandates, or

(b) any bill, joint resolution, motion, or conference report that would increase Federal mandates.

(6) Publication of statement from the director. —

(A) Upon receiving a statement including any supplemental statement from the Director under subsection (b)(1), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives, as the case may be, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

(b) Duties of the Director.—

(1) Statements on bills and joint resolutions other than appropriations bills and joint resolutions. —For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

(i) If the Director estimates that the direct costs of the Federal intergovernmental mandates in the bill or joint resolution will exceed $500,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal financial assistance program, or of any similar nature, is authorized by law, the Director shall:

(A) The table of contents in section 1(b) of the Budget Act of 1974 is amended by adding at the end the following:

(4) Enforcement in the House of Representatives. —It shall not be in order in the House of Representatives to consider a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Government Reform and Oversight of the House of Representatives, as applicable, shall have the authority to make the final determination.

(5) Determinations of Federal mandate levels. —For the purposes of this subsection, the direct costs of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the Senate or the House of Representatives, as the case may be.

(6) Enforcement in the House of Representatives. —It shall not be in order in the House of Representatives to consider a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Government Reform and Oversight of the House of Representatives, as applicable, shall have the authority to make the final determination.
...
(c) a summary of the agency's evaluation of those comments and concerns; and

(d) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT-FUNDED MANDATES.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. ESTABLISHMENT.

There is established a commission which shall be known as the "Commission on Unfunded Federal Mandates" (in this title referred to as the "Commission").

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) IN GENERAL.—The Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on local, State, and Federal government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for States, local, and tribal governments in complying with specific unfunded Federal mandates for which costs of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) creating, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of States, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by States, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by States, local, and tribal governments in complying with unfunded Federal mandates with uniform definitions or standards for the same terms or principles.

(b) IDENTIFICATION OF RELEVANT UNFUNDED FEDERAL MANDATES.—(1) Each rulemaking proceeding under paragraph (2), to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(c) CRITERIA.—(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (b).

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (b) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 303. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—(1) IN GENERAL.—The Commission shall be composed of 2 Commissioners appointed from individuals who possess extensive leadership experience in and knowledge of States, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(A) 1 Commissioner appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives; and

(B) 1 Commissioner appointed by the President.

(2) LIMITATION.—An individual who is a Member or employee of the Congress may not be appointed or serve as a member of the Commission.

(b) WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.—Appointments may be made under this section without regard to section 5313(b) of title 5, United States Code.

(c) TERMS.—(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) PAY.—(1) RATES OF PAY.—Members of the Commission shall serve without pay.

(2) PROHIBITION OF COMPENSATION.—Members of the Commission may not receive additional compensation, allowances, or benefits by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The President shall designate a member of the Commission as Chairperson at the time of the appointment of the member.

(g) MEETINGS.—(1) IN GENERAL.—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) FIRST MEETING.—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(h) QUORUM.—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 304. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 331(b) of title 5, United States Code, have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, and without regard to section 331(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 305. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, zero, take testimony, and receive evidence as the Commission considers appropriate.
SEC. 401. JUDICIAL REVIEW.

This title shall take effect 60 days after the date of the enactment of this Act.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission $1,000,000 to carry out this section.

SEC. 306. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 302(d).

SEC. 305. CONSTRUCTION.

(a) In General.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.

(1) that imposes an enforceable duty upon any Federal financial assistance is prohibited.

(2) Determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

The National League of Cities commits its strongest support for the Unfunded Mandate Reform Act. We will fight any attempts to weaken the bill with the full force of the 150,000 local elected officials we represent.

The National Association of Counties (NACo) is the only organization that exclusively represents counties. NACo members in Congress are the voice of counties.

We commend you for continuing to foster legislation to express strong support for the ‘‘Unfunded Mandate Reform Act of 1995’’ (S. 1). This legislation would establish a general rule that Congress shall not impose federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year to fund mandates.

Your leadership in negotiating and sponsoring this bill which will allow schools to provide proper education to their students. We offer any assistance you need as you quickly move this bill to the Senate floor.

After you have questions regarding this issue, please contact Laurie A. Westley, Chief Legislative Counsel at (703) 838-6703.

We commend you for your unending leadership on this critical issue.

Today, school children throughout the country are facing the prospect of reduced classroom instruction because the federal government requires, but does not fund, services or programs that local school boards are required to implement. School boards are not opposed to the goals of many of these mandates, but we believe that Congress should be responsible for funding the programs it imposes on school districts. Our nation’s public school children must not be made to pay the price for unfunded federal mandates.

S. 1 would prohibit a law from being implemented without necessary federal government funding. S. 1 would allow school districts to execute the future programs which are imposed by the federal government without placing an unfair financial burden on the schools.

Again, we applaud your leadership in negotiating and sponsoring this bill which would allow schools to provide proper education to their students. We offer any assistance you need as you quickly move this bill to the Senate floor.

In closing, we want to thank you for your continued leadership in our fight against unfunded federal mandates and to express strong support for the new bill, S. 1.

S. 1 is serious and tough mandate reform which will do more than simply stop the flood of trickle-down taxes and irresponsible, ill-defined federal mandates which have come from Washington over the past two decades. S. 1 will begin to reverse the trend in which the founders of this nation intended to exist between the federal government, and state and local governments.
S. 1, which was developed in bipartisan cooperation between state and local legislation, including the Conference of Mayors, is even stronger than what was before the Senate last year in that it requires Congress to either pass or amend legislation that require the time and resources to provide that the mandate cannot be enforced by the federal government if not fully funded. However, the bill is still based upon the only comprehensive package which was agreed to in S. 993 and which garnered 67 Senate cosponsors in the 103rd Congress. The bill would not in any way repeal, weaken or affect any existing statute, be it an existing unfunded mandate or not. This legislation only seeks to address new unfunded mandate legislation. In addition, S. 1 would not infringe upon or limit the ability of the Congress or the federal judicial system to enforce any new or existing constitutional protection or civil rights statute.

The mayors are extremely pleased that our legislation, which was blocked from final passage in the 103rd Congress, has been designated as S. 1 by incoming Majority Leader Bob Dole. We also understand and appreciate the significance of the Governmental Affairs and Budget Committees holding a joint hearing on our bill on the second day of the 104th Congress at which our organization will be represented.

I remember the early days in our campaign when many questioned our resolve. How could a freshman Republican Senator from the State of California have the Washington establishment reform its beloved practice of imposing federal mandates without funding? We responded to these doubters by focusing on the national grass-roots resentment of unfunded mandates into a well orchestrated political machine, and by joining with our state and local partners in taking our message to Washington.

The United States Conference of Mayors will continue in its efforts to enact S. 1 until we are successful. We will not let up on the political and public pressure. And we will actively oppose efforts to weaken our bill. The time to pass our bill is now. Those who would seek to delay action will be held accountable, and those who stand with state and local government will know that they have our support and appreciation.

Thank you again for all of your hard work and commitment, and rest assured that we will continue to stand with you.

Sincerely yours,

VICTOR ASHE
President

Mr. DOLE. Mr. President, for years, Members of Congress have tried to hide the full cost of efforts to expand the reach of the Federal Government. They do this by passing Federal laws giving, State and local governments new responsibilities, but little if any, of the money needed to fulfill their new federally-mandated obligations. State and local officials call these new obligations unfunded mandates.

State and local government costs don’t line up in the Federal budget. Congressional advocates of a particular piece of legislation who are concerned that their proposal might not pass if the full costs of implementation are known, shift a large portion of the costs off-budget. The problem is that federal dollars don’t line up in the whole story. Just because a new piece of legislation doesn’t have a Federal cost does not mean that it has no cost or that it does not affect taxpayers.

For the past several years, a steady stream of unfunded mandates has been flowing out of Washington, wreaking havoc on State and local budgets, and forcing Governors, Mayors, State legislators and city council members across the country to make tough choices. Because most States and localities are required to balance their budgets each year, unfunded mandates force State and local officials to choose between cutting other services and raising taxes to balance their budgets and fulfill their new federally-mandated responsibilities.

The costs are staggering. Ohio Governor George Voinovich reviewed the impact of unfunded Federal mandates on the State of Ohio. His August 1993 study found—and I quote—"Unfunded Federal mandates identified in this survey will impose costs of over $1.74 billion on the State of Ohio from 1992 through 1995." Officials at the National Conference of State Legislatures have estimated that unfunded mandates cost States more than $10 billion a year. The actual figure may be even higher. Gov. Pete Wilson has estimated that unfunded Federal mandates cost the State of California $7.7 billion in 1994.

That’s a lot of money, even in Washington. Money that could have been used to bolster law enforcement or education initiatives that could have been used to finance innovative new State or local initiatives.

Mr. President, the time has come for a little legislative truth-in-advertising. Before Members of Congress vote for a piece of legislation, they need to know how it could impact the States and localities they represent. If Members of Congress want to pass a new law, they should be willing to make the tough choices needed to pay for it.

The Unfunded Mandate Reform Act of 1995 enjoys broad bipartisan support. It is a change that we can adopt this month and have an immediate impact on the way that Congress evaluates new legislation.

This legislation recognizes that government are not the only ones affected by mandates. This bill recognizes that potential private sector costs should be a part of the equation whenever Congress evaluates the potential costs of new legislation. That is why the bill would require that CBO evaluate the potential costs of new mandates on businesses and individuals.

Mr. President, this is not a partisan issue. It’s a good government issue whose time has come, thanks, in large part, to the hard work and skilled leadership of the distinguished Senator from Idaho, Senator Kempthorne.

As the former Mayor of Boise, Senator Kempthorne knows firsthand the difficult choices that unfunded mandates force Mayors to make every year. He has worked tirelessly over the past several months with State and local officials from across the country on both sides of the aisle, with Governmental Affairs Committee, Chairman, Roth, Budget Committee Chairman Domenici, key Democrats on both of those key committees, the administration and key Republicans in the House. The result of all this effort is a bill that is tougher than the bill we debated last year.

I am confident, that this new improved version—the Unfunded Mandates Reform Act of 1995—will be the blueprint for a bill that can be approved in both Houses of Congress and signed into law by President Clinton early this year.

The costs are staggering. Governors, State legislators, mayors, county executives, and other State, local, and tribal executives—Democrats, Republicans and Independents—are urging us to act quickly to provide them with the protection they seek. They want to forge a new partnership between Congress and State and local governments. Adoption of this important legislation will send them a clear signal that the 104th Congress intends to make that new partnership a reality.

Chairman Roth and Chairman Domenici have announced that the Governmental Affairs and Budget Committees will hold a joint hearing on May 1st. The Governmental Affairs Committee will mark up the bill Friday, and the Budget Committee will mark up the bill Monday of next week. Our hope is that by working on a bipartisan basis we can get this important piece of legislation to the floor and begin the debate next week.

Mr. GLENN. Mr. President, I rise to announce my support for S. 1—the Kempthorne-Glenn bill on Federal mandate reform and relief. This is legislation that had strong bipartisan and administration support last year. In fact, we had 67 cosponsors, and my hope is that we will be able to pass the bill quickly through the House and Senate in this Congress. But before I go into a description of the bill, I’d like to provide some background to the whole unfunded Federal mandates debate.

On October 27, 1993, State and local elected officials from all over the Nation came to Washington and declared that day—"National Unfunded Mandates Day." These officials conveyed a powerful message to Congress and the Clinton administration on the need for Federal mandate reform and relief. They raised four major objections to unfunded Federal mandates.

First, unfunded Federal mandates impose unreasonable fiscal burdens on the States and localities. Second, they limit State and local government flexibility to address pressing local problems like crime and education.

Third, Federal mandates too often come in a "one size fits all" box that state and local governments must adapt to fit their unique local conditions. This legislation recognizes that government are not the only ones affected by mandates. This bill recognizes that potential private sector costs should be a part of the equation whenever Congress evaluates the potential costs of new legislation. That is why the bill would require that the Congressional Budget Office evaluate the potential costs of new mandates on businesses and individuals.
Fourth, they allow Congress to get credit for passing some worthy mandates or program, while leaving State and local governments with the difficult tasks of cutting services or raising taxes in order to pay for it.

In our two hearings, we heard testimony from elected State and local officials that explicit mandates represent all sizes of government. It was clear from the testimony that unfunded mandates hit small counties and townships as hard as they do big cities and larger States.

I think it's worth stepping back and taking a look at the evolution of the Federal-State-local relationship over the last decade and a half so we can put this debate into some historical context. I believe the seeds from which sprang the mandate reform movement can be traced back to the so-called policy of "New Federalism," a policy which resulted in a gradual but steady shift in governing responsibilities from the Federal Government to State and local governments. During that time period, Federal aid to State and local governments was severely cut, or even eliminated, in a number of key domestic program areas. At the same time, enactment and subsequent implementation of many new Federal statutes passed on new costs to State and local governments. In simple terms, State and local governments ended up capturing less of the Federal carrot and more of the Federal stick.

A. THE COST OF FEDERAL MANDATES

Let's examine the cost issue first. While there has been substantial debate on the actual cost of Federal mandates, suffice it to say that almost all participants in the debate agree that there isn't complete data on the aggregate costs of Federal mandates to State and local governments. In fact, one of the major objectives of S. 993 is to develop better information and data on the cost of mandates. Likewise, there is even less information available on state and local potential benefits that might be derived from select Federal mandates—a point made by representatives from the disability, environmental, and labor community in the committee's second hearing. Nonetheless, there have been efforts made in the past to measure the cost impacts of Federal mandates on State and local governments. And those efforts do show that costs appear to be rising. Since 1981, the Congressional Budget Office (CBO) has been preparing cost estimates on major legislation reported by committee with an expected annual cost to State and local governments in excess of $200 million. According to CBO, 89 bills with an estimated annual cost in excess of $200 million each were reported out of committee between 1983 and 1988. I would point out one major caveat with CBO's analysis—it does not indicate whether these bills funded the costs or not, nor how many of the bills were eventually enacted. Still, even with a rough calculation, the chart shows that committees reported out bills with an average estimated new cost of at least $17.8 billion over the 6-year period for new Federal mandates in total, 382 bills were reported from committees over the 6-year period with some new costs to State and local governments. So if anything, the $17.8 billion figure is a conservative estimate for reporting.

Federal environmental mandates head the list of areas that State and local officials claim to be the most burdensome. A closer look at two of the studies done on the cost of State and local adherence with environmental statutes does indicate that these costs appear to be rising. A 1990 EPA study, Environmental Investments: The Cost of a Clean Environment, estimates that total annual costs of environmental mandates—from all levels of government—to State and local governments will rise from $22.2 billion in 1987 to $37.1 billion by the 2000—a 45 percent increase in real terms of 67 percent. EPA estimates that the cost of compliance with both implicit and explicit mandates on State and local governments will rise from $3 billion in 1987 to $4.5 billion by 2000—48 percent increase. Over the same timeframe, the annual costs of environmental mandates to local governments is estimated to increase from $19.2 billion to $32.6 billion. According to the Vice President's National Performance Review, the total annual cost of environmental mandates to State and local governments, when adjusted for inflation, will reach close to $4 billion by the end of the century.

The city of Columbus in my home State of Ohio also noted a trend in rising costs for city compliance with Federal environmental mandates. In its study, the city concluded that its cost of compliance environmental expenditures would rise from $62.1 million in 1991 to $107.4 million in 1995—1991 constant dollars—a 73 percent increase. The city estimates that its share of the total city budget going to pay for these mandates will rise from 13.6 percent in 1981 to 18.3 percent over that timeframe.

In addition to environmental requirements, State and local officials in our committee hearings cited other Federal requirements as burdensome and costly. They highlighted compliance with the Americans with Disabilities Act and the Motor Voter Registration Act; complying with the administrative requirements that go with implementing many Federal programs; and, meeting Federal criminal justice and educational program requirements. Now I would note that while each of these individual programs or requirements clearly carry with them costs to State and local governments, costs which we have too often ignored in the past, I believe that the cost of this costs each of these mandates has substantial benefits to our society and our nation as a whole, otherwise I along with many of my colleagues in the Senate wouldn't have voted to enact them. State and local officials readily concede that individual mandates on a case-by-case basis may indeed be worthy. However, when you look at all mandates spanning across the entire gamut of Federal laws and regulations, you understand that it is the aggregate impact of all Federal mandates that has spurred the calls for mandate reform and relief. The Advisory Commission on Intergovernmental Relations testified in its April 1994 report that number of major Federal statutory and local mandates went from zero during the period of 1941 to 1964, to 9 during the rest of the 1960s, to 25 in the 70s, and 27 in the 80s.

However, to truly reach a better understanding of the Federal mandates debate, we must also look at the Federal aid funding picture vis a vis State and local governments.

B. FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

The record shows that Federal discretionary aid to State and local governments has dropped between 1981 and 1994, while Federal aid to State and local governments hit small counties and townships. In fact, there isn't complete data on the aggregate costs of Federal mandates to State and local governments. In 1979, the Federal government's contribution to State and local government revenues reached 18.6 percent. By 1989, the Federal contribution of the State and local revenue pie had decreased to 13.2 percent before edging up to 14.3 percent in 1991—the latest year that data is available.

What contributed to declining trend in the Federal financing of State and local governments? A closer look at patterns in Federal discretionary aid programs to State and local governments during the 1980s provides the answer. According to the Federal Funds Information Service, between 1981 and 1994, Federal discretionary program funding to State and local governments rose slightly from $47.5 billion to $51.6 billion. However, this figure when adjusted for inflation tells a much different story; Federal aid dropped 28 percent in real terms over the decade. A number of vital Federal aid programs to State and local governments experienced sharp cuts and, in some cases, outright elimination during the decade. In 1986, the administration and Congress agreed to terminate the general revenue sharing program—a program that provided approximately $4.5 billion annually to local governments and allowed them broad discretion on how to spend the funds. Since its inception in 1972, general revenue sharing provided an average of $4.5 billion annually to State and local governments. Unfortunately, the Reagan administration succeeded in terminating the program and the Congress followed its lead. There were other important Federal-State-local programs that were substantially cut back between 1981 and
KEMPTHORNE, along with other Mem-
liberative, bipartisan fashion with the
ferent bills. We worked closely in a de-
sions and requirements from the dif-
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mandates problem. After two hearings,
Committee that touched on at least
referred to the Governmental Affairs
grams to State and local governments
many of these programs. Still, in real
Home Energy Assistance.
ent Block Grants, Mass Transit, Ref-
ent Assistance, Community Develop-
1990. They include: Economic Develop-
ment around here— it is substantial.
Let me make clear, however, that what
able regulations on State and local
governments: the National Gov-
local governments; the National Gov-
ernors Association; the National Con-
ference of State Legislators; the Coun-
cil on State Governments; the National
League of Cities; the U.S. Conference of
Mayors; the National Association of
Counties; and the International City
Management Association. It had the
backing of the Clinton administration
and was endorsed by the editorial
boards of the New York Times, Cleve-
land Plain Dealer, and other news-
papers across the country, both large
and small. The bill we are introducing
today as S. 1 largely embodies what we
had last year in S. 993.

Let me explain what the Kempho-
Glenn bill does.

It requires the Congressional Budget
Office to conduct State, local and trib-
al cost estimates on legislation that
imposes new Federal mandates in ex-
cess of $50 million annually to State,
local or tribal governments.

To avoid the point of order, the spon-
or of the bill would have to authorize
funding to cover the cost to State
local governments of the Federal man-
date, or otherwise find ways to pay for
the mandate. This could come from
the accounts, the expansion of an exist-
sized loan program, or the creation of
an new one, or perhaps the raising of
new revenues or user fees.

S. 1 also includes provisions for the
analysis of legislation that imposes
mandates on the private sector. CBO
would have to complete a private sec-
cost estimate on bills reported by
Committee with a $200 million or more
annual cost threshold.

We do exempt certain Federal laws
from this bill. Civil rights and Con-
stitutional rights are excluded. Na-
tional security, emergency legisla-
tion, and ratification of international trea-
ties are also exempt.

I want to also point out that the bill
does not prevent Congress from pass-
ing unfunded Federal mandates. There
may be times when it is appropriate to
ask State and local governments to
pick up the tab for Federal mandates.
But let that debate take place on the
Senate floor and let there be a vote on
the specific mandate in the legisla-
tion.

The Kempthorne-Glenn Compromi-
also addresses regulatory mandates.
We all know how the Federal bureau-
cracy can impose burdensome and in-
flexible regulations on State and local
governments as well as on others who
end up trapped in the bureaucracy’s
regulatory net. In the Committee’s No-
vember hearing, we heard testimony
from Susan Ritter, county auditor for
Renville County, ND. Ms. Ritter noted
that the town of Sherwood, in her
State, with a population of 286, will
have to spend $2,000—one half of its an-
nual budget—on testing its water sup-
ply in order to comply with EPA regu-
lations. Clearly, there is no way that
the town is going to be able to meet
this requirement.

So, consistent with the President’s
Executive Orders, we have required
that Federal agencies conduct cost
benefit analyses on major regulations
that impact State, local and tribal
governments. Further, agencies must de-
volve a timely and effective means of
allowing State and local input into the
regulatory process. Given that State
and local governments are responsible
for implementing many of our Federal
laws, it is not only fair that they be
considered partners in the Federal reg-
ulatory process, but it is also good pub-
law to consider their views. These laws
also must be consistent with the Adminis-
trative Procedure Act to ensure an open
and fair process. The bill also requires
Federal agencies to make a special ef-
fort in performing outreach to the
smaller local governments. Then we
will be able to minimize the occur-
rence of situations like the one that
took place in the town of Sherwood.

Finally, we’ve asked the Advisory
Commission on Intergovernmental Re-
lations to work with CBO to develop a
better cost estimating process and to
monitor implementation of the legisla-
tion.
January 4, 1995

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glad that it will be the first bill introduced in the Senate and look forward to working toward its very early passage.

I want to give special thanks to my colleague from Idaho for his role in developing this legislation. He has been over diligent and, as a former mayor, very passionate about this issue. But he has also been willing to engage in the give and take that goes on in developing legislation where there are a lot of pressures from all sides to go one way or the other. This has truly been a bipartisan effort and he deserves special commendation.

Mr. ROTH. Mr. President, I am very pleased to join with my colleague, Senator KEMPThorne, in cosponsoring today the first bill introduced in the Senate in the 104th Congress. The “Unfunded Mandates Reform Act of 1995” represents an important shift in the basic attitude of the Congress toward our State and local governments. It will help bring a better balance to our system of federalism.

In recognition of the fundamental importance of this legislation, it has been assigned the bill number S. 1. As chairman of the Governmental Affairs Committee, where the legislation has been referred, I intend to act on it immediately. A joint hearing with the Budget Committee is scheduled for tomorrow morning. The next day the Governmental Affairs Committee is scheduled to consider the bill, and vote on reporting it to the Senate. It is my intention to bring the “Unfunded Mandates Reform Act” to the floor sometime next week.

This important legislation is just the first step in a long-overdue effort to reform the Federal regulatory process. I intend to move quickly in addressing the need for regulatory reform in the broader sense, particularly as it applies to the regulation of business. I expect to hold the first hearing on this subject in early February.

Again, I want to express my pleasure in joining with the Senator from Idaho in this important effort, embodied in the legislation he is introducing today. I urge my colleagues to help move it quickly to enactment.

Mr. NICKLES. Mr. President, I would like to commend Senator KEMPThorne and Senator GLENN for once again introducing the Unfunded Mandates Reform Act and I am pleased to be an original cosponsor. Senator KEMPThorne has been especially stalwart in pushing unfunded mandate legislation to the fore and keeping the Senate’s focus on this important issue. Particularly, I am pleased the legislation includes my language to require executive branch agencies to do a cost estimate of regulatory actions, which is a key component of my legislation, the Economic and Employment Impact Act.

On October 27, 1993, Governors, State legislators, county officials and mayors from across the Nation came to Washington and declared “National Unfunded Mandates Day”. They sent a very loud and clear signal to Congress and the Clinton administration that State and local governments and the taxpayers can no longer afford the exploding costs of unfunded Federal mandates. The simple fact is when the Federal Government passes an unfunded mandate on the local governments, they must then raise taxes, reduce other spending or borrow. Mandates on the private sector also add great costs to the economy. The ultimate loser in this cycle is the U.S. taxpayer.

According to a U.S. Conference of Mayors’ survey of 314 cities, the cost of unfunded Federal mandates to cities alone for 1993 was $6.5 billion. The Federal Clean Water Act—$3.6 billion, Federal Solid Waste Disposal—$1 billion, and the Federal Safe Drinking Water Act—$0.6 billion were the most costly unfunded mandates. On the private sector side, the Chamber of Commerce has recently reported the result of a survey of its membership which identified the cost of the unfunded mandates as the No. 1 issue.

Several States and local governments did their own studies of the costs of unfunded Federal mandates. The city of Columbus, OH found that compliance with Federal environmental regulations alone will cost the city up to $1.6 billion over the next 10 years, which equals $850 annually per household.

The Unfunded Mandate Reform Act requires Congress to know how much Federal mandates on State and local governments and the private sector cost. In addition, it will require that the Federal Government pays the costs incurred by complying with mandates on State and local governments. This legislation will ensure that the economic impact of major legislative and regulatory proposals on State and local governments and the private sector are given full consideration in Congress and the executive branch before they become policy.

One of the primary reasons for the explosive growth in Federal mandates is Washington’s ignorance of exactly how much they cost States, local governments and private citizens, regardless of how well-intended they may be. This legislation seeks a solution to that problem by requiring the Congressional Budget Office (CBO) to estimate the impact of Federal mandates on State, local, and tribal governments as well as the private sector.

In order to ensure the cooperation of CBO and the committees in providing this valuable economic impact information to the full Senate, the legislation before us requires a majority point of order to lie against any Federal mandate legislation which does not have a CBO cost estimate of the impact of that legislation on State and local governments or the private sector.

Mandates costing greater than $50 million affecting State and local governments will not only have an estimate of the costs but also include the money or taxes to pay for the mandate. If it does not pass both tests a majority point of order will lie against the legislation.

The economic impact analysis requirement for legislation which affects the private sector is vitally important. The private sector provides the command CBO to provide an impact statement of the costs and the effect on the economy of legislation with mandates which exceed $200 million in any of the next 5 years. This requirement is similar to the legislation, the Economic and Employment Impact Act, Senator Reip and myself offered as an amendment to the National Competitiveness Act, and was approved by voice vote by the full Senate.

Another important element of this legislation that is also a key component of the Economic and Employment Impact Act, is the requirement for economic impact analysis of regulatory actions exceeding $100 million by executive branch agencies. The author of this act should be commended for requiring a cost analysis for regulations affecting State and local governments and the private sector.

The cost of Federal mandates has unleashed havoc upon State and local governments and the private sector. Congress and the administration must stop passing the costs of their good ideas without knowing the costs of those ideas and assuming responsibility for the undue economic burdens on the local governments and the private sector and the U.S. taxpayer.

By Mr. GRASSLEY (for himself, Mr. Lieberman, Mr. Dole, Mr. Nickles, Mr. Roth, Mr. Glenn, Mr. Smith, Mr. Specter, Mr. Brown, Mr. Inhoffe, Mr. Thompson, Ms. Snowe, Mr. Abraham, Mr. Santorum, Mr. Craig Thomas, Mr. Cohen, Mr. Craig, Mrs. Boxer, Mr. Robb, Mr. Kohl, Mr. Wurtman, Mr. Baucus, Mr. Helms, Mr. Gregg, Mr. DeWine, Mr. Campbell, Mr. Bennett, Mr. Mack, Mr. Kerrey, Mrs. Kaskebaum, and Mr. Lott).

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government; read twice.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. DOLE. Mr. President, for far too long, Congress has imposed new rules and regulations on State and local governments and the private sector, while seeking to exempt itself from those same rules.

Not surprisingly, many of our citizens have begun to view the Senate and the House of Representatives not as the people’s business, but as the “imperial congress,” as an institution that considers itself above the law and without accountability.

This past election day, the American people finally said “enough is enough.” Not only do the American people want...
less government, less regulation, and lower taxes, they also want Congress to clean up its own act by living under the very laws we seek to impose on everyone else. After all, what’s good for the goose is certainly good for the gander.

S. 2, the Congressional Accountability Act, is a key element of our effort to put the institution of Congress back in the good graces of the American people. Later today, the House will pass its own version of congressional-coverage legislation, and perhaps as early as tomorrow, S. 2 will be passed here in the Senate.


All these laws now apply to the private sector, and with the passage of S. 2, they will soon apply to Congress as well.

To enforce the application of the laws to Congress, S. 2 establishes an office of compliance with a 5-member board of directors. The directors on the board will be jointly appointed by the Senate majority leader, the Senate minority leader, the Speaker of the House of Representatives, and the House minority leader. The office will also have a general counsel, an executive director, and two deputy executive directors, one for the Senate and one for the House. Each of the deputy executive directors will be responsible for promulgating the implementing regulations for his or her respective house.

In addition, S. 2 requires that any future legislation that affects the terms and conditions of private employment must be accompanied by a report describing the manner in which the legislation will apply to Congress. If any provision of the proposed law does not apply to Congress, the report must include a statement explaining why this is so and the reasoning for such a determination.

Of course, S. 2 may herald a new era of regulatory caution, where Congress thinks twice before imposing a new government-crafted requirement on the private sector. It’s one thing for Congress to create a new regulatory burden; it’s something quite different when Congress has to bear the burden too.

Finally, Mr. President, I want to congratulate my distinguished colleague, Senator Chuck Grassley, for spearheading the congressional-coverage effort here in the Senate. Without his hard work and commitment, S. 2 would not be the priority that it is today. I also want to take a moment to recognize my colleague from Oklahoma, Senator Don Nickles, for his important contribution as well.

Mr. President, I ask unanimous consent that the full text of S. 2 be reprinted in the Record immediately after my remarks.

S. 2

Sections 1 through 215 outline the manner in which the legislation that affects the terms and conditions of private employment and the rules that govern the Senate and House of Representatives, the United States of America in Congress assembled.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Congressional Accountability Act of 1995.”
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

PART A.—EMPLOYMENT DISCRIMINATION, FAMILY, AND MEDICAL LEAVE

PAGE
Sec. 1. Short title and table of contents. 3
Sec. 101. Definitions. 3
Sec. 102. Application of laws. 3

PART B.—PUBLIC SERVICES AND ACCOMMODATIONS
Sec. 301. Definitions. 4
Sec. 302. Officers, staff, and other personnel. 5
Sec. 303. Procedural rules. 7
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PART C.—OCCUPATIONAL SAFETY AND HEALTH
Sec. 501. Exercise of rulemaking powers. 10
Sec. 502. Judicial review of regulations. 11
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PART D.—LABOR-MANAGEMENT RELATIONS
Sec. 901. Definition of employer. 13
Sec. 902. Notice by employer. 13
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PART E.—GENERAL
Sec. 101. Definitions. 16
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TITLES I—OCCUPATIONAL SAFETY AND HEALTH

TITLES II—EMPLOYMENT DISCRIMINATION

TITLES III—OFFICE OF COMPLIANCE

TITLES IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

TITLES V—MISCELLANEOUS PROVISIONS

TITLES VI—STUDY

Titles I through VI are provided in this Act, as used in this Act: (1) BOARD. The term “Board” means the Board of Directors of the Office of Compliance. (2) CHAIR. The term “Chair” means the Chair of the Board of Directors of the Office of Compliance. (3) COVERED EMPLOYEE. The term “covered employee” means any employee of— (A) the House of Representatives; (B) the Senate; (C) the Capitol Guide Service; (D) the Capitol Police; (E) the Congressional Budget Office; (F) the Office of the Architect of the Capitol; (G) the Office of the Attending Physician; (H) the Office of Compliance; or (I) the Office of Technology Assessment. (4) EMPLOYEE. The term “employee” includes an applicant for employment and a former employee. (5) EMPLOYEE OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL. The term “employee of the Office of the Architect of the Capitol” includes any employee of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants. (6) EMPLOYEE OF THE CAPITOL POLICE. The term “employee of the Capitol Police” includes any member or officer of the Capitol Police. (7) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES. The term “employee of the House of Representatives” includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated to perform the functions described in this title.
by the House of Representatives, or any em-
ployment position in an entity that is paid
with funds derived from the clerk-hire allow-
ance of the House of Representatives but not
such individual employed by any entity listed
in subparagraphs (C) through (I) of paragraph (3).

(b) EMPLOYEE OF THE SENATE.—The term
"employee of the Senate" includes any em-
ployee whose pay is disbursed by the Sec-
retary of the Senate, but not any such indi-
vidual employed by any entity listed in sub-
paragraphs (C) through (I) of paragraph (3).

(c) OFFICE OF COMPLIANCE.—The term "employ-
ing office" means—

(A) the personal office of a Member of the House
of Representatives or of a Senator;

(B) the offices of the Committees of the House
of Representatives or of the Senate;

(C) the Office of Compliance, and the Office of
the Architect of the Capitol, the Congressional
Budget Office, the Office of the Chief
Counsel, and the Office of Technology Assessment.

(10) EXECUTIVE DIRECTOR.—The term "Ex-
ecutive Director" means the Executive Di-
rector of the Office of Compliance.

(11) GENERAL COUNSEL.—The term "General
Counsel" means the General Counsel of the
Office of Compliance.

SEC. 202. APPLICATION OF LAWS.
(a) LAWS MADE APPLICABLE.—The following
laws shall apply, as prescribed by this Act,
(A) such remedy as would be appropriate if
dismissed under section 1977(a)(2), (a)(3),
(b)(1), and (b)(2), and, irrespective of
the size of the employing office, 1981a(b)(3)(D)
of the Revised Statutes (29 U.S.C.
1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and
1981a(b)(3)(D)).
(b) CIVIL RIGHTS.—The remedies and proce-
dures set forth in section 717 of the Civil Rights
Act of 1964 (42 U.S.C. 2000e-5(g)); (A) striking "legislative" and;
(B) striking "branches" and inserting "branch"; and
(C) inserting "Government Printing Office,
the General Accounting Office, and the"
"and in the".

(c) DISABILITIES DISCRIMINATION.—The re-
medy for a violation of subsection (a)(3) shall
be in order for the Senate or the House of
Representatives to consider any such bill or
joint resolution if the report of the Com-
mittee on the subject matter does not
comply with the provisions of this para-
graph. This paragraph may be waived in ei-
ther House by majority vote of that House.

TITLES II—VIII. DISCRIMINATORY PRACTICES AND
PROTECTIONS
PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYG
GRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND OTHER RIGHTS AND
PROTECTIONS
SEC. 203. DISABILITIES DISCRIMINATION.
(a) DISCRIMINATORY PRACTICES PROHIB-
ITED.—All personnel actions affecting cov-
ered employees shall be made free from any
discrimination based on—

(1) race, color, religion, sex, or national or-
igin, within the meaning of section 703 of the
Civil Rights Act of 1964 (42 U.S.C. 2000e-2);

(2) age, within the meaning of section 15 of
the Age Discrimination in Employment Act
of 1967 (29 U.S.C. 626); or

(3) disabilities, within the meaning of section
501 of the Rehabilitation Act of 1973 (29
U.S.C. 794a(a)(1)) or

(b) REMEDIES.—

(1) CIVIL RIGHTS.—The remedy for a viola-
tion of subsection (a)(1) shall be—

(A) such remedy as would be appropriate if
awarded under section 706(g) of the Civil
Rights Act of 1964 (42 U.S.C. 2000e-5(g)); and

(B) such liquidated damages as would be
appropriate if awarded under section 1977
of the Revised Statutes (29 U.S.C.
1977(a)(1), 1977(a)(2), and
1977(b)(3)(D)) of the Revised Statutes
(29 U.S.C. 1981a(a)(1), 1981a(b)(2), and
1981a(b)(3)(D)).

(2) AGE DISCRIMINATION.—The remedy for
a violation of subsection (a)(2) shall be—

(A) such remedy as would be appropriate if
awarded under section 503(a)(1) of the Age
Discrimination in Employment Act of 1967 (29
U.S.C. 633a(c)); and

(B) such liquidated damages as would be
appropriate if awarded under section 7(b) of
such Act (29 U.S.C. 626(b)).
SEC. 205. RIGHTS AND PROTECTIONS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

(a) Worker Adjustment and Retraining Notification Rights.—

(1) in General.—No employment shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 216(a)(1), (2), and (4)) of section 5(a) of the Worker Adjustment and Retraining Notification Act of 1988 (29 U.S.C. 205(c)(1)).

(2) Definitions.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress who have irregular work schedules.

SEC. 206. RIGHTS AND PROTECTIONS RELATING TO VETERANS’ EMPLOYMENT AND REEMPLOYMENT.

(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.—

(1) IN GENERAL.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4321 and 4313 of title 38, United States Code; or

(C) deny to an eligible employee benefits within the meaning of sections 4316 and 4318 of title 38, United States Code.

(2) DEFINITIONS.—For purposes of this section—

(A) the term “eligible employee” means an employee performing service in the uniformed services, within the meaning of section 4304 of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code;

(B) the term “covered employee” includes employees of the General Accounting Office and the Library of Congress; and

(C) the term “employing office” includes the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be the remedy as would be appropriate if awarded under paragraphs (1), (2), and (3) of section 4323(c) of title 38, United States Code.

(2) DEFINITIONS.—For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this paragraph, the term “covered employee” means any employee listed in subsection (a) that provides public services, programs, or activities.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of this Act.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 207. PROHIBITION OF INTIMIDATION OR REPRISAL.

(a) IN GENERAL.—It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee initiated any proceeding under this Act, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this Act.

(b) REMEDY.—The remedy available for a violation of subsection (a) shall be such legal or equitable remedy as would be appropriate...

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

SEC. 210. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES, PROGRAMS, AND ACcomMODATIONS.

(a) ENTITIES SUBJECT TO THIS SECTION.—

The requirements of this section shall apply to—

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician;

(9) the Office of Compliance; and

(10) the Office of Technology Assessment.

(b) DISCRIMINATION IN PUBLIC SERVICES AND ACCOMMODATIONS.—

(1) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in public services, programs, or activities referred to in this section, the term “public entity” means an entity listed in subsection (a) that provides public services, programs, or activities.

(2) DEFINITIONS.—For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term “public entity” means any entity listed in subsection (a) that provides public services, programs, or activities.

(c) REMEDY.—The remedy for a violation of subsection (b) shall be such remedy as would be appropriate if awarded under paragraphs 203 or 308 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12132, 12183, and 12189), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of this Act.

(d) AVAILABLE PROCEDURES.—

(1) CHARGE FILED WITH GENERAL COUNSEL.—A qualified individual with a disability, as defined in section 306 of this Act, who believes that a violation of subsection (b) may have occurred, may file a charge of discrimination with the General Counsel.

(2) MEDIATION.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred, the General Counsel may, at the request of any party, mediate the dispute. If the parties agree to mediation, the General Counsel shall, at the request of any party, mediate the dispute.

(3) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under paragraph (2) has not been successful, the parties may file a complaint with the General Counsel. If the General Counsel determines that a violation of subsection (b) occurred, the General Counsel shall, upon a request for a hearing, file a complaint with the Board.

(4) JUDICIAL REVIEW.—A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 406.

(e) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(f) PERIODIC INSPECTIONS; REPORT TO CONGRESS; INITIAL STUDY.—

(1) PERIODIC INSPECTIONS.—On a regular basis and at least once, the General Counsel shall inspect the facilities of the entities listed in subsection (a) to ensure compliance with subsection (b).

(2) REPORT.—On the date of the periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Architect of the Capitol, and to the entity responsible, as determined under regulations issued by the Board under section 304 of this Act, for correcting the violation of this section uncovered by such inspection, and include in the report the results of the period inspection, describing any steps necessary to correct any violation of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section for study and corrective action to abate any violations of subsection (b) to the extent that the costs of compliance, and to take any necessary corrective action to abate any violations. The General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit to the Congress a report under paragraph (2) for the 104th Congress.

(g) DETAILED PERSONNEL.—The Attorney General, the Secretary of Transportation, the Architectural and Transportation Barriers Compliance Board, the General Accounting Office, the Government Printing Office, and the Library of Congress shall be subject to review by the Board pursuant to section 406.

(h) APPLICATION OF AMERICANS WITH DISABILITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES, PROGRAMS, AND ACcomMODATIONS.—


(2) DEFINITIONS.—For purposes of the application of section 501 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this Act, the term “covered employee” includes any employee or agent of the General Accounting Office, the Government Printing Office, and the Library of Congress.
"(g) EFFECTIVE DATE.—
(1) IN GENERAL.—Subject to subsection (d), the rights, protections, and responsibilities established under section 7112 shall apply to covered federal employees, and shall be effective 1 year after transmission to the Congress of the study under section 230.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

SEC. 215. RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS.—
(1) IN GENERAL.—Each employing office and each employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(b) DEFINITIONS.—For purposes of the application of the Occupational Safety and Health Act of 1970—
(1) the term ‘employer’ as used in such Act means an employer of employees;
(2) the term ‘employee’ as used in such Act means a covered employee;
(3) the term ‘employing office’ includes the General Accounting Office and the Library of Congress;
(4) the term ‘employee’ includes employees of the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be an order granting a variance from a standard made applicable by such Act, unless the Secretary of Labor determines that a citation issued under such section is received and new appropriated funds are necessary to abate the violation, abatement shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued.

SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS; PROCEEDS FOR REMEDIES.

(a) LABOR-MANAGEMENT RIGHTS.—
(1) IN GENERAL.—Subject to subsection (d), the rights, protections, and responsibilities established under section 7104 of title 5, United States Code, shall apply to employers and employees covered by the Occupational Safety and Health Act of 1970, and shall be effective 1 year after transmission to the Congress of the study under section 230.

PART D—LABOR-MANAGEMENT RELATIONS

SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS; PROCEEDS FOR REMEDIES.

(a) LABOR-MANAGEMENT RIGHTS.—
(1) IN GENERAL.—Subject to subsection (d), the rights, protections, and responsibilities established under section 7104 of title 5, United States Code, shall apply to employers and employees covered by the Occupational Safety and Health Act of 1970, and shall be effective 1 year after transmission to the Congress of the study under section 230.
the General Counsel shall appoint a mediator or the Federal Service Impasses Panel shall, if made under paragraph (1) of sections 7123(a) of title 5, United States Code, would be presented to the Federal Labor Relations Authority to implement this section.

For purposes of this section, any request for a hearing before the Federal Labor Relations Authority to implement this section.

(3) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United States Code, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraphs (1) and (2) of this subsection may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 406.

(4) EXERCISE OF IMPASSES PANEL AUTHORITY; REQUESTS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7123(a) of title 5, United States Code, for purposes of this section, any request that, under chapter 71 of title 5, United States Code, was presented to the Federal Labor Relations Authority to implement this section, be presented to the Board. At the request of the Board, the Executive Director shall appoint mediators to perform the functions of the Federal Service Impasses Panel under section 7123(a) of title 5, United States Code, and the Board shall implement this section.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 403, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in subsection (d), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine by rule and regulation or by a hearing that, a substantive regulation promulgated by the Federal Labor Relations Authority to implement a statute shall be made consistent with this section, the Board shall exercise such authority to the greatest extent practicable, by rule and regulation or hearing, to make consistent with this section regulations promulgated by the Federal Labor Relations Authority;

(B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest, and

(C) to the extent that the Board may determine by rule and regulation or by a hearing that, a substantive regulation promulgated by the Federal Labor Relations Authority to implement a statute shall be made consistent with this section, the Board shall exercise such authority to the greatest extent practicable, by rule and regulation or hearing, to make consistent with this section regulations promulgated by the Federal Labor Relations Authority;

(D) to the extent that the Board may determine by rule and regulation or by a hearing that, a substantive regulation promulgated by the Federal Labor Relations Authority to implement a statute shall be made consistent with this section, the Board shall exercise such authority to the greatest extent practicable, by rule and regulation or hearing, to make consistent with this section regulations promulgated by the Federal Labor Relations Authority;

(E) to the extent that the Board may determine by rule and regulation or by a hearing that, a substantive regulation promulgated by the Federal Labor Relations Authority to implement a statute shall be made consistent with this section, the Board shall exercise such authority to the greatest extent practicable, by rule and regulation or hearing, to make consistent with this section regulations promulgated by the Federal Labor Relations Authority;

(F) to the extent that the Board may determine by rule and regulation or by a hearing that, a substantive regulation promulgated by the Federal Labor Relations Authority to implement a statute shall be made consistent with this section, the Board shall exercise such authority to the greatest extent practicable, by rule and regulation or hearing, to make consistent with this section regulations promulgated by the Federal Labor Relations Authority;

(G) to the extent that the Board may determine by rule and regulation or by a hearing that, a substantive regulation promulgated by the Federal Labor Relations Authority to implement a statute shall be made consistent with this section, the Board shall exercise such authority to the greatest extent practicable, by rule and regulation or hearing, to make consistent with this section regulations promulgated by the Federal Labor Relations Authority;

(H) to the extent that the Board may determine by rule and regulation or by a hearing that, a substantive regulation promulgated by the Federal Labor Relations Authority to implement a statute shall be made consistent with this section, the Board shall exercise such authority to the greatest extent practicable, by rule and regulation or hearing, to make consistent with this section regulations promulgated by the Federal Labor Relations Authority.

(3) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United States Code, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraphs (1) and (2) of this subsection may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 406.

(4) EXCLUSIVE PROCEDURE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this Act except as provided in this Act.

(2) EXCLUSIVE PROCEDURE.—This Act shall not be construed to authorize enforcement by the executive branch of this Act.

PART F—STUDY

SEC. 230. STUDY AND RECOMMENDATIONS REGARDING GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.

(a) IN GENERAL.—The Administrative Conference of the United States shall undertake a study of—

(1) the application of the laws listed in subsection (b) to—

(A) the General Accounting Office;

(B) the Government Printing Office; and

(C) the Library of Congress; and

(2) the regulations and procedures used by the entities referred to in paragraph (1) to apply and enforce such laws themselves and their employees.

(b) APPLICABLE STATUTES.—The study undertaken under section 230 shall consider the application of the following laws:


(10) The Equal Pay Act of 1938 (29 U.S.C. 206 and 207), and related provisions of section 554(a) of title 5, United States Code.


(19) The Equal Pay Act of 1938 (29 U.S.C. 206 and 207), and related provisions of section 554(a) of title 5, United States Code.


(28) The Equal Pay Act of 1938 (29 U.S.C. 206 and 207), and related provisions of section 554(a) of title 5, United States Code.


(37) The Equal Pay Act of 1938 (29 U.S.C. 206 and 207), and related provisions of section 554(a) of title 5, United States Code.


(4) DUTIES. — The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this Act, the Executive Director shall carry out all of the responsibilities of the Office under this Act.

(b) DEPUTY EXECUTIVE DIRECTORS. —

(1) IN GENERAL. — The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Director for the Senate and a Deputy Executive Director for the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation or any other basis of Turner's discretion to perform the duties of the Office. The disqualifications in section 303(d)(2) shall apply to the appointment of a Deputy Executive Director.

(2) TERM. — The term of office of a Deputy Executive Director shall be a single term of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) COMPENSATION. — The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 9 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule as prescribed in this section.

(4) DUTIES. — The Deputy Executive Director for the Senate shall recommend to the Board the regulations under section 5316 of title 5, United States Code.

The disqualifications in section 303(d)(2) shall apply to the appointment of a Deputy Executive Director.

(c) GENERAL COUNSEL. —

(1) IN GENERAL. — The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of training that the Office to perform the duties of the Office. The disqualifications in section 303(d)(2) shall apply to the appointment of a General Counsel.

(2) COMPENSATION. — The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed 9 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES. — The General Counsel shall—

(A) exercise the duties and perform the functions of the Office, including representing the Office in any judicial proceeding under this Act; and

(B) otherwise assist the Board and the Executive Director in carrying out their duties and powers, including representing the Office in any judicial proceeding under this Act.

At ORY IN THE OFFICE OF THE GENERAL COUNSEL. — The General Counsel shall appoint, and fix the compensation of, any such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.

(5) TERM. — The term of office of the General Counsel shall be a single term of 5 years.

(6) REMOVAL. —

(A) AUTHORITY. — The General Counsel may be removed from office by the Chair but only for—

(i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel; or

(ii) incompetence; or

(iii) neglect of duty,

(iv) malfeasance, including a felony or a criminal proceeding, and

(v) holding an office or employment or engaging in an activity that disqualifies the individual from service as the General Counsel under subsection (a).

(B) STATEMENT OF REASONS FOR REMOVAL. — In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

(d) OTHER STAFF. — The Executive Director shall appoint and be responsible for, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, necessary to enable the Office to perform its duties.

(e) DETAILED PERSONNEL. — The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(f) CONSULTANTS. — In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 304. SUBSTANTIVE REGULATIONS.

(a) REGULATIONS. — The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, for hearing officers and other staff, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

(b) PROCEDURAL RULES. — The Executive Director shall adopt rules referred to in subsection (a) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code. The Executive Director shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking under section 553(b), the recommendations of the Executive Directors shall be to consider whether such regulations should be approved, and, if so, whether such regulations should be approved by resolution of the Senate, by concurrent resolution, or by joint resolution.

(c) APPROVAL OF REGULATIONS. —

(1) IN GENERAL. — Regulations referred to in paragraph (2)(B)(i) of subsection (a) may be approved by the Senate by resolution or by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) may be approved by the House of Representatives by resolution or by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(iii) of subsection (a) may be approved by Congress by concurrent resolution or by joint resolution.

(2) REFERRAL. — Upon receipt of a notice of adoption of regulations under subsection (b)(3), the presiding officers of the House of Representatives and the Senate shall refer such notice, together with a copy of such regulations, to the appropriate committee or committees of the House of Representatives and the Senate. The referral shall be to consider whether such regulations should be approved, and, if so, whether such approval should be by resolution of the House of Representatives, by concurrent resolution or by joint resolution.

(3) D JOINT REFERRAL AND DISCHARGE IN THE SENATE. — The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or committee to which the Senate acts to report a jointly referred measure, any other committee of the Senate
must act within 30 calendar days of the request.

1. In the case of a resolution of the House of Representatives or the Senate, or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance shall be published in the Congressional Record on the first day on which both Houses are in session following such transmittal.

2. The date of issuance. The date of issuance of regulations shall be the date on which they are published in the Congressional Record.

3. Effective date. Regulations shall become effective not less than 60 days after the regulations are issued, except that the Board may provide for an earlier effective date for good cause found (within the meaning of section 553(b)(B) of title 5, United States Code).

4. Right to petition for rulemaking. Any interested party may petition the Board for the issuance, amendment, or repeal of regulations.

5. Consultation. The Executive Director, the Deputy Directors, and the Board may, in their discretion, dispense with publication of a general notice of proposed rulemaking in any proceeding under this Act, if they determine that such publication would delay the process with respect to the same matter.

6. Mediation. A covered employee may, upon the conclusion of mediation under section 403, file a complaint with the Office. The respondent to the complaint shall be the employing office.

7. Hearing officer. Upon the filing of a complaint, the Executive Director shall appoint an independent hearing officer to consider the complaint and render a decision.

8. Lists. The Executive Director shall develop master lists, composed of individuals experienced in adjudicating or arbitrating the kinds of personnel matters involved, the appointment of hearing officers as full-time employees of the Office or the selection of hearing officers on the basis of specialized expertise needed for particular matters.
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(1) conducted in closed session on the record by the hearing officer;

(2) commenced no later than 60 days after filing of the complaint under subsection (b), except that the Office may, for good cause, extend the period by no more than 30 days the time for commencing a hearing; and

(3) conducted, except as specifically provided in this Act and to the greatest extent practicable to do so in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

d) DISCOVERY. — Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

f) SUBPOENAS. —

(1) IN GENERAL. — At the request of a party, a hearing officer may issue subpoenas as necessary for commencing a hearing officer; and

(2) Objections. — If a person refuses, on the basis of relevancy, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall rule on the objection made. The application may be made within the judicial district in which the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be enforced in an action against a private defendant.

Service of process. — Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district within which the person refusing or failing to obey or to seek redress for a violation for which the employee has completed counseling and mediation.

h) PRECEDENTS. — A hearing officer who is required to attend such proceedings shall be entered in the records of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 404(e) with respect to a violation of part A, B, C, or D of title II.

j) PROCEDURES. —

(1) Respondents. — (A) in any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the prevailing party in the final decision entered under section 406(e) shall be named respondent, and any other party before the Board may be named respondent by filing a petition under section 210(d)(4), the General Counsel or a respondent before the Board who files a petition under section 210(c)(5), or

(2) The court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(B) not made consistent with required procedures; or

(C) unsupported by substantial evidence.

SEC. 409. JUDICIAL REVIEW OF REGULATIONS.

C) In any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the prevailing party in the final decision entered under section 406(e) shall be named respondent, and any other party before the Board may be named respondent by filing a petition under section 210(d)(4), or 404(e) with respect to a violation of part A, B, C, or D of title II.

In any proceeding brought under section 407 or 408 in which the application of a regulation issued under this Act is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, United States Code, except that with respect to regulations approved by a joint resolution under section 304(c), only the provisions of section 706(2)(B) of title 5, United States Code, shall apply. If the court determines that the regulation is invalid, the court may apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory prohibition with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this Act is not subject to judicial review.

SEC. 404. APPEAL TO THE BOARD.

(a) In any proceeding by a covered employee, a covered employer, or a covered participant for which the General Counsel has determined that there is a reasonable probability that a violation has occurred, the General Counsel shall have the right to appeal to the Board. The rules applicable to the hearing officer shall apply to the Board. The Board shall not have jurisdiction over any proceeding commenced under subsection (a)(1) and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

SEC. 407. JUDICIAL REVIEW OF BOARD DECISIONS AND ENFORCEMENT.

(a) Jurisdiction. —

(1) In any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the prevailing party in the final decision entered under section 406(e) in cases arising under part A of title II, the United States shall have jurisdiction to review the decision of the hearing officer.

(b) Parties. — The defendant shall be the party aggrieved by the decision of the hearing officer under section 405(g) or 404(e) with respect to a violation of part A, B, C, or D of title II.

(b) Parties. — The defendant shall be the party aggrieved by the decision of the hearing officer under section 405(g) or 404(e) with respect to a violation of part A, B, C, or D of title II.

(c) Standard of Review. — The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) Record. — In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

SEC. 406. APPEAL TO THE BOARD.

(a) In any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or (a)(2), the Board shall have jurisdiction over any proceeding commenced by a petition filed under subsection (a)(1) or
SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.
Except as expressly authorized by sections 407, 408, and 409, the compliance or noncompliance with the provisions of this Act and any action taken pursuant to this Act shall not be subject to judicial review.

SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.
In any proceeding under section 407, 408, or 409, the enforcing officer shall, or shall have the authority to issue a regulation on

section 220 with respect to offices listed under section 220(d)(2), if the Board has not issued a regulation on a matter for which this Act shall, if it has not previously ruled on the constitutionality of any provision of this

ment, decree, or order of a court upon the States from any interlocutory or final judg-

doing directly to the Supreme Court of the United

SEC. 412. EXEMPT REVIEW OF CERTAIN APPEALS.
(a) IN GENERAL.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in paragraph (a), advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

SEC. 413. PRIVILEGES AND IMMUNITIES.
The authorization to bring judicial pro-

proceeding under section 407 and 408 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Rep-

resentatives, respectively, to establish rules (so far as relating to such House) at

section 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution, inc-

cluding all written and oral testimony in

cluded in sections 5, clause 3, or under the rules of either House relating to

records and information within its jurisdic-

SEC. 414. SETTLEMENT OF COMPLAINTS.
Any settlement entered into by the parties to a process described in section 210, 215, 220, or 403 shall be in writing and not become ef-

ective unless it is approved by the Executive Director. Nothing in this Act shall affect the power of the Senate and the House of Rep-

resentatives, respectively, to change such rules only to the extent that they are inconsistent therewith; and

other rules only to the extent that they are

inconsistent therewith; and

as such they shall be

considered as part of the rules of such House, respect-

fully, and such rules shall supersede other rules only to the extent that they are inconsistent with

SEC. 415. PAYMENTS.
(a) AWARDS AND SETTLEMENTS.—Except as provided in subsection (c), only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this Act. There are authorized to be appropriated for such account such sums as may be necessary for the payment of awards and settlements. Funds in the account are not available for awards and settlements after the General Accounting Office, the Government Printing Office, or the Library of Congress.

(b) COMPLIANCE.—Except as provided in subsection (a), awards and settlements may be appropriated to such amounts as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this Act.

SEC. 416. CONFIDENTIALITY.
(a) COUNSELING.—All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS AND DELIBERATIONS.—Except as provided in subsections (d) and (e), the hearings and deliberations of hearing officers and of the Board and of its officers and employees on complaints, charges, proposed citations, and other pleadings under this Act shall be closed to the public, except that the hearing officer, Board, or court, as the case may be, may, apply to the extent nec-

necessary and appropriate, the most relevant substantive and agency regulations promulgated to implement the statutory provi-

sion at issue in the proceeding.

SEC. 417. RECORDS AND TESTIMONY.
(a) CIVIL RIGHTS REMEDIES.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

``SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

"(a) SHORT TITLE.—This title may be cited as the "Government Employee Rights Act of 1991.""

"(b) PURPOSE.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of dis-

SEC. 418. OTHER REMEDIES.
(a) GENERAL.—In any proceeding under section 405, 406, or 407, the hearing officer, Board, or court, as the case may be, may, apply to the extent nec-

necessary and appropriate, the most relevant substantive and agency regulations promulgated to implement the statutory provision at issue in the proceeding.

(b) RESIDENCE.
The Select Committee on Ethics of the Senate and the Committee of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate, respectively, and to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

SEC. 504. TECHNICAL AND CONFORMING AMENDMENTS.
(a) CIVIL RIGHTS REMEDIES.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

``SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

"(a) SHORT TITLE.—This title may be cited as the "Government Employee Rights Act of 1991.""

"(b) PURPOSE.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of dis-

"(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-

16);"

"(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and


"(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

(1) may include, in the case of a deter-

"(1) party affiliation;

"(2) domicile; or

"(3) political compatibility with the em-

"(3) may not include punitive damages, ";

"(2) sections 303 through 319, and sections 322, 324, and 325 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201, 1202, 1203, 1204, and 1205) are repealed, except as pro-

in section 302(a) of this title.

"(a) PRACTICES.—All personnel actions af-

fecting the Presidential appointees described in section 303 or the State employees described in section 304 shall be made free from any discrimination based on—""(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-

"(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and


"(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

(1) may include, in the case of a deter-

"(1) party affiliation;

"(2) domicile; or

"(3) political compatibility with the em-

"(3) may not include punitive damages, ";

"(2) sections 303 through 319, and sections 322, 324, and 325 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201, 1202, 1203, 1204, and 1205) are repealed, except as pro-

in section 302(a) of this title.

"(a) PRACTICES.—All personnel actions af-

fecting the Presidential appointees described in section 303 or the State employees described in section 304 shall be made free from any discrimination based on—"
and 1220) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Government Employee Rights Act of 1991, as so redesignated, are each amended by striking "and 307(h)" and inserting "and 307(h)''.

(5) Section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) is repealed, except as provided in section 506 of this Act.

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993—Title V of the Family and Medical Leave Act of 1993 (2 U.S.C. 60 et seq.) is repealed, except as provided in section 506 of this Act.

(c) ARCHITECT OF THE CAPITOL.—

(1) REPEAL.—Section 312(e) of the Architect of the Capitol Human Resources Act (Public Law 103-283; 108 Stat. 1444) is repealed, except as provided in section 506 of this Act.

(2) APPLICATION OF GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1989.—The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act, shall be applied and administered as if such section 312(e) (and the amendments made by such section) had not been enacted.

SEC. 5. TEMPORAL BRANCH COVERAGE STUDY.

The Judicial Conference of the United States shall prepare a report for submission by the Chief Justice of the United States to the Congress on the application to the judicial branch of title V of the Government Employee Rights Act of 1991, as so redesignated, of sections 303, 304, and 307(h) of this Act.

The report shall be submitted to Congress not later than December 31, 1996, and shall include any recommendations the Judicial Conference makes for legislation to provide to employees of the judicial branch the rights, protections, and procedures under the listed laws, including administrative and judicial hassles, comparable to those available to employees of the legislative branch under titles I through IV of this Act.

SEC. 506. SAVINGS PROVISIONS.

(a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, any employee of the House of Representatives has or could have requested counseling under section 305 of the Government Employee Rights Act of 1991 (2 U.S.C. 1220), the employee may complete, or initiate and complete, all procedures under section 305 of such Act in accordance with procedures for, those claims until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND RULE LI.—If, as of the date on which section 201 takes effect, any employee of the Senate or House of Representatives has or could have requested counseling under section 305 of the Government Employee Rights Act of 1991 (2 U.S.C. 1220), the employee may complete, or initiate and complete, all procedures under such section 305 of such Act, with respect to those claims until the completion of all such procedures.

(b) TRANSITION PROVISION RELATING TO MATTERS OTHER THAN EMPLOYMENT UNDER SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT.—With respect to claims arising before the effective date of such section, the rights, protections, remedies, and procedures of section 509 of such Act shall remain in effect until section 210 of this Act takes effect.
new prison construction and operation by nearly $1 billion over the funding levels contained in last year's crime bill.

MORE POLICE AND MORE FLEXIBILITY

One of the most over-hyped proposals in the crime bill was the $8.8 billion community-policing program. Although the Clinton administration claims the proposal would result in 100,000 new police hires over the next 6 years, most criminal-justice experts predict that the proposal will fully fund only a portion of that figure, perhaps as few as 20,000 new cops.

Recognizing that the Federal Government does not have all the crime-fighting answers, S. 3 packages the community-policing proposal into a single block grant program. Under the block grant program, States and localities will have the option of using the funds for a variety of purposes, including the hiring of new police officers, training existing officers, paying overtime, upgrading equipment, or investing in new crime-fighting technologies. Unlike the community-policing program in last year's crime bill, S. 3 imposes no matching requirement or per-officer spending cap. This should give States and localities some much-needed flexibility in determining how best to utilize these important crime-fighting resources.

At the same time, S. 3 beeps up funding for some of our Federal law enforcement agencies, including the FBI and the Drug Enforcement Administration. This will help ensure that these agencies will be able to carry out their important missions.

PROCEDURAL REFORMS

S. 3 also enacts some long overdue reforms to the criminal justice system. First, it reforms habeas corpus procedures in a way that safeguards the legitimate rights of the accused while ensuring that lawfully-imposed capital sentences are not endlessly delayed by frivolous appeals. Most importantly, S. 3 requires Federal courts to give deference to State court decisions on Federal habeas corpus claims, so long as the claims were "fully and fairly" litigated at the State level. Application of this principle will go a long way towards streamlining the criminal appeals process, thereby making punishment swifter and more certain and enhancing the confidence of the American people in our system of criminal justice.

California Attorney General Dan Lungren, as well as the National Association of State Attorneys General, played a prominent role in the drafting of the habeas corpus reform provision of S. 3. Their input was invaluable.

Second, S. 3 abolishes the exclusionary rule as it pertains to the fourth amendment and establishes a tort remedy for individuals whose fourth amendment rights have been violated by an unreasonable search and seizure. Under the tort remedy, the United States will be liable for damages resulting from an unlawful search and seizure conducted by a law enforcement officer who was acting within the scope of his employment.

The bottom line is that probative evidence, particularly in a criminal trial, should not be excluded because a police officer made a mistake. We should discipline the police officer and his supervising authority, not punish the crime victim by excluding probative evidence.

And finally, S. 3 creates an obstruction of justice offense for attorneys who knowingly file false statements in criminal proceedings.

CONCLUSION

Mr. President, I am confident that it comes to solving the crime epidemic in this country, Republicans don't have all the answers—not by a long shot. But, in our view, S. 3 provides the framework for the type of tough anticrime legislation the American people deserve.

Finally, I want to thank my distinguished colleague from Utah, Senator Hatch, for his leadership in crafting this important legislation. During his tenure in the Senate, Senator Hatch has always been a relentless advocate for a no-nonsense approach to solving the violent crime problem. I look forward to his service as chairman of the Senate Judiciary Committee.

Mr. President, I ask unanimous consent that the text of the bill and additional materials be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Violent Crime Control and Law Enforcement Improvement Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INCARCERATION OF VIOLENT CRIMINALS

Sec. 101. Prison grants.

Sec. 102. Repeal.

Sec. 103. Civil rights of institutionalized persons.

Sec. 104. Report on prison work progress.

Sec. 105. Drug treatment for prisoners.

Sec. 106. Authority to investigate serial crimes.


Sec. 108. Violent crime and drug emergency block grant program.

Sec. 109. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.

Sec. 110. Federal Aviation Administration reporting responsibility.

Sec. 111. Information transfer.

Sec. 112. Extradition.

Sec. 113. Federal Bureau of Investigation report.

Sec. 114. Increased penalties for terrorism offenses.

Sec. 115. Criminal offenses committed outside the United States by persons accompanying the armed forces.

TITLE VII—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—Elimination of Certain Programs

Sec. 701. Elimination of certain programs.

Subtitle B—Amendments Relating to Violent Crime Control

Sec. 711. Violent crime and drug emergency areas repeal.

Sec. 712. Expansion of 18 U.S.C. 10991 to cover commission of all violent crimes in aid of racketeering activity and increased penalties.

Sec. 713. Authority to investigate serial killings.

Sec. 714. Firearms and explosives conspiracies.

Sec. 715. Increased penalties for crimes in the course of riot offenses.

Sec. 716. Pretrial detention for possession of firearms or explosives by convicted felons.
Sec. 723. Threatening to use a weapon of mass destruction.

Sec. 724. Technical amendments.

Sec. 722. Assaults or other crimes of violence for hire.

Sec. 721. Use of a minor in a drug violation.

Sec. 720. Attempt to commit a violent crime with a firearm.

Sec. 719. Improving the sentencing guidelines.

Sec. 718. Theft of vessels.

Sec. 717. Elimination of unjustified scienter.

Sec. 716. Elimination of a statutory effect for prior custody.

Sec. 715. Limiting occasions of sentence for substantial assistance of defendant.

Sec. 714. Improvement of hate crime sentencing procedures.

Sec. 713. Clarification of length of supervised release terms in controlled substance cases.

Sec. 712. Authority of court to impose a sentence of probation or supervised release when reducing a sentence of imprisonment in certain cases.

Sec. 711. Extension of parole commission to certain offenses.

Sec. 710. Clarification of meaning of official detention for purposes of credit toward sentence.

Sec. 709. Clarification of sentence for substance abuse treatment for incarcerated juveniles.

Sec. 708. Repeal of outmoded certification requirement from the government appeal statute.

Sec. 707. Technical amendments.

Title C—Amendments Relating to Courts and Sentencing

Sec. 737. Clarification of length of supervised release terms in controlled substance cases.

Sec. 736. Elimination of outmoded certification requirement from the government appeal statute.

Sec. 735. Clarification of meaning of official detention for purposes of credit toward sentence.

Sec. 734. Limiting occasions of sentence for substantial assistance of defendant.

Sec. 733. Improvement of hate crimes sentencing procedures.

Sec. 732. Appeals from certain dismissals.

Sec. 731. Allowing a reduction of sentence for providing useful investigative information although not regarding a particular individual.

Sec. 730. Elimination of unjustified scienter.

Sec. 729. Extending parole commission to certain offenses.

Sec. 728. Authority of court to impose a sentence of probation or supervised release when reducing a sentence of imprisonment in certain cases.

Sec. 727. Clarification of length of supervised release terms in controlled substance cases.

Sec. 726. Clarification of sentence for substance abuse treatment for incarcerated juveniles.

Sec. 725. Conforming amendment to obstruction of civil investigative demand statute.

Sec. 724. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage.

Sec. 723. Clarification of scienter requirement for precluding property stolen from an Indian tribal organization.

Sec. 722. Any involvement involving post office boxes and postal stamp vending machines.

Sec. 721. Conforming amendment to law punishing obstruction of justice by notification of existence of a subpoena for records in certain types of investigations.

Sec. 720. Closing loophole in offense of altering or removing motor vehicle identification numbers.

Sec. 719. Application of various offenses to the territories.

Sec. 718. Adjusting and making uniform the dollar amounts used in title 18 to distinguish between grades of offenses.

Sec. 717. Conforming amendment concerning marijuana plants.

Sec. 716. Access to certain records.


Sec. 714. Clarifying or conforming amendments arising from the enactment of Public Law 103-322.

Sec. 713. Technical amendments.

Sec. 712. Clarification of meaning of official detention for purposes of credit toward sentence.

Sec. 711. Elimination of unjustified scienter.

Sec. 710. Clarification of sentence for substance abuse treatment for incarcerated juveniles.

Sec. 709. Limiting occasions of sentence for substantial assistance of defendant.

Sec. 708. Improvement of hate crimes sentencing procedures.

Sec. 707. Clarification of meaning of official detention for purposes of credit toward sentence.

Sec. 706. Clarification of sentence for substance abuse treatment for incarcerated juveniles.

Sec. 705. Conforming amendment to obstruction of civil investigative demand statute.

Sec. 704. Limiting occasions of sentence for substantial assistance of defendant.

Sec. 703. Improvement of hate crimes sentencing procedures.

Sec. 702. Conforming amendment to obstruction of civil investigative demand statute.
Crime Control and Law Enforcement Improvement Act. The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle.

(b) BEST AVAILABLE DATA.—If data regarding part 1 violent crimes in any State for the previous year is unavailable or substantially inaccurate, the Attorney General shall distribute to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

(2) the term ‘State’ or ‘States’ means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(3) the term ‘indeterminate sentencing’ means a system by which the court has discretion in imposing the actual length of the sentence within a statutory maximum, and an administrating agency, or the court, controls release between court-ordered minimum and maximum sentence.

SEC. 100. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $1,000,000,000 for fiscal year 1996;
(2) $1,150,000,000 for fiscal year 1997;
(3) $2,100,000,000 for fiscal year 1998;
(4) $2,200,000,000 for fiscal year 1999; and
(5) $2,700,000,000 for fiscal year 2000.

SEC. 102. REPEAL.

Subtitle B of title II of the Violent Crime and Law Enforcement Act of 1994 is repealed.

SEC. 103. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS.

(a) REPEAL.—Section 7(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in paragraph (1), by inserting ‘or are otherwise unfair and effective’ before the period at the end; and
(2) in paragraph (2), by inserting ‘or is no longer fair and effective’ before the period at the end.

(b) PROCEEDINGS IN FORMA PAUPERIS.—

(1) DISMISSAL.—Section 191(d) of title 28, United States Code, is amended—

(A) by inserting ‘at any time’ after ‘counsel and may’;
(B) by striking ‘and may’ and inserting ‘and shall’;
(C) by inserting ‘fails to state a claim upon which relief may be granted or’ after ‘that the action’; and
(D) by inserting even if partial filing fees have been imposed by the court’ before the period.

(2) PRISONER’S STATEMENT OF ASSETS.—

Section 1915 of title 28, United States Code, is amended by adding at the end the following:

‘‘(f) If a prisoner in a correctional institution files an affidavit in accordance with subsection (a), such prisoner shall include in the affidavit a statement of all assets the prisoner possesses. The court shall make inquiry of the correctional institution in which the prisoner is incarcerated for information available to such institution relating to the extent of the prisoner’s assets. The court shall require full or partial payment of filing fees according to the prisoner’s ability to pay.’.’

SEC. 104. REPORT ON PRISON WORK PROGRESS.

(a) FINDINGS.—The Senate finds that—

(1) Federal Prison Industries was created by Congress in 1994 as a wholly owned, non-profit government corporation directed to train and employ Federal prisoners;
(2) traditional lines of Federal prison industries had meaningful prison jobs; now, with the increasing prison population, less than one-quarter are employed in prison industry positions;
(3) expansion of the product lines and services of Federal Prison Industries beyond its traditional lines of business will enable more Federal prison inmates to work, and such expansion must occur so as to minimize any adverse impact on the private and public labor; and
(4) all able-bodied Federal prison inmates should work.

(b) REPORT.—

(1) IN GENERAL.—In an effort to achieve the goal of full Federal prison inmate employment, the Attorney General, in consultation with the Director of the Bureau of Prisons, the Secretary of Labor, the Secretary of Defense, the Administrator of the General Services Administration, and the private sector and labor, shall submit a report to Congress not later than September 1, 1996, that describes the Federal Prison Industries, the Department of Justice, and the private sector bears to the population of all States.

(2) CONTENTS.—The report shall—

(A) contain a review of existing lines of business of Federal Prison Industries;
(B) consider the findings and recommendations of the final report of the Summit on Economic Self-Sufficiency of Federal Prison Inmates; and
(C) expansion of the product lines and services of Federal Prison Industries can be fostered.

(3) The report shall—

(A) contain a review of existing lines of business of Federal Prison Industries;
(B) consider the findings and recommendations of the final report of the Summit on Economic Self-Sufficiency of Federal Prison Inmates; and
(C) expansion of the product lines and services of Federal Prison Industries can be fostered.

(4) establish and operate cooperative programs between community residents and law enforcement agencies for the control, detection, or investigation of crime, or the prosecution of criminals.

(5) continue to distribute funds to the appropriate agencies.

(6) create an opportunity for the private sector to fund the future needs of programs authorized under subsection (a).

(b) LAW ENFORCEMENT TRUST FUNDS.—

Funds received by a State or unit of local government under this title may be reserved in a trust fund established by the State or unit of local government to fund the future needs of programs authorized under this title.

(2) ALLOCATION AND DISTRIBUTION OF FUNDS.—

(1) A full examination and evaluation of the effectiveness of the treatment in reducing crime.

(2) FUNDING TO STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.

SEC. 101. BLOCK GRANT PROGRAM.

Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

TITLE I—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.

SEC. 10001. BLOCK GRANTS TO STATES.

(a) IN GENERAL.—The Attorney General shall make grants under this title to States for projects that are approved by the Attorney General.

(b) USE OF FUNDS.—Not more than 2.5 percent of funds received by a State in any fiscal year may be used for administrative costs.

(c) LIMITATION.—Not more than 25 percent of funds received by a State in any fiscal year shall be used for administrative costs.

(d) DISBURSEMENT.—
Title XIX of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"(1) $42,000,000 for fiscal year 1996;
(2) $55,000,000 for fiscal year 1997;
(3) $70,000,000 for fiscal year 1998;
(4) $85,000,000 for fiscal year 1999; and
(5) $90,000,000 for fiscal year 2000.

Title IV—CRIMINAL PENALTIES

SEC. 401. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDECATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);
(2) in clause (ii), by striking the semicolon and inserting "or which, if it had been prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) at the time of the offense, and because of the type and quantity of the controlled substance involved, would have been punishable by a maximum term of imprisonment of ten years or more;"; and
(3) by adding at the end the following new clause:
"(iii) any act of juvenile delinquency that committed by an adult would be a serious drug offense described in this paragraph;"

SEC. 402. PROSECUTION OF JUVENILES AS ADULTS.

(a) SERIOUS JUVENILE OFFENDERS.—

(1) REPEAL.—Section 15002 of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that section, are repealed.

(2) ADULT PROSECUTION OF SERIOUS JUVENILE OFFENDERS.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking "an offense described in section 403 of the Controlled Substances Act (21 U.S.C. 841, 846, 841a), or section 922(p) of title 18, United States Code," and inserting "the Controlled Substances Act (21 U.S.C. 841, 846, 844, 844a), section 1010(b) of title 18, United States Code,";

(ii) by striking "922(p)" and inserting "an offense described in section 403 of the Controlled Substances Act (21 U.S.C. 841, 844, 844a), section 1010(b) of title 18, United States Code,"; and

(iii) by striking "an offense which contains cocaine base," and inserting "the Controlled Substances Act (21 U.S.C. 841, 844, 844a), section 1010(b) of title 18, United States Code, is amended—

(B) in the fourth undesignated paragraph—

(i) by striking "an offense described in section 403 of the Controlled Substances Act (21 U.S.C. 841, 846, 841a), or section 922(p) of title 18, United States Code," and inserting "the Controlled Substances Act (21 U.S.C. 841, 844, 844a), section 1010(b) of title 18, United States Code, is amended—

(ii) by striking "922(p)" and inserting "an offense described in section 403 of the Controlled Substances Act (21 U.S.C. 841, 844, 844a), section 1010(b) of title 18, United States Code,"; and

(iii) by striking "an offense which contains cocaine base," and inserting "the Controlled Substances Act (21 U.S.C. 841, 844, 844a), section 1010(b) of title 18, United States Code, is amended—

SEC. 403. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDECATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);
(2) in clause (ii), by striking the semicolon and inserting "or which, if it had been prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) at the time of the offense, and because of the type and quantity of the controlled substance involved, would have been punishable by a maximum term of imprisonment of ten years or more;"; and
(3) by adding at the end the following new clause:
"(iii) any act of juvenile delinquency that committed by an adult would be a serious drug offense described in this paragraph;"
(b) MANDATORY MINIMUM SENTENCING REFORM.  
(a) REPEAL.—Title VIII of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that title, is repealed.  
(b) FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.—  
(1) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:  

“(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—  

“(1) Sentencing under this section.—In the case of an offense described in paragraph (2), the court shall not apply the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and offenses policy statement issued by the United States Sentencing Commission.  

“(2) OFFENSES.—An offense is described in this paragraph if—
(A) the defendant is subject to a manda-
tory minimum term of imprisonment under 
section 401 or 402 of the Controlled Sub-
stances Act (21 U.S.C. 841 and 844) or section 
1010 of the Controlled Substances Import and Ex-
port Act (21 U.S.C. 952); (B) the defendant does not have—
(i) any criminal history points under the sentencing guidelines; or
(ii) prior convictions, foreign or dom-
estic, for a crime of violence against a per-
son or a drug trafficking offense that re-
sulted in a sentence of imprisonment (or an
adjournment in lieu of sentence); or
(iii) an organizer, leader, manager, or supervisor of others (as
defined under the sentencing guidelines) dur-
ing the course of the offense; or
(iv) a result of conduct adopted by the Attorney General
under the procedures set forth in section
1365 to any person—
(i) a result of the act of any person dur-
ing the course of the offense; or
(ii) as a result of the use by any person of a
controlled substance that was involved in the offense;
(D) the defendant did not carry or other-
wise have possession of a firearm (as defined in 
section 921) or other dangerous weapon
during the course of the offense and did not
direct another person to carry a firearm and
the defendant had no knowledge of any other
conspirator involved in the offense possess-
ing a firearm; (E) the defendant was not an organizer,
leader, manager, or supervisor of others (as
defined or determined under the sentencing 
guidelines) in the offense; (F) the defendant did not use, attempt to
use, or make a credible threat to use phys-
ical force against a person of another dur-
ing the course of the offense; (G) the defendant did not own the drugs,
finance any part of the offense or sell the
controlled substance; and
(H) the Government certifies that the de-
fendant has timely and truthfully provided to the
Government all information and evi-
dence the defendant has concerning the of-
fense or offenses that were part of the same
course of conduct or of a common scheme or plan.

(HARMONIZATION.— (A) in general.—The United States Sen-
tencing Commission—
(i) may make such amendments as it
deems necessary and appropriate to har-
monize the sentencing guidelines and policy state-
tions with section 3553(f) of title 18, United States Code, as added by paragraph
(3), and applicable policy statements to as-
sist the courts in interpreting this provi-
sion; and
(ii) shall amend the sentencing guidelines,
if necessary, to assign to an offense under
section 401 or 402 of the Controlled Sub-
stances Act (21 U.S.C. 841 and 844) or section
1010 of the Controlled Substances Import and Ex-
port Act (21 U.S.C. 952) to which a manda-
tory minimum term of imprisonment ap-
plies, a guideline level that will result in the
imposition of a sentence of imprisonment of
at least the amount of imprisonment that is
currently applicable, unless a downward adjustment is authorized under
section 3553(f) of title 18, United States Code,
as added by subsection (a).

(B) EMERGENCY AMENDMENTS.—If the Com-
mision determines that an expedited proce-
dure is necessary to make such amendments as
are made pursuant to paragraph (1) to become effective on the
effective date specified in subsection (c), the
Commission may promulgate such amendments and
shall publish notice of the amendments under the procedures set forth in
section 212(a) of the Sentencing Act of 1987 (101 Stat. 1271),
though the authority under that
section had not expired.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) and any amendments
to the sentencing guidelines made by the
United States Sentencing Commission pursuant
to paragraph (2) shall apply with respect to
sentences imposed for offenses committed on or after the date that is 60 days after the
date of enactment of this Act.

SEC. 407. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended—
after the first sentence the following: “Except to the ex-
tent a greater minimum sentence is other-
wise provided by the preceding sentence or by
any other law, a person who, during and in
relation to any crime of violence or drug
trafficking crime including a crime of vio-
ence or drug trafficking crime which pro-
vides for an enhanced punishment if commit-
ted by the use of a deadly or dangerous weap-
on or device) for which a person may be pro-
secuted in a court of the United States, uses
or carries a firearm shall, in addition to the
punishment provided for such crime of vio-
ence or drug trafficking crime—
(A) be punished by imprisonment for not
less than 10 years; (B) if the firearm is discharged, be pun-
ished by imprisonment for not less than
20 years; and (C) if the death of a person results, be
punished by death or by imprisonment for
not less than life.

Notwithstanding any other law, the court
shall not place on probation or suspend the
sentence of any person convicted of a viola-
tion of this subsection, nor shall the term of
imprisonment imposed under this subsection
run concurrently with any other term of
imprisonment including that imposed for the
crime of violence or drug trafficking crime
in which the individual was convicted. If any
person sentenced under this subsection shall
be eligible for parole during the term of
imprisonment imposed under this subsection.”

SEC. 408. PENALTIES FOR ARSON.

(a) REPEAL.—Section 21016 of the Violent
Crime Control and Law Enforcement Act of 1994 is repealed.
(b) INCREASED PENALTIES.—Section 844 of
title 18, United States Code, is amended—
(1) in subsection (f)—
(A) by striking “not more than ten years,”
and inserting “not less than five years and not
more than ten years”; and
(B) by striking “not more than $10,000,”
and inserting “not less than $100,000 and
not more than $200,000”; and
(C) by striking “not more than $10,000,”
and inserting “not less than five years and not
more than 40 years, fined the greater of $200,000 or the cost of
repairing or replacing any property
that is damaged or destroyed”; and
(D) by striking “not more than twenty
years,” or fined not more than $50,000,”
and inserting “not less than five years and not
more than 40 years, fined the greater of $200,000 or the cost of
repairing or replacing any property
that is damaged or destroyed”; and

(2) in subsection (h)—
(A) in the first sentence by striking “five
years” and inserting “ten years”; and
(B) in the second sentence by striking “ten
years” and inserting “20 years”; and

(3) in subsection (i)—
(A) by striking “not more than ten years
or fined not more than $10,000,” and inserting
“not less than five years and not more than
20 years, fined the greater of $100,000 or the cost of
repairing or replacing any property
that is damaged or destroyed”; and
(B) by striking “not more than twenty
years or fined not more than $10,000,” and
inserting “not less than five years and not
more than 40 years, fined the greater of $200,000 or the cost of
repairing or replacing any property
that is damaged or destroyed”; and

(3) by striking “any prior conviction, foreign or do-
minated under the sentencing guidelines; and
(C) if the defendant did not result in death or
serious bodily injury (as defined in section
1365) to any person—
(i) a result of the act of any person dur-
ing the course of the offense; or
(ii) as a result of the use by any person of a
controlled substance that was involved in the offense;
(D) the defendant did not carry or other-
wise have possession of a firearm (as defined in 
section 921) or other dangerous weapon
during the course of the offense and did not
direct another person to carry a firearm and
the defendant had no knowledge of any other
conspirator involved in the offense possess-
ing a firearm; (E) the defendant was not an organizer,
leader, manager, or supervisor of others (as
defined or determined under the sentencing 
guidelines) in the offense; (F) the defendant did not use, attempt to
use, or make a credible threat to use phys-
ical force against a person of another dur-
ing the course of the offense; (G) the defendant did not own the drugs,
finance any part of the offense or sell the
controlled substance; and
(H) the Government certifies that the de-
FIREARMS.
"SEC. 505. REIMBURSEMENT OF REASONABLE ATTORNEYS' FEES."

Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(A) current or former Department of Justice attorney, agent, or employee who supervises an agent who is the subject of a criminal or disciplinary investigation, instituted after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in procuring or investigating a criminal investigation who is not provided representation under Department of Justice regulations, shall be entitled to reimbursement of reasonable attorneys' fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

(B) An application for attorney fee reimbursement under this subsection shall be made by or on behalf of an attorney, agent, or employee who supervises an agent employed as or by a Federal public defender or the Attorney General and the Director of the Administrative Office of the United States Courts shall provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

SEC. 506. MANDATORY RESTITUTION TO VICTIMS OF OFFENSES."

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically or pecuniarily by unlawful conduct of the defendant during—

(A) the criminal episode during which the offense occurred; or

(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense;"

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) subsection (b)(2) by inserting "emotional or" after "resulting in"; and

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (g), and (h); and

(6) by adding at the end the following new subsections:

(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

(A) the economic circumstances of the offender; or

(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

(2) Upon determination of the amount of restitution owed to each victim, the court shall order the defined order in the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

(A) the financial resources and other assets of the offender; or

(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

(3) A restoration order may direct the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection; and

(4) An in-kind payment described in paragraph (3) may be in the form of—

(A) return of property;

(B) replacement of property; or

(C) services rendered to the victim or to a person or organization other than the victim.

(e) When the court finds that more than 1 victim has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution, or in the case of multiple offenders, the court shall order each offender to contribute to the losses as determined by the court and economic circumstances of each offender.

(f) When the court finds that more than 1 victim has sustained a loss as a result of the commission of an offense by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of the victim.

(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order the definition of the victim who provided the compensation, the restitution order shall provide that all restitution of victim required by the order be paid to the victim before any restitution is paid to such a provider of compensation.

The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time full compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in any Federal civil proceeding; and

(4) An order for payment of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection; and

(5)(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new subparagraph:

"(j) Compliance with the schedule of payments under this subparagraph would not be useful;"

(6) The entity designated by the Director of the Administrative Office of the United States Courts shall—

(A) log all transfers in a manner that tracks the offender's obligations and the current status of any transfer, and, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continuing recordkeeping under this subparagraph would not be useful;

(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

(C) the offender shall designate the entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection; and

(D) current rates for equal services in the community in which the investigation took place.

(8)(A) Reimbursements of attorneys' fees ordered under this subsection by the Attorney General and the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(i) of title 18, United States Code.

(B) Reimbursements of attorneys' fees ordered under this subsection shall be made by the Attorney General and the Director of the Administrative Office of the United States Courts or the entity designated by the Attorney General and the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection; and

(C) the sufficiency of the documentation accompanying the request; and

(D) the need or justification for the underlying investigation and economic circumstances of each offender.

(9) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate."
defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced:

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subsection (B) of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the officer may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

"(1) by striking subsection (a);

"(2) by redesigning subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d); and

"(3) by striking subsection (e), redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertinent to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the reference investigation or in a separate report, as the court directs; and

"(b) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

SEC. 507. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE AGENCY OR SEIZURE.—Evidence obtained as a result of a search or seizure that is otherwise admissible in a Federal criminal proceeding shall not be excluded in a proceeding in a court of the United States authorized by law to obtain such evidence on the ground that the search or seizure was in violation of the fourth amendment to the Constitution.

"(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule, or a rule of court procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to chapter 131 of title 28.

"(c) RULE OF CONSTRUCTION.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.

2. TECHNICAL AMENDMENT.—The chapter title for the section, a jurisdictional section, of title 18, United States Code, is amended by inserting after the item for section 3502 the following new item:

"3502A. Admissibility of evidence obtained by R.

"(c) ILLEGAL SEARCH AND SEIZURE.—

"(1) In general.—Title 28, United States Code, is amended by inserting after section 1713, the following new section:

"CHAPTER 172—ILLEGAL SEARCH AND SEIZURE

"Sec. 2691. Definitions.

"2692. Tort cases; illegal search and seizure.

"2693. Sanctions against investigative or law enforcement officers.

"2694. Judgment as bar.

"2695. Attorneys' fees and costs.

"2696. Applicability of other tort claims procedures.

§ 2691. Definitions.

"(a) Torts not barred by statute; exceptions.

"(b) Procedure for issuing order of restitution.

"(c) Payment of restitution.

"(d) Conduct of judicial proceedings.

"(e) Limitation on award to offender.

"(f) Payment of costs.

"(g) District courts, together with the United States District for the Territory of
shall indicate which specific issue or issues cate of probable cause under paragraph (1) read as follows:

"(b) Necessity of Certificate of Probable Cause for Appeal.—In a habeas corpus proceeding in which the denial of a Federal court of appeals of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant may not proceed unless the Court of Appeals issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a panel of the Court of Appeals. If no express request for a certificate is filed, the notice of appeal shall constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate of probable cause shall be addressed to the State, or to the district court and denied, renewal of the application before a circuit judge denying the writ.

"(e)(1) A motion by such governmental action; (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the motion by such governmental action in violation of the Constitution or laws of the United States; or (3) A State shall not be deemed to have made a motion created by governmental action in violation of the Constitution or laws of the United States; or (4) the date on which the factual predi cate of the claim or claims presented could have been discovered through the exercise of due diligence.

by adding at the end the following new paragraphs:

"(1) the date on which the judgment of conviction becomes final;

"(b) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States; or (3) the date on which the right asserted was initially recognized by the Supreme Court, that was previously recognized by the Court and is made retroactively applicable; or

"(4) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

by inserting "or subsection (g)" after "sub-
shall apply only if the provisions of sub-
section (b) must offer counsel to all State
prisoners under capital sentence and must
provide for the entry of an order by a court of
record—
"(1) appointing 1 or more counsel to rep-
resent the prisoner upon a finding that the
prisoner is indeed the offer is unable competently to decide whether to
accept or reject the offer;
"(2) finding, after a hearing if necessary, that
the prisoner rejected the offer of coun-
sel and made the decision with an under-
standing of its legal consequences; or
"(3) denying the appointment of counsel
upon a finding that the prisoner is not indi-
gent.
"(d) Previous Representation.—No coun-
sel appointed pursuant to subsections (b) and
(c) to represent a State prisoner under cap-
tial sentence shall have previously rep-
resented the prisoner at trial or on direct ap-
peal in the case for which the appointment is
made unless the Court expressly request
expressly request continued representation.
"(e) No Ground for Relief.—The ineffect-
iveness or incompetence of counsel dur-
ing Federal or State collateral postconviction
proceedings in a capital case shall not be a
ground for relief in a proceeding arising
under section (b); and anion shall not
preclude the appointment of different coun-
sel, on the court's own motion or at the re-
quest of the prisoner, at any phase of State or
Federal postconviction proceedings on the
basis of the ineffectiveness or incompetence
of counsel in such proceedings.

§2257. Mandatory stay of execution; dura-
tion; limits on stays of execution; success-
ive petitions

"(a) Stay.—Upon the entry in the appro-
priate State court of record of an order
under section 2256, a warrant or order set-
ing an execution date for a State prisoner
shall be stayed upon application to any court
that would have jurisdiction over any pro-
ceedings filed under section 2254. The appli-
cant must recite in the factfinder's deter-
mination of the conditions in subsection (b) has oc-
curred, no Federal court thereafter shall
have the authority to enter a stay of execu-
tion or grant relief in a capital case unless—
"(1) the basis for the stay and request for re-
view is a claim not previously presented in the
State or Federal courts;
"(2) the failure to raise the claim is—
"(A) the result of State action in violation of
the Constitution or laws of the United
States;
"(B) the result of the Supreme Court rec-
ognition of a new Federal right that is made
retroactively applicable; or
"(3) the facts underlying the claim if pro-
ven and viewed in light of the evidence as a
whole, would be sufficient to establish by
clear and convincing evidence that but for
constitutional error, no reasonable
factfinder would have found the petitioner
guilty of the underlying offense or eligible
for the death penalty under State law.
"(4) the court of appeals approves the filing
of a second or successive petition that—
"(A) is the result of the Supreme Court
recognition of a new Federal right that is
made retroactively applicable; or
"(B) is based on a factual predicate that
could not have been discovered through the
exercise of due diligence in time to present
the claim for State or Federal postconviction
review;
"(5) the facts underlying the claim if prov-
ven and viewed in light of the evidence as a
whole, would be sufficient to establish by
clear and convincing evidence that but for
constitutional error, no reasonable
factfinder would have found the petitioner
guilty of the underlying offense or eligible
for the death penalty under State law.

§2258. Filing of habeas corpus petition; time
requirements; tolling rules

"(a) Filing.—A petition for habeas corpus
relief under section 2254 must be filed in the
appropriate district court within 180 days
from the filing in the appropriate State
court of record of an order under section
2256.
"(b) Tolling.—The time requirements es-
tablished by this section shall be tolled if—
"(1) from the date that a petition for cer-
tiorari is filed in the Supreme Court until
the date of final disposition of the petition if
a State prisoner files the petition to secure
review by the Supreme Court of the affirm-
ance of a capital sentence on direct review
by the court of last resort of the State or
other final State court decision on direct review;
"(2) during any period in which a State
prisoner under capital sentence has a pro-
rably filed request for postconviction review
pending before a State court of competent
jurisdiction; if all State filing rules are met
in a timely manner, this period shall run
continuously from the date that the State
prisoner initially files for postconviction re-
view until final disposition of the case by the
highest court of the State, but the time re-
quirements established by this section are
the claim for State or Federal postconviction
review; and
"(3) during an additional period not to ex-
ceed 30 days, if—
"A motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254, and

(B) no other cause is made for the failure to file the habeas corpus petition within the time period established by this section.

§ 2256. Evidentiary hearings; scope of Federal review; district court adjudication

(a) Review of Record; Hearing.—Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall, within the time limits required by section 2267—

(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is—

(A) the result of State action in violation of the Constitution or laws of the United States;

(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

(C) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State postconviction review; and

(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

(b) Application.—Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it, but the court shall not grant relief unless it finds that a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings is unconstitutional.

§ 2260. Certificate of probable cause inapplicable

The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

§ 2261. Application to State unitary review procedure

(a) General.—

(1) Definition.—For purposes of this section, the term ‘unitary review procedure’ means a State procedure that authorizes a person under sentence of death to raise, in the case of direct review of the judgment, such claims as could be raised on collateral attack.

(2) Application of Chapter.—This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings.

(3) Standards of Competency.—A rule of court or statute described in paragraph (2) must provide standards of competency for the appointment of counsel.

(b) Offer of Counsel.—

(1) In General.—To qualify under this section, a unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order in section 2262, concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose.

(2) No Previous Representation.—No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made express request continued representation.

(c) Application of Other Sections.—

(1) In General.—Sections 2257, 2258, 2259, 2260, and 2261 apply to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section.

(2) References. — References to State ‘post-conviction review’ and ‘direct review’ in those sections shall be understood as referring to unitary review under the State unitary review statute.

§ 2262. Limitation periods for determining petitions

(a) In General.—The adjudication of any petition under section 2254 that is subject to this chapter, or a motion for a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings is unavailable at the time of the filing, or after the date of the adjournment of the State court, the start of the 180-day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner in the proceeding.

(b) Application. — The time limitations under paragraph (1) shall apply to—

(1) an initial petition for a writ of habeas corpus;

(2) any second or successive petition for a writ of habeas corpus; and

(3) any deternination of a petition for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is granted.

(c) Rule of Construction.—The time limitations under this section shall not be construed to entitle a petitioner to a stay of execution to which the petitioner would otherwise not be entitled, for the purpose of litigating any petition or appeal.

(d) Failure to Render Timely Determination.—

(1) No Ground for Relief.—The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting a new trial or for setting aside a judgment or conviction or sentence.

(2) Enforcement.—The government may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The Court of Appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

(3) Report.—

(A) In General.—The Administrative Office of the United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

(B) Contents.—The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

(C) Time Limitations for Consideration by the District Courts of Habeas Corpus Petitions in Capital Cases.—

(1) In General.—

(A) Final Determination within 180 Days.—Except to the extent that a longer period of time is required in order that each of the parties will have been accorded at least as many days as provided in the rules in which to complete all actions, including preparation of briefs and, if necessary, a hearing, in the time available, the district court shall render a final determination of any petition for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the petition is filed.

(B) Delay.—(i) A district court may delay for not more than one additional 180-day period beyond that provided in subparagraph (A), the rendering of a determination of a petition for a writ of habeas corpus if the court issues a written order making a final determination for the finding, that the ends of justice would be served by allowing the delay outweigh the best interests of the public and the petitioner in a speedy disposition of the petition.

(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of a petition is warranted include—

(1) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

(2) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that a delay of adequate time is required to ensure adequate briefing within the time limit established by subparagraph (A).

(3) Whether the failure to allow a delay in a case, that taken as a whole, is not so unusual or so complex as described in clause (ii), would deny the petitioner reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

(4) Whether a delay in disposition is permitted because of general congestion of the court's calendar.

(5) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts to include the report under paragraph (5).

(2) Application.—The time limitations under paragraph (1) shall apply to—

(A) an initial petition for a writ of habeas corpus;

(B) any second or successive petition for a writ of habeas corpus; and

(C) any redetermination of a petition for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is granted.

(3) Rule of Construction.—The time limitations under this section shall not be construed to entitle a petitioner to a stay of execution to which the petitioner otherwise would be entitled, for the purpose of litigating any petition or appeal.

(4) Failure to Render Timely Determination.—

(A) No Ground for Relief.—The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting a new trial or for setting aside a judgment or conviction or sentence.
United States Courts shall submit to Con-
of conviction or sentence.

Rule of construction. The time lim-
iteations in this section are in con-
struction under this section shall not be a
ground for granting relief from a judgment

Failure to render timely determina-
ton.-(A) No ground for relief.-The failure of a
court to stipulate within a time limitation under this section shall not be a
for a writ of mandamus to the Supreme Court.

Report.-The Administrative Office of
United States Courts shall submit to Con-
gress an annual report on the compliance by
the district courts and courts of appeals with the time limitations under this section.

Technical amendment.-The part anal-
ysis for chapter 2 of title 18, United
States Code, is amended by adding after the item relating to chapter 153 the following new
item:

"(r) Special removal hearing.-(1) The Chief
Justice of the United States shall publicly designate up to 7 judges from up to 7 United States judi-
cial districts to hear and decide cases aris-
ing under this section, in a manner consist-
ent with the designation of judges described in
section 103(a) of the Foreign Intelligence
Surveillance Act (50 U.S.C. 1803(a)).

(2) The Chief Justice, by rule, shall con-
consider the application in camera and ex parte.

(3) The judge shall authorize the intro-
duction in camera and ex parte of any item
because such proceedings would disclose
the national security of the United States
because such proceedings would disclose classified information;

(4) the term 'special court' means the
Court described in subsection (c) of this sec-

(5) the `special removal hearing' means the
hearing described in subsection (e) of the
terminology.

Application for use of procedure.-The provisions of this section shall
apply whenever the Attorney General cer-
der that public disclosure would pose a risk to
the national security of the United States because such proceedings would disclose classified information;

Special court proceedings described in sections
242, 242A, or 242B would pose a risk to
the national security of the United States because such proceedings would disclose classified information;

Special court.-(1) The Chief Justice of the
United States shall publicly designate up to 7 judges from up to 7 United States judi-
cial districts to hear and decide cases aris-
ing under this section, in a manner consist-
ent with the designation of judges described in
section 103(a) of the Foreign Intelligence
Surveillance Act (50 U.S.C. 1803(a)).

(2) The Chief Justice, by rule, shall con-
consider the application in camera and ex parte.

(3) The judge shall authorize the intro-
duction in camera and ex parte of any item
because such proceedings would disclose
the national security of the United States
because such proceedings would disclose classified information;

(4) the term 'special court' means the
Court described in subsection (c) of this sec-

(5) the `special removal hearing' means the
hearing described in subsection (e) of the
terminology.
would create a substantial risk of death or serious bodily harm, and a finding that the evidence informing the alien that no such sum-

(6) If the judge determines—

(A) that the substituted evidence described in paragraph (4)(B) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

(f) DETERMINATION OF DEPORTATION.—(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

(4) APPEALS.—(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

(3) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte.

SEC. 608. TERRITORIAL SEA.

(a) TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JEWS.—The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the seas subject to sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States where that term is used in title 18, United States Code.

(b) ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.—Section 13 of title 18, United States Code (relating to section 44901 the following new item:

(1) [in subsection (c), by inserting ‘‘, national of the United States,’’ before ‘‘and’’; and

(2) in subsection (d), by striking the first sentence and inserting the following:

‘‘If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.’’

(f) Section 1301(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following:

‘‘If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.’’

(2) by adding at the end the following:

‘‘For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).’’

(g) Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting ‘‘(A)’’ before ‘‘the offender is later found in the States’’; and

(2) by inserting ‘‘(B) an offender is a national of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.’’

(h) Section 831(c)(2) of title 18, United States Code, is amended by striking ‘‘the defaults of a national of the United States, as defined and inserting ‘‘an offender or a vic-

im is a national of the United States, as de-

fined’’.

(i) Section 175(a) of title 18, United States Code, is amended by inserting ‘‘(as defined in section 101(a)(22) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(22))’’ after ‘‘national of the United States’’.

SEC. 610. FEDERAL AVIATION ADMINISTRATION REPORTING RESPONSIBILITY.

(a) IN GENERAL.—Chapter 449 of title 49, United States Code, is amended by inserting after section 44901 the following new section:

§44901A. Discoveries of controlled substances or cash in excess of $10,000.

‘‘Not later than 90 days after the date of the enactment of this section, the Administrator shall issue regulations requiring em-

ployees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures to subsection (a), shall be searched for any con-

trolled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.’’.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44901 the following new item:

‘‘44901A. Discoveries of controlled substances or cash in excess of $10,000.’’

SEC. 631. INFORMATION TRANSFER.

Section 245A(c)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)(C))
is amended by striking "except that the Attorney General under section 3181(b)'".
and inserting "except that the Attorney General under section 3181(b),''.

"(1) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the file of the alien (as a result of an investigation of the alien by an investigative officer or law enforcement officer) that is necessary to locate and identify the alien if:

"(i) such disclosure may result in the discovery of information leading the location and identity of the alien; and

"(ii) such disclosure (and the information discovered as a result of such disclosure) will be used only for criminal law enforcement purposes as against the alien whose file is being accessed.

"(ii) may furnish information under this section with respect to an alien to an official courageous with the written request of the coroner for the purposes of permitting the coroner to identify a deceased individual; and

"(iii) may provide, in the Attorney General's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed to the Secretary of Commerce under section 8 of title 13, United States Code.''.

SEC. 612. EXTRADITION.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting "and" before "The provisions of this chapter;" and

(2) by adding at the end the following new subsection:

"(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with the foreign government, if the Attorney General certifies, in writing, that—

"(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

"(2) the offenses charged are not of a political nature.

"(c) As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))."

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States, the United States;" the following: "or any foreign government, the following: "or in cases arising under section 3181(b);"

(2) in the first sentence by inserting after "treaty, or military convention," the following: "or provided for under section 3181(b);"; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b);"

SEC. 613. FEDERAL BUREAU OF INVESTIGATION REPORT.

Not later than January 31, 1997, the Director of the Federal Bureau of Investigation shall report to Congress on the effectiveness of section 2399A of title 18, United States Code (as added by section 12002 of the Violent Crime Control and Law Enforcement Act of 1994). The report shall include any recommendations of the Director for changes in existing law that are needed to improve the effectiveness of such section.

SEC. 614. INCREASED PENALTIES FOR TERRORISM CRIMES.

(a) Title 18, United States Code, is amended—

(1) in section 114, by striking "maim or disfigure" and inserting "torture, maim, or disfigure"; and

(2) in section 371, by striking "$10,000 or imprisoned not more than five years" and inserting "$10,000 in excess of the monetary gain from the conspiracy, or imprisoned not more than five years";

(3) in section 757—

(A) by striking "$2,000" and inserting "$5,000";

(B) by striking "two years" and inserting "five years"; and

(C) by striking "$500" and inserting "$1,000";

(4) in section 756, by striking "$5,000 or imprisoned not more than one year" and inserting "$5,000 or imprisoned not more than five years";

(5) in section 878a, by striking "by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person"; and

(6) in section 1113, by striking "three years or fined and inserting "seven years";

(7) in section 1114, by inserting "any member of the United States Armed Forces who is engaged in noncombat related official activities," after "such marshal or deputy marshal";

(8) in section 1116(a), by inserting "or to death," after "imprisonment for life;" and

(9) in section 2322(c), by striking "five" and inserting "ten".

(b) Section 1472(l)(1) of title 44 App., United States Code, is amended by striking "one" and inserting "ten".

SEC. 615. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.

(a) Title 18, United States Code, is amended by inserting after chapter 211 the following:

"CHAPTER 212.—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

"(a) Whoever, while serving with, employed by, or accompanying the Armed Forces outside the United States, engages in conduct which would constitute a crime punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

"(b) Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect of offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

"(c) No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval may not be delegated.

"(d)(1) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest a person described in subsection (a) of this section who there is probable cause to believe engaged in conduct which constitutes a criminal offense under section 1150 of title 18, United States Code.

"(2) A person arrested under paragraph (1) of this section shall be released to the custody of civilian law enforcement authorities of the United States Federal Government or to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

"(A) such person is delivered to authorities of a foreign country under section 3626 of this title; or

"(B) such person has had charges preferred against him under chapter 47 of title 10 for such conduct.

§ 3262. Delivery to authorities of foreign countries

"(a) Any person designated and authorized under section 3626(d) of this title may deliver a person described in section 3626(a) of this title to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in such subsection (a) of this section if—

"(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

"(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

"(b) The Secretary of Defense shall determine what officials of a foreign country constitute appropriate authorities for the purpose of this section.

§ 3263. Regulations

The Secretary of Defense shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

§ 3264. Definitions for chapter

"As used in this chapter—

"(1) a person is 'employed by the armed forces outside the United States' if he or she is employed as a civilian employee of a military department, as a Department of Defense contractor, or as an employee of a Department of Defense contractor, is present or residing inside the United States in connection with such employment, and is not a national of the host nation.

"(2) a person is 'accompanying the armed forces outside the United States' if he or she is a dependent of a member of the armed forces and is residing with the member outside the United States.'
SEC. 712. EXPANSION OF 18 U.S.C. 1959 TO COVER COMMISSION OF ALL VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY AND INCREASED PENALTIES.

Section 1992(a) of title 18, United States Code, is amended—

(1) inserting "or commits any other crime of violence" before "or threatens to commit a crime of violence against";

(2) in paragraph (4) by inserting "committing a crime of violence or in defense of the commission of any other crime of violence" after "some other means" and, by striking "three" and inserting "ten";

(3) in paragraph (5) by striking "ten" and inserting "twenty";

(4) in paragraph (6) by striking "or" before "assault resulting in serious bodily injury," by inserting "and any other crime of violence" after "after whom violence" before "after whom violence"; and by striking "three" and inserting "ten";

(5) by inserting ``(as defined in section 1365 of this title) after "serious bodily injury" the first place it appears.

SEC. 713. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) Section 33 of title 28, United States Code, is amended by adding after section 537 the following new section:

§ 538. Investigation of serial killings.

"The Attorney General and the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, when such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense. For purposes of this section—"(1) the term 'serial killings' means a series of killings, at least one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors;"(2) 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed;"(3) and section 540, 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States." (b) The table of contents for chapter 33 of title 28, United States Code, is amended by inserting after the item for section 537 the following:

"§ 538. Investigation of serial killings.".

SEC. 714. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) Section 924 of title 18, United States Codes, is amended by adding at the end the following new subsection:

"(o) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.

(b) Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.

SEC. 715. INCREASING PENALTIES FOR VIOLENCE IN THE COURSE OF RIOT OFFENSES.

Section 2103(a) of title 18, United States Code, is amended by striking "shall be fined under this title" and inserting "shall be imprisoned for not more than five years, or both" and inserting "shall be fined under this title or (i) if death results from such act, be imprisoned for any term of years or for life, or both; (ii) if serious bodily injury (as defined in section 1365 of this title) results from such act, be imprisoned for not more than twenty years, or for life, or both; or (iii) in any other case, be imprisoned for not more than five years, or both".

SEC. 716. PRETRIAL DETENTION FOR POSSESSION OF WEAPONS OR EXPLOSIVES BY CONVICTED FELONS.

Section 3156(a) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(3) by adding the following new subparagraph:

"(ID) an offense that is a violation of section 842(i) or 922(g) of this title (relating to possession of explosives or firearms by convicted felons)."

SEC. 717. ELIMINATION OF UNJUSTIFIED SCIENTIFIC ELEMENT FOR CAR JACkING.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

SEC. 718. THEFT OF VESSELS.

(a) Section 2311 of title 18, United States Code, is amended by adding at the end the following:

"(A) `Motor vehicle' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.

(b) Sections 2312 and 2313 of title 18, United States Code, are each amended by striking "motor vehicle or aircraft" and inserting "motor vehicle, vessel, or aircraft".

SEC. 719. CRIMINAL CONSPIRACY REQUIREMENT FOR RICO CONSPIRACY.

Section 1962(d) of title 18, United States Code, is amended by adding at the end "For purposes of this subsection, `official detention' does not include detention at a community-based treatment or correctional facility.".

SEC. 720. ADDITION OF ATTEMPT COVERAGE FOR INTERSTATE DOMESTIC VIOLENCE OFFENSE.

Section 2361(a) of title 18, United States Code, is amended—

(1) in subsection (a) by inserting "or attempts to do so," after "thereby causes bodily injury to such spouse or intimate partner";

(2) in subsection (b) by inserting "or attempts to do so," after "thereby causes bodily injury to the person's spouse or intimate partner".

SEC. 721. ADDITION OF FOREIGN MURDER AS A MONEY LAUNDERING PRECEDATE.

Section 1956(c)(7)(B)(i) of title 18, United States Code, is amended by inserting "murder," before "kidnapping".

SEC. 722. ASSAULTS OR OTHER CRIMES OF VIOLENCE IN AID OF RICO CONSPIRACY.

Section 1959(a) of title 18, United States Code, is amended by inserting "or other felony crime of violence against the person after marijuana years, or both;".

SEC. 723. THREATENING TO USE A WEAPON OF MASS DESTRUCTION.

Section 2332(a) of title 18, United States Code, is amended by inserting "or threatens" before "or threatens to use, a weapon of mass destruction"

SEC. 724. TECHNICAL AMENDMENTS.

Section 6002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) by striking the words "pursuant to this chapter" in section 5096 of title 18, and

(2) by striking section 5091(a) of title 18 and replacing it with

"(a) In general—A United States marshal charged with supervising the implementation of a sentence of death shall use appropriate Federal facilities for the purpose.

Title C—Amendments Relating to Courts and Sentencing

SEC. 731. ALLOWING A REDUCTION OF SENTENCE FOR PROVIDING INVESTIGATIVE INFORMATION ALTHOUGH NOT REGARDING A PARTICULAR INDIVIDUAL.

Section 3553(e) of title 18, United States Code, section 994(n) of title 28, United States Code, and Rule 53(b) of the Federal Rules of Criminal Procedure are each amended by striking "substantial assistance in the investigation or prosecution of another person who has committed an offense" and inserting "substantial assistance in the investigation of any offense or the prosecution of another person who has committed an offense".

SEC. 732. APPEALS FROM CERTAIN DISMISSALS.

Section 3731 of title 18, United States Code, is amended by inserting after "to any one or more counts" after "as to any one or more counts".

SEC. 731. ALLOWING REDUCTION OF OUTMODED CERTIFICATION REQUIREMENT FROM THE GOVERNMENT USE.

Section 3553(b) of title 18, United States Code, is amended by inserting at the end "For purposes of this subsection, official detention does not include detention at a community-based treatment or correctional facility.

SEC. 733. LIMITATION ON REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE OF DEFENDANT.

(a) Section 994(n) of title 18, United States Code, is amended by inserting "as to any one or more counts" after "as to any one or more counts".

SEC. 734. CLARIFICATION OF MEANING OF OFFICIAL DETENTION FOR PURPOSES OF CRIMINAL CUSTODY.

Section 3585(b) of title 18, United States Code, is amended by adding at the end "For purposes of this subsection, official detention does not include detention at a community-based treatment or correctional facility.

SEC. 735. LIMITATION ON REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE OF DEFENDANT.

(a) Section 994(n) of title 18, United States Code, is amended by inserting "as to any one or more counts" after "as to any one or more counts".

SEC. 736. IMPROVEMENT OF HATE CRIME SENTENCING PROCEDURE.

Section 28003(b) of Public Law 103-322 is amended by striking "the finder of fact at trial" and inserting "the court at sentencing".

SEC. 737. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Sections 408(b)(1) (A), (B), (C), (D), (E), and (F) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (A), (B), (C), (D), and (F)) are each amended by striking "any sentence" and inserting "any sentence or term of imprisonment for each offense when the term exceeds one year".

SEC. 738. AUTHORITY OF COURT TO IMPOSE A SENTENCE OF PROBATION OR SUPERVISED RELEASE WHEN REDUCING A SENTENCE OF IMPRISONMENT IN CERTAIN CASES.

Section 3583(c)(1)(A) of title 18, United States Code, is amended by inserting "(and may impose a sentence of probation or supervised release with or without conditions)" after "may reduce the term of imprisonment"."
SEC. 739. EXTENSION OF PAROLE COMMISSION TO DEAL WITH "OLD LAW" PRISONS.

For the purposes of section 235(b) of Public Law 89-320, as amended by chapter 31 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "ten years" or a "ten-year period" shall be deemed a reference to "fifteen years" or a "fifteen-year period", respectively. Notwithstanding the provisions of section 4203 of title 18, United States Code, the United States Parole Commission is authorized to perform its functions with any quorum of Commissioners, or Commissioner, currently holding office, as the Commission may determine.

SEC. 740. CONFORMING AMENDMENTS RELATING TO SUPERVISED RELEASE.

(a) Sections 1512a(a)(3)(C), 1512b(3), 1512c(2), 1513(a)(18), and 1513(b)(2) as each amended by striking "violation of conditions of probation, parole or release pending judicial proceedings" and inserting "violation of conditions of probation, supervised release, parole, or release pending judicial proceedings".

(b) Section 3142 of title 18, United States Code, is amended—

(1) in subsection (d)(1), by inserting ", or supervised release," after "+probation:"; and

(2) in subsection (d)(2), by inserting "or supervised release" after "probation".

SEC. 741. REPEAL OF OUTMODED PROVISIONS BARRED FROM PROSECUTION OF CERTAIN OFFENSES.

(a) Sections 659 and 2117 of title 18, United States Code, are each amended by striking the first sentence of the last undesignated paragraph;

(b) Sections 660 and 1992 of title 18, United States Code, are each amended by striking the last undesignated paragraph;

(c) Section 2101 of title 18, United States Code, is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(d) Section 80a130 of title 15, United States Code, is amended by striking the last sentence;

(e) Section 1292 of title 15, United States Code, is repealed.

Subtitle D—Miscellaneous Amendments

SEC. 751. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title or" before "the Antitrust Civil Process Act".

SEC. 752. ADDITION OF ATTEMPTED THEFT AND CONVERSION TO OMISSION OFFENSES TO ELIMINATE GAPS AND INCONSISTENCIES IN COVERAGE.

(a)(1) Section 153 of title 18, United States Code, is amended by inserting ", or attempts so to appropriate, embezzle, spend or transfers," before "any property".

(2) Section 641 of title 18, United States Code, is amended by striking "or" at the end of the first paragraph and by inserting after such paragraph the following: "Whoever attempts to commit an offense described in the preceding paragraph or"

(3) Section 655 of title 18, United States Code, is amended by inserting "or attempts to steal or take" after "unlawfully takes".

(b) Sections 666 and 657 of title 18, United States Code, are each amended—

(1) by inserting ", or attempts to embezzle, abstract, purloin, or misappropriate" after "."

(2) by inserting "or attempts to embezzle, abstract, purloin, or misappropriate" after "any money".

(c) Section 659 of title 18, United States Code, is amended—

(1) in the first and third paragraphs by inserting "or attempts to embezzle, steal, or so take or carry away," after "carries away,"; and

(2) in the fourth paragraph by inserting "or attempts to embezzle, steal, or so take," after "from any railroad car".

(d) Section 661 of title 18, United States Code, is amended—

(1) by inserting "or attempts so to take and carry away," after "any property";

(2) by inserting "or attempts to embezzle, steal, or so take or carry away," after "any property" each place it appears.

(e) Section 699(a) of title 18, United States Code, is amended—

(1) by inserting "or attempts to obtain" after "obtains"; and

(2) by inserting "or attempts to be embezzled, misapplied, stolen, or obtained by fraud," after "obtained by fraud".

(f) Section 699(a)(1)(A) of title 18, United States Code, is amended by inserting "or attempts to embezzle, steal, obtain by fraud, or so convert or misapply," before "any of the moneys".

(g) Section 699(a)(3) of title 18, United States Code, is amended—

(1) by inserting "(i)" after "(ii)"; and

(2) by inserting "or attempts to embezzle, steal, or so convert or misapply," before "any money".

(h) Sections 1168 and 2117 of title 18, United States Code, are each amended by inserting "or attempts so to abstract, purloin, misappropriate, or take and carry away," after "any property".

(2) by inserting "or attempts to embezzle, steal, or so take or carry away," before "any moneys".

(j) Section 1169 of title 18, United States Code, is amended—

(1) by inserting "or attempts to abstract, purloin, misappropriate, or take and carry away," before "any moneys";

(2) by inserting "or attempts to steal, abstract, or misappropriate," after "any money";

(3) by adding the following new subparagraph: "(iii) the Controlled Substances Act, the United States Code, is amended Ð

(b) Section 224 of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (i);

(2) by striking the period and inserting "; or" at the end of subparagraph (ii); and

(3) by adding the following new subparagraph:

"(ii) which can be correlated to a particular motor vehicle or part".

SEC. 753. CLARIFICATION OF SCIENTER REQUIREMENT FOR RECEIVING PROPERTY KNOWINGLY.

(a) Sections 513(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (i); and

(b) by inserting "or in such box or machine," after "so used".

(c) by inserting ", or any post office box or postal stamp vending machine within such a building," after "used in whole or in part as a post office";

(d) by inserting "or so converted," after "used";

(e) by inserting "or in such box or machine," after "so used".

SEC. 754. LARCENY INVOLVING POST OFFICE BOXES AND POSTAL STAMP VENDING MACHINES.

(a) Section 1121 of title 18, United States Code, is amended—

(1) by striking "or" before "any building";

(2) by inserting "or attempt to embezzle, steal, obtain by fraud, or so convert or misapply," before "any money";

(b) by inserting "or attempts to embezzle, steal, obtain by fraud, or so convert or misapply," before "any money";

(c) by inserting "or attempts to embezzle, steal, or so convert or misapply," before "any money".

(d) by inserting "or attempts to steal, abstract, or misappropriate," after "any money";

(e) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(f) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(g) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(h) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(i) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(j) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(k) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(l) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(m) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(n) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(o) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(p) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(q) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(r) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(s) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(t) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(u) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(v) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(w) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(x) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(y) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

(z) by inserting "or attempts to steal, abstract, or misappropriate," after "any money".

{... (more text) ...

... (more text) ...

... (more text) ...}
SEC. 760. ACCESS TO CERTAIN RECORDS.

Section 2515 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(j) EXEMPTION FOR PROTECTION OF WHISTLEBLOWER.—Nothing in this section shall apply to any subpoena or court order issued to a cable operator for basic subscriber information in connection with a grand jury proceeding or a civil action. A court shall have authority to order a cable operator not to notify the subscriber of the existence of a subpoena or court order to which the order issued to the cable operator relates. For purposes of this subsection, the term ‘basic subscriber information’ means information stating whether or not a person is or was a subscriber and the name and address (past or present) of a subscriber.’’

SEC. 761. CLARIFICATION OF INAPPLICABILITY OF 18 U.S.C. 2515 TO CERTAIN DISCLOSEES.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: ‘‘This section shall not apply to the disclosure by the United States, a State, or political subdivision in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, the interception of which was in violation of section 2511(2)(d) (relating to certain interceptions not under color of law).’’

SEC. 762. CLARIFYING OR CONFORMING AMENDMENTS ARISING FROM THE ENACTMENT OF PUBLIC LAW 103-322.

(a) Section 3286 of title 18, United States Code, is amended by striking ‘‘any offense’’ and inserting ‘‘any non-capital offense’’.

(b) Section 5002 of title 18, United States Code, is amended by inserting ‘‘1111, 1111, 1111’’ and inserting ‘‘1111, 1111, 1111’’.

(c) Section 81 of title 18, United States Code, is amended by striking ‘‘fined under this title’’ and inserting ‘‘fined under this title or imprisoned not more than five years’’ and inserting ‘‘imprisoned not more than twenty years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed’’.

(d)(1)(A) Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3294. Arson offenses.

‘‘No person shall be prosecuted, tried, or punished for any noncapital offense under sections 81, 844 (f), (h), or (i) of this title unless the information or indictment instituting the information or indictment instituting the information is instituted within 10 years after the date on which the offense was committed.’’

(B) The chapter index for chapter 213 of title 18, United States Code, is amended by inserting at the end the following:

‘‘§ 3294. Arson offenses.’’

(2) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

(b) Section 704(b)(2) of title 18, United States Code, is amended by striking ‘‘with respect to a Congressional Medal of Honor’’.

(f) Section 950(a) of the Controlled Substances Act (21 U.S.C. 840) is amended—

(1) by striking subsections (g)(3), (h)(1), and (i) and inserting ‘‘(h) and (i)’’;

(2) by redesignating subsections (g)(4)–(10) as (f)(1)–(7);

(3) by redesignating subsections (g)(4)–(10) as (f)(1)–(7);

(4) by redesignating subsections (g)(4)–(10) as (f)(1)–(7);

(5) by redesignating subsections (g)(4)–(10) as (f)(1)–(7);

(6) by redesignating subsections (g)(4)–(10) as (f)(1)–(7);

(h)(1) Section 2621 of title 18, United States Code, is amended—

(A) in paragraph (a)(1) by striking ‘‘within the intent to injure, harass, or intimidate’’ and inserting ‘‘within the intent to injure, harass, or intimidate’’; and

(B) in paragraphs (a)(1) and (a)(2) by inserting ‘‘and after ‘‘thereby causes bodily injury’’.”

(2) Section 2262 of title 18, United States Code, is amended—

(a) Section 112 of title 18, United States Code, is amended by striking ‘‘fined not more than $10,000’’ and inserting ‘‘fined under this title’’.

(b) Sections 152, 153, and 154 of title 18, United States Code, are each amended by striking ‘‘fined not more than $100’’ and inserting ‘‘fined under this title’’.

(c) Section 970 of title 18, United States Code, is amended by striking ‘‘fined not more than $5,000’’ and inserting ‘‘fined under this title’’.

(d) Sections 922(a)(2) and (a)(3) of title 18, United States Code, are each amended by striking ‘‘(f)(1)’’ and inserting ‘‘(f)(3)’’.

(e) Section 844(h) of title 18, United States Code, is amended—

(A) by striking ‘‘be sentenced to imprisonment for 5 years but not more than 15 years’’ and inserting ‘‘be sentenced to imprisonment for 10 years but not more than 25 years’’.

(B) by striking ‘‘be sentenced to imprisonment for 15 years but not more than 30 years’’ and inserting ‘‘be sentenced to imprisonment for a minimum of 10 years and a maximum of 25 years’’.

(f) Section 352(f)(i)(A)(j) of title 18, United States Code, is amended by inserting ‘‘or’’ before the semicolon.

(g) Section 2516(l)(1) of title 18, United States Code, is amended by striking ‘‘or’’ after the semicolon.

(h) Section 802 of title 18, United States Code, is amended by inserting ‘‘or as authorized under section 3401(g) of this title’’ after ‘‘shall proceed by information’’.

(i) Section 1114 of title 18, United States Code, is amended by striking ‘‘1112.’’ and inserting ‘‘1112.’’.

(j) Section 353(f) of title 18, United States Code, is amended by striking ‘‘section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)’’ and inserting ‘‘section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)’’.

(k) Section 1961(d)(1) of title 18, United States Code, is amended by striking ‘‘that title and inserting ‘‘this title’’.

(l) Section 1510(b)(2)(B) of title 18, United States Code, is amended by striking ‘‘that subpoena’’ the first place it appears and inserting ‘‘that subpoena or record’’.

(m) Section 3286 of title 18, United States Code, is amended—

(1) by striking ‘‘2331’’ and inserting ‘‘2332’’;

(2) by striking ‘‘2332a’’ and inserting ‘‘2332a’’;

(3) by striking ‘‘36’’ and inserting ‘‘37’’;

(n) Section 2399a of title 18, United States Code, is amended—

(1) by striking ‘‘2331’’ and inserting ‘‘2332’’;

(2) by striking ‘‘2332’’ and inserting ‘‘2332a’’;

(3) by striking ‘‘36’’ and inserting ‘‘37’’;

(4) by striking ‘‘of an escape’’ and inserting ‘‘an escape’’.

(o) Section 23901 of title 18, United States Code, is amended by striking ‘‘with custody’’ and inserting ‘‘within his or her custody’’.
This is a summary of the major provisions of S. 3, the proposed Senate crime bill. The bill eliminates the “park” contained in the 1994 Crime Bill, and restores to States the responsibility for local crime prevention measures by ensuring that local law enforcement agencies, not Washington bureaucrats, direct the use of federal law enforcement grants. The bill sets mandatory sentences for certain federal and authorizes additional funds for building prisons and for hiring and training policy officers. The bill also makes significant revisions in federal criminal law so that convicted criminals cannot avoid the appeals process, an assurance that relevant evidence will not be withheld from prisoners, and a reformed concept of parole. It provides for the filing of a pleading in federal criminal cases that contains material misstatements of law or fact. A section by section summary of the bill’s major provisions is set forth below.

Should you have questions about the bill not answered by this summary, please call Mike O’Neill or Mike Kennedy of the Judiciary Committee Staff.

TITLE I — INCARCERATION OF VIOLENT CRIMINALS

This title increases prison construction funding and provides limits for prisoner litigation.


This section amends the Violent Offender Incarceration and Truth in Sentencing Incen-
tives provisions of the Violent Crime Control and Law Enforcement Act of 1994 (Title II, Subtitle B) by increasing the amount authorized for prison grants to states by ensuring that any prisoners transferred to local jails will be for the construction and operation of brick-and-mortar prisons. The bill removes conditions requiring the states to adopt specified corrections plans in order to qualify for the federal funds. It also increases the amount each qualifying state is guaranteed to receive and ensures that the grants will be distributed on a formula basis.

Authorized funding for prison grants is increased by approximately $1 billion over the levels authorized in the 1994 Crime Bill.

SEC. 102. Repeal.

This section repeals Subtitle B of Title II of the 1994 Crime Bill, which authorized $150 million in discretionary grants for alternate sanctions for criminal juveniles.

TITLE III — FEDERAL EMERGENCY LAW ENFORCEMENT ASSISTANCE ACT


This section amends the Public Safety Partnership and Community Policing Act of 1994 (Title I of the 1994 Crime Bill) and the 1995 Crime Act to provide grants for law enforcement assistance. This provision is the same as that included in the Senate’s 1993 bill, with a slight modification. Under this provision, any minor age 12 or older who is accused of committing certain offenses under federal law (murder, attempted murder, armed robbery, assault with intent to murder, aggravated sexual assault) must be tried as an adult in Federal Court. The juvenile could petition the court for resentencing upon attaining age 16. Unlike the 1993 provision, there is no requirement that the offender be armed with a firearm during certain offenses in order to qualify for mandatory adult prosecution.

SEC. 302. Drug Enforcement Administration.

This section provides a technical correction in the law, permitting courts to impose fines or conditions of supervised release on juveniles.

SEC. 303. Jurisdiction And Applicability.

This section amends title XIX of the 1994 Crime Bill with the narrower approach needed to insure that such sentences are justly imposed. The provision is the same as that proposed by Republicans during the debate on the 1994 Crime Bill. It enacts similar provisions from the Senate’s 1993 bill, with a slight modification. Under this provision, any minor age 12 or older who is accused of committing certain offenses under federal law (murder, attempted murder, armed robbery, assault with intent to murder, aggravated sexual assault) must be tried as an adult in Federal Court. The juvenile could petition the court for resentencing upon attaining age 16. Unlike the 1993 provision, there is no requirement that the offender be armed with a firearm during certain offenses in order to qualify for mandatory adult prosecution.

SEC. 304. Availability Of Fines And Supervised Release For Juvenile Offenders.

This section makes a technical correction in the law, permitting courts to impose fines or conditions of supervised release on juveniles.

SEC. 305. Mandatory Minimum Prison Sentences For Persons Who Use Minors In Drug Trafficking Activities Or Sell Drugs To Minors.

This section establishes mandatory minimum penalties of 10 years for a first offense and life imprisonment for a second offense for adults who employ minors in the distribution, sale, or manufacturing of drugs, or who sell drugs to minors.

SEC. 306. Mandatory Minimum Sentence Reform.

This section would prospectively replace the overly-broad “reform” of mandatory minimum sentences contained in the 1994 Crime Bill with the narrower approach needed to insure that such sentences are justly imposed. The provision is the same as that proposed by Republicans during the debate on the 1994 Crime Bill. It enacts similar provisions from the Senate’s 1993 bill, with a slight modification. Under this provision, any minor age 12 or older who is accused of committing certain offenses under federal law (murder, attempted murder, armed robbery, assault with intent to murder, aggravated sexual assault) must be tried as an adult in Federal Court. The juvenile could petition the court for resentencing upon attaining age 16. Unlike the 1993 provision, there is no requirement that the offender be armed with a firearm during certain offenses in order to qualify for mandatory adult prosecution.

SEC. 307. Increased Mandatory Minimum Sentences For Criminals Using Firearms.

This section increases the penalties for using or carrying a firearm during the commission of a crime by imprisonment for not less than 10 years, or, if the firearm is discharged, for not less than 20 years, or if the death of a person results, be punished by death or by incarceration for not less than life.

SEC. 308. Arson Penalties.

This section increases the maximum penalties and fines for arson and increases the statute of limitations from 7 to 10 years.
This title reforms certain aspects of criminal procedure. It establishes greater protection for witnesses and jurors; enacts meaningful habeas corpus reform; limits the exclusory rule while at the same time providing for innocent defendants whose Fourth Amendment rights are violated; and permits the admission of voluntary confessions even when defense counsel is not made aware. This title further clarifies the obligations of attorneys practicing criminal law in federal court.


This section makes it an obstruction of justice for an attorney to file in federal court any pleading in a criminal case that the filer knows to contain a false statement of material fact.


This section establishes that the Attorney General has sole authority to promulgate the rules governing the conduct of federal prosecutors in federal court, notwithstanding any rules or the court adopted by any state.

SEC. 503. Fairness In Jury Selection.

This section amends Federal Rule of Criminal Procedure 24(b) by equalizing the number of peremptory challenges afforded by the prosecution and defense (6 strikes per side). It preserves the 6 (prosecution) 10 (defense) split in trials involving two or more joined defendants.

SEC. 504. Balance In The Composition Of Rules Committees.

This section gives equal representation to prosecutors and the defense bar on the various rules committees of the Judicial Conference. Currently, prosecutors are under-represented on these committees.

SEC. 505. Reimbursement Of Reasonable Attorney's Fees.

This section permits the reimbursement of reasonable attorney's fees for current or former Department of Justice employees or federal public defenders who are subject to criminal investigation arising out of acts performed in the discharge of their duties.

SEC. 506. Mandatory Restitution To Victims Of Violent Crime.

Amends 18 U.S.C. 3663 by mandating federal judges to order defendants to provide restitution to the victims of their crimes.

SEC. 507. Admissibility Of Certain Evidence.

This section clarifies and strengthens 18 U.S.C. 3501 by requiring a defendant to prove, by a preponderance of the evidence, that a confession obtained by police officers is involuntary. If the defendant is unable to meet that burden, a voluntary confession will be admitted in court.

Section 507 also eliminates the exclusionary rule as it pertains to the Fourth Amendment and provides a tort remedy for those whose Fourth Amendment rights have been violated by an unreasonable search or seizure.

SEC. 508-510. General Habeas Corpus Reform.

This section incorporates reforms to curb the abuse of the statutory writ of habeas corpus, and to address the acute problems of unnecessary delay and abuse in capital cases. It sets a one year limitation on an application for a habeas writ and revises the procedures for consideration of a writ in federal court. It provides for the exhaustion of state remedies and bars habeas review of claims that have fully and fairly adjudicated in state court.

The revision in capital habeas practice also sets a time limit within which the district court must act on a writ, and provides that the government is entitled to a writ of mandamus if the district court refuses to act within the allotted time period. Successive petitions must be approved by a panel of the court of appeals and are limited to those petitions that contain newly discovered evidence that would seriously undermine the jury's verdict or that involve new constitutional rights whose retroactive application is warranted by the Supreme Court.

In capital cases, procedures are established for the appointment of counsel, conduct of evidentiary hearings, and the application of the procedures to state unitary review systems. Courts are directed to give habeas petitions in capital cases priority status and to decide those petitions within specified time periods.

TITLE VI—PREVENTION OF TERRORISM

This title strengthens the penalties for those engaged in terrorist acts.

SEC. 501. Willful Violation Of Federal Aviation Administration Regulations.

This section imposes criminal penalties for willful violations of FAA security regulations.


This section permits prosecution of assassins, murderers, and threats made against former government officials arising from the discharge of their official duties while employed by the government.

SEC. 503. Wiretap Authority For Alien Smuggling And Related Offenses And Inclusion Of Alien Smuggling As A RICO Predicate.

This section expands authority for issuing wiretaps to encompass alien smuggling offenses and includes alien smuggling as a RICO predicate crime.

SEC. 504. Authorization For Interceptions Of Communications In Certain Terrorism Related Offenses.

This section authorizes the interception of communications in certain, limited, terrorism cases, including the wrecking of trains, providing material support to terrorists, and engaging in terrorist acts at airports.

SEC. 505. Participation Of Foreign And State Government Personnel In Interceptions Of Communications.

This section permits the participation of state law enforcement officials and officials of foreign law enforcement agencies in intercepting communications.

SEC. 506. Disclosure Of Intercepted Communications To Foreign Law Enforcement Agencies.

This section permits, under certain, limited circumstances, disclosure of intercepted communications to cooperating foreign law enforcement agencies.

SEC. 507. Alien Terrorist Removal.

This section would ensure, through the use of a limited ex parte procedure, that the United States can expeditiously deport alien terrorists without disclosing national security secrets to them and their criminal partners.

SEC. 508. Territorial Sea.

This section codifies the extension of United States criminal jurisdiction over certain terrorism offenses overseas.

This section extends the United States' criminal jurisdiction over certain terrorism crimes committed overseas.

SEC. 509. Clarification And Extension Of Criminal Jurisdiction Over Certain Terrorism Offenses Overseas.

This section extends the United States' criminal jurisdiction over certain terrorism crimes committed overseas.

SEC. 510. Federal Aviation Reporting Requirements.

This section requires the Federal Aviation Administration to notify the Justice Department when it discovers large sums of cash and/or drugs during an inspection.

SEC. 511. Information Sharing.

This section permits the Immigration and Naturalization Service to release certain confidential information on individuals aliens for law enforcement purposes.

SEC. 512. Extradition.

This section permits the Attorney General to extradite persons to who are not U.S. citizens, nationals, or permanent residents to countries with which the United States does not have an extradition treaty.


This section requires the FBI to investigate and report back to Congress on the effectiveness of a federal law prohibiting contributions to terrorist organizations or their "front" groups in the United States.

SEC. 514. Increased Penalties For Terrorism Crimes.

This section increases penalties for a series of federal crimes, amending the law against maiming and disfiguring to include torture and punishing an attempt to violate this section by up to $10,000 and/or 10 years, and adds protection to armed services personnel.

SEC. 515. Criminal Offenses Committed Outside The United States By Persons Accompanying The Armed Forces.

This section permits the removal for prosecution in the United States of criminal cases involving non-military persons who are accompanying the Armed Forces when they commit crimes overseas which are not prosecuted in the host country's courts.

TITLE VII—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—Reduction Of Certain Programs.

SEC. 501. Elimination Of Ineffective Programs.

This section repeals the most 1994 Crime Bill's wasteful social spending, including subtitles A through S of Title II, subtitles U and X of Title III of the 1994 Crime Bill, and Title V of the 1994 Crime Bill. The provisions of the 1994 Crime Bill relating to Substance Abuse Treatment in Federal Prisons, the Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions, and the Violence Against Women Act are unaffected by this section.

Subtitle B—Amendment Relating To Violent Crime Control.


This section repeals the Violent Crime and Drug Emergency Areas Act in the 1994 Crime Bill (Section 90107). The repealed provision permits the President to designate an area a violent crime or drug emergency area, and to detail federal law enforcement personnel to assist state and local officials.


This section closes loopholes in 18 U.S.C. 1959, the law punishing violent crimes in aid of racketeering. The amendment also increases the maximum penalties for certain
violations (e.g., kidnapping, conspiring to commit murder), and clarifies the definition of "serious bodily injury."

SEC. 713. Investigation Of Serial Killings. This section authorizes the Federal Bureau of Investigation, at the request of state authorities, to participate in the investigation and apprehension of serial killers.

SEC. 714. Firearms and Explosives Conspiracy. This section amends the firearms and explosives chapter of Title 18 to provide generally the same inquiry to commit a firearms or explosives offense in punishable by the same maximum term as that applicable to the substantive offense that was the object of the conspiracy.

SEC. 715. Increased Penalties For Violence In The Course Of Riot Offenses. This section strengthens the federal antiriot statute, 18 U.S.C. 2101, by increasing the penalties when death or serious bodily injury results from the defendant’s actions in violation of the statute.

SEC. 716. Pretrial Detention For Possession Of Firearms Or Explosives By Convicted Felons. Clarifies law that permits pretrial detention for certain offenses to include those involving firearms or explosives.


SEC. 718. Theft Of Vessels. Defines vessel as watercraft for purposes of 18 U.S.C. 2311, 2312, 2223, and criminalizes the theft of such a "vessel."

SEC. 719. Clarification of Agreement Requirement For RICO Conspiracy. Technical amendment that explains that government need not prove that RICO defendant personally agreed to commit any criminal racketeering acts.

SEC. 720. Addition Of Attempt Coverage For Interstate Domestic Violence Coverage. Creates "attempts" crime in interstate domestic abuse cases.


SEC. 723. Threatening To Use A Weapon Of Mass Destruction. Criminalizes a threat to use a weapon of mass destruction.

SEC. 724. Technical Amendments. Amends section 60002 of the 1994 Crime Bill to eliminate State participation in carrying out a Federal sentence of death and directing that death sentences be carried out at appropriate Federal facilities.

Subtitle C—Amendments Relating To Courts And Sentencing.

SEC. 731. Allowing A Reduction Of Sentence For Providing Useful Information Although Not Regarding A Particular Individual. Permits a reduction in a sentence if the defendant provides substantial assistance in the investigation of any offense, rather than only allowing reductions when the defendant provides information in the investigation of "another person."

SEC. 732-733. These sections permit the Government to appeal from certain dismissals and eliminate the outmoded requirement that the Government obtain a certificate to appeal. SEC. 734. Clarifies meaning of "official detention" for purposes of creating a defendant for prior conviction. SEC. 735. Elimination Of Requirement That A Community-Based Treatment Or Correcional Facilities Be Available. SEC. 736. Limitation On Reduction Of Sentence For Substantial Assistance Of Defendant. Requires that a court may order a reduction in the defendant's sentence for substantial assistance only when the Government requests such a reduction.

SEC. 737. Clarification Of Length Of Supervised Release Terms In Controlled Substance Cases. Technical amendment that clarifies the length of supervised release terms in controlled substance cases. Resolves conflict among the courts of appeals to make clear that the limits of 18 U.S.C. 3583 do not control the longer supervised release terms provided in 18 U.S.C. 841.

SEC. 738. This section confers authority on courts to impose a sentence of supervised release on a prisoner who is released because of "extraordinary and compelling reasons" (e.g., suffering from a terminal illness) pursuant to 18 U.S.C. 3582(c)(1)(D).

SEC. 739. Temporary Prohibits Partial Sentence In Federal Prison. Extends Parole Commission beyond its presently scheduled expiration date of November 1, 1997, to deal with prisoners sentenced before the Sentencing Guidelines became effective.

SEC. 740. Conforming Amendments Relating To Supervised Release. Technical amendments that conform certain statutes with the new supervised release scheme.


SEC. 751. Technical Conforming Amendment To Obstruction Of Civil Investigative Demand Statute. SEC. 752. Addition Of Attempted Theft And Counterfeiting Offenses To Eliminate Gaps And Inconsistencies In Coverage. Creates attempt crimes for embezzlement, uttering, and counterfeiting offenses.

SEC. 753. Technical Amendment That Clarifies Scintifer Element For Receiving Property Stolen From Indian Tribal Organizations.

SEC. 754. Larceny Involving Post Office Boxes And Postal Stamp Vending Machines. Amends 18 U.S.C. 2115 to cover vandalism committed against postal vending machines and boxes not located on postal service property.

SEC. 755. Technical Amendment That Conforms Law Punishing Obstruction Of Justice By Notification Of A Subpoena For Records In Certain Types Of Investigations. SEC. 756. This section closes a loophole in the offense of altering or removing a motor vehicle identification number by protecting against the alteration of any number, including a real or apparent, that can be used to identify a particular vehicle or part.

SEC. 757. Application Of Various Offenses To Territories. A number of federal statutes are ambiguous as to their coverage of crimes occurring in the territories, possessions, and commonwealths of the United States because they contain references to "state" law without any indication of whether they apply to territories or other non-state entities. This section merely clarifies the application of certain federal criminal statutes to territories, possessions, and commonwealths.

SEC. 758. This section adjusts and makes uniform the dollar amount used in Title 18 to distinguish between grades of offenses. It also adjusts certain dollar amounts to account for inflation.

SEC. 759. This section corrects an inconsistency in the penalties relating to marijuana plants that exist between 21 U.S.C. 841(b) and 21 U.S.C. 960(b). The amendment follows the recommendation of the United States Sentencing Commission in that it applies to the cases involving 50 or more marijuana plants, each plant is treated as the equivalent of one kilogram of processed marijuana.

SEC. 760. Access To Certain Records. This amendment to the cable television subscriber law brings that statute into conformity with all other federal customer privacy provisions, by recognizing an exception for federal grand jury subpoena or a court order relating to a grand jury proceeding.

SEC. 761. Clarification Of Inapplicability Of 18 U.S.C. 2515 To Certain Disclosures. This section makes a carefully limited exception to 18 U.S.C. 2515 to the statutory exclusionary rule for Title III of the Omnibus Crime Control and Safe Streets Act of 1968, so as to exempt situations in which private persons, not acting for any governmental authority, illegally recorded a communication, but the recording later lawfully comes into the possession of the government. This section permits the government to use such recordings at trial.

SEC. 762-763. These sections include conforming amendments related to the enactment of the 1994 Crime Bill and certain other technical amendments.

SEC. 764. A standard severability provision that applies to the entire act. Mr. HATCH. Mr. President, I thank my friend from Kansas, the distinguished majority leader, for his kind words. I am pleased to join him in introducing S. 3, the Violent Crime Control and Law Enforcement Improvement Act of 1995. We have worked hard together to craft a bill that will give the American people the tough anti-crime legislation they deserve.

The people of Utah and across our Nation understand that the best crime prevention program is to ensure the swift apprehension of criminals and their certain and lengthy imprisonment. Congress can do better than the legislation it passed last year.

Our Nation's violent crime problem continues to be the top concern of the American people and rightly so. The crime clock is still ticking, and is ticking faster for violent crimes. In 1992, on average, a violent crime was committed every 22 seconds. According to the Uniform Crime Reports recently published by the FBI in 1993 a violent crime was committed every 16 seconds.

The latest data demonstrate that our violent crime crisis is worsening. According to the FBI, the murder rate in the United States increased 2.3 percent in 1993. And, for the first time, a murder victim was more likely to be killed by a stranger than by an acquaintance or a family member.
in the United States 1993, Uniform Crime Reports.

The FBI also reports that there were 104,806 rapes in the United States reported in 1993. And while that is a slight decrease from the previous year, this number is still a 5 percent increase since 1989. (Crime in the United States 1993, Uniform Crime Reports.)

Additionally, the National Crime Victimization Survey, which is published by the Bureau of Justice Statistics and includes crimes not reported to the police, found that crimes of violence increased in 1993 by 5 percent in the Intermountain West, including a staggering 10.2 percent rise in aggravated assault and a 12.2 percent jump in attempted assaults with a weapon. (National Crime Victimization Survey, Table of Selected Data, BJS 5, October 1994.)

Moreover, this is not a crisis that affects only our Nation’s urban centers. Indeed, some of the most rapid increases in crime are occurring in the Intermountain West, which includes my State of Utah. Overall, the Intermountain West experienced a 7.5 percent increase in violent crimes, and a 4.7 percent increase in the number of violent crimes per 100,000 persons in 1993 according to the FBI. Figures for Utah and my State of Utah. Overall, the Intermountain West experienced a 7.5 percent increase in violent crimes, and a 4.7 percent increase in the number of violent crimes per 100,000 persons in 1993 according to the FBI. Figures for Utah and my State of Utah. Overall, the Intermountain West experienced a 7.5 percent increase in violent crimes, and a 4.7 percent increase in the number of violent crimes per 100,000 persons in 1993 according to the FBI. Figures for Utah and my State of Utah. Overall, the Intermountain West experienced a 7.5 percent increase in violent crimes, and a 4.7 percent increase in the number of violent crimes per 100,000 persons in 1993 according to the FBI. Figures for Utah.

Thus, the specter of violent crime haunts the lives of most Americans and dramatically affects the way in which we live. Concern for personal safety and fear of violent crime cuts across racial and socioeconomic lines. In fact, violent crime disproportionately affects minorities and the poor. African-Americans are far more likely to be victims of crime than are many other Americans; in 1992 African-Americans suffered violent crime victimizations at a rate of 110.8 per 1,000 population, compared to 88.7 per 1,000 whites. (Source: BJS Bulletin, Criminal Victimization 1992.)

It’s a national tragedy that homicide is now the leading cause of death for African-America males aged 15 to 34. And low-income households are victimized by crime at almost twice the rate of more affluent households.

A responsible approach to crime problems requires sentencing reform, increased funds for police and prisons, and changes in Federal criminal procedure, will provide the greatest benefits to the greatest number in our society. This body has spent countless hours on this issue. Yet the result of those efforts, the 1994 crime bill, fell far short of what the American people deserve. That bill wasted billions on duplicative social spending programs, devoted in significant amounts to the wasteful, emergency build-up in prison space, created an unwieldy grant program which will fall far short of its stated goal of actually placing 100,000 additional State and local police officers on our streets, and failed to enact tough penalties for Federal violent and drug crimes.

Now the American people expect us to begin the task anew, and battle crime with a program that holds criminals accountable, and begins to help State and local governments repair the rips in our social fabric that have contributed to our crime crisis.

The bill we introduce today has four primary objectives:

- Increasing prison and law enforcement grants to the States to assist their efforts to deter and apprehend violent criminals, and to ensure that, when a criminal defendant is convicted, appropriate sentences are imposed and served;
- Removing the wasteful social spending included in the 1994 crime bill and redirecting the funds to prison construction and Federal, State and local law enforcement, thus enabling our States and local communities to implement crime control strategies free from the interference of Washington bureaucrats;
- Enhancing Federal criminal penalties to appropriate levels for terrorism and other crimes where the Federal Government has a significant legitimate prosecutorial role; and
- Reforming habeas corpus procedures, the exclusionary rule, and other Federal laws to restore fairness and balance to the Federal criminal justice process.

To accomplish these objectives, our bill first increases the amount authorized for prison grants to States and ensures that these grants will be used for the construction and operation of brick-and-mortar prisons. The bill removes conditions requiring the States to adopt specified corrections plans in order to qualify for the Federal funds. It also provides that when the reforms already made to reduce the flood of frivolous lawsuits by prisoners by adopting provisions passed last year by our House colleagues. These provisions remove the limits on a court’s ability to stay prisoner litigation while administrative remedies are being exhausted, allow the courts to dismiss frivolous suits sua sponte, remove the requirement in current law that inmates participate in the formulation of the changes in the procedures to require inmates with assets to pay filing fees.

Second, our legislation reforms the policing grants included in the 1994 bill to make the program more responsive to the needs of our State and local governments.

Most independent estimates of the probable effect of the Community Policing grant program established in the 1994 crime bill conclude that it will fall far short of actually placing on the streets the 100,000 new State and local police officers claimed by the program’s supporters. Moreover, it is open to serious question whether those who will be hired under the grants will be additional officers, or whether they will merely make up for natural attrition in our Nation’s local police forces.

For these reasons, I believe that the Community Policing grant program is flawed. Under our legislation the program would be improved to give the States more flexibility in spending the funds. States could use those funds for hiring and training officers; establishing and upgrading crime laboratories or exploring new crime-fighting technologies.

Unlike the grant program presently in place, there would be no matching requirement or per-officer spending cap, providing States and communities with the needed flexibility to hire and train the number of officers required to meet local needs. State and local governments are in the best position to assess their crime fighting needs. The Federal Government should therefore get out of the way and provide them with the flexibility to spend funds effectively to combat crime.

Third, our bill enhances the resources of our Federal law enforcement agencies. While much of the Nation’s war on crime is fought at the State and local level, the Federal Government has a significant role to play. It is critical that Federal law enforcement agencies be provided with the resources to fulfill their duty to the American people.

For this reason, our bill includes authorization for critically needed funding for Federal law enforcement above what was authorized in the 1994 crime bill. This will ensure the ability of Federal law enforcement agencies to carry out their mission.

Fourth, this bill eliminates the wasteful social programs placed in the 1994 crime bill. These programs would have wasted billions of dollars on duplicative, top-down spending programs without reducing violent crime. Having Washington bureaucrats impose untested programs on the States would do little to prevent violent crime.

A portion of the funding authorized by these programs is redirected to prison grants, law enforcement block grants, and Federal law enforcement.

Fifth, our bill also includes several tough Federal criminal penalties either omitted from or weakened in the 1994 crime bill. For instance, it includes the provisions requiring tough mandatory minimum sentences for Federal crimes committed with a firearm and for the sale of drugs to minors or the use of a minor in the commission of a drug crime.

Our bill also replaces the overly broad reform of mandatory minimum sentences with an approach that will ensure the just imposition of those sentences. Thus, while providing less leeway to judges to avoid imposing minimum mandatory sentences than the 1994 crime bill, it allows such discretion where it is merited. The truly
first-time, nonviolent, low-level offender deserving of some measure of leniency will be treated more justly under our legislation, without providing a windfall to career drug dealers. I should note that our provision was overwhelmingly supported by the Senate in the last Congress.

Our legislation also enacts several other Federal criminal penalties which the Senate passed as a part of its 1993 crime bill but which were not included in the enacted 1994 crime bill. Among these provisions are the inclusion of certain juvenile drug offenses as predicate crimes under the Armed Career Criminal Act and the adult prosecution of serious juvenile offenders in appropriate Federal cases.

Sixth, our legislation would enact long-needed reforms to the Federal criminal justice system. Chief among these is a reform of habeas corpus procedures to ensure that lawful sentences of death are not perpetually delayed by endless, meritless appeals, while at the same time, enforcing the legal rights of defendants to ensure that the death penalty is not unjustly imposed.

Additionally, our bill would enact reforms to ensure the admissibility of certain evidence. Confessions voluntarily given will be admitted regardless of irrelevant surrounding circumstances. The present exclusionary rule will be eliminated and replaced with a tort remedy to protect the rights of law-abiding persons. Under this proposal, evidence discovered and seized by officers acting in good faith that their actions comport with the requirements of the fourth amendment will be admitted in court.

At the same time, our exclusionary rule reform will also provide new remedies for redress for innocent persons whose fourth amendment rights are violated. Those whose rights are violated by Federal law enforcement officers will have expanded rights to bring suits for damages caused by the officers. Our reform will thus create the necessary disincentive contemplated by the fourth amendment for lawless searches without providing guilty defendants the windfall of the exclusion of relevant evidence. These reforms are critical if we are to prevent our cherished liberties from further devolving into merely a cynical shield for the guilty to avoid just punishment.

The legislation also includes provisions to obstruct justice penalties for attorneys who knowingly file false statements in court in criminal proceedings, and to equalize, except in cases in which defendants are tried jointly, the number of peremptory challenges available to each side in a criminal case.

We also include in our bill provisions for restitution to victims of Federal crimes to insure that crime victims receive the restitution they are due from those found guilty of crimes.

Seventh, our bill addresses the threat of terrorism against our people. Our bill incorporates most of the antiterrorism provisions of the 1993 Senate crime bill that were stricken during conference, including the Antiterrorist Alien Removal Act, and criminal penalties for the willful violation of regulations for the safety of civil aviation. Additionally, our bill updates and strengthens criminal penalties for engaging in certain violent terrorist acts. Finally, our bill includes numerous miscellaneous and technical provisions to strengthen and clarify existing Federal law.

With this legislation, we have an opportunity to fulfill our commitment to the American people, who are reeling from the competencies and powers of the State and Federal spheres of Government. Additionally, we are committed to ensuring that this legislation does not increase the Federal deficit. I urge the support of my colleagues for this important legislation.

By Mr. DOLE (for himself, Mr. McCain, Mr. Coats, Mr. Kyl, Mr. Helms, Mr. Murkowski, Mr. Ashcroft, Mr. Bond, Mr. Grams, and Mr. Gramm):

S. 4. A bill may be cited as the "Legislative Line Item Veto Act of 1995."

SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE PRESIDENT.

The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—LEGISLATIVE LINE ITEM VETO RESSION AUTHORITY"

"PART A—LEGISLATIVE LINE ITEM VETO RESSION AUTHORITY"

"GRANT OF AUTHORITY AND CONDITIONS"

"SEC. 1101. (a) IN GENERAL.—Notwithstanding the provisions of part B of title X and subject to the provisions of part B of this title, the President may rescind all or part of any budget authority, if the President—"

"(1) determines that—"

"(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;
"(B) such rescission will not impair any essential Government functions; and
"(C) such rescission will not harm the national interest; and
"(2)(A) notifies the Congress of such rescission by special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriation Act or a joint resolution making continuing appropriations for the fiscal year following that date, if the President—"

"(B) The period referred to in paragraph (A) is—"
(i) a Congressional review period of 20 calendar days of session of Congress on which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

(ii) after the period provided in clause (i), an additional 10 days (not including Sundays) during which the President may exercise his veto over or veto the rescission disapproval bill;

(iii) if the President vetoes the rescission disapproval bill during the period provided in clause (i), an additional 5 calendar days of session after the date of the veto.

(2) If a special message is transmitted by the President under this section during any Congressional session after the date of the veto, the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

DEFINITIONS

Sec. 1102. For purposes of this title the term ‘rescission disapproval bill’ means a bill or joint resolution which only disapproves of budget authority, in whole, rescinded in a special message transmitted by the President under section 1101.

PART B—CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE-ITEM VETO RESCISIONS

PRESIDENTIAL SPECIAL MESSAGE

Sec. 1111. Whenever the President rescinds any budget authority as provided in section 1101, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to section 1101(a)(1)

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all facts, circumstances, and considerations relating the effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

TRANSMISSION OF MESSAGES; PUBLICATION

Sec. 1112. (a) DELIVERY TO HOUSE AND SENATE.—Each special message transmitted under sections 1101 and 1111 shall be transmitted by the House of Representatives to the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a special message

(b) PRINTING IN FEDERAL REGISTER.—Any special message transmitted under sections 1101 and 1111 shall be printed in the first issue of the Federal Register published after such transmission.

PROCEDURE IN SENATE

Sec. 1113. (a) REFERRAL.—(1) Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(2) Any rescission disapproval bill received by the House shall be considered in the Senate pursuant to the provisions of this section.

(b) FLOOR CONSIDERATION IN SENATE.—

(1) Debate in the Senate on any debatable motion or appeal with such a bill shall be limited to 1 hour, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) The Congress is required to overrule any amendment to a rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under section 1101.

(3) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill which requires the obligation of budget authority or the making of outlays thereunder.

PROCEDURE IN HOUSE

(1) It gives the President the power to strike at pork-barrel spending that the President has the opportunity to veto the rescission disapproval bill. In that case, the veto bill would be overridden by a two-thirds vote of the House and Senate.

(2) The President then has the opportunity to veto the rescission disapproval bill. In that case, the veto bill would be overridden by a two-thirds vote of the House and Senate.

(3) This bill would also allow the President a second chance to eliminate wasteful pork-barrel spending by allowing him to submit such enhanced rescission disapproval bill at the beginning of the year. This second shot at proposing rescission ensures that the President has the opportunity to strike at pork-barrel spending that may not be obvious during the first rescission period.

(4) Mr. President, this bill would not: allow the President to rescind money for entitlement like Social Security, Medicaid, or food stamps.


Nothing contained in this Act, or in any amendment made by this Act, shall be construed as superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder.

This language from part A of title X ensures that the President cannot rescind funds for entitlement.

THE GROWING PROBLEM OF PORK-BARREL POLITICS AND THE BUDGET

Mr. President, pork-barrel politics is nothing new. However, the Congress' addiction to pork has grown to obscene proportions. Something must be done and something must be done now.

For too long the Congress has addressed this issue by maintaining the status quo. In the meantime, our addiction was growing and growing.

And Mr. President, while we are "getting our pork fix" our children are being raised in a Nation that may soon be bankrupt.

But Mr. President, it is not pork alone that is cause this problem. Pork is only one small part of the illness.

The disease that plagues us is our budget and spending habits.

If we continue funding carelessly and recklessly ignore budgetary constraints and economic realities—if we continue to ignore this problem—we risk our Nation's future.

Mr. President, let us review the facts regarding our Nation's fiscal health.

The Federal budget deficit is approaching $4 trillion.

The cost of interest on that debt is now almost $200 billion a year. That is more money than the Federal Government will spend on education, science, law enforcement, transportation, food stamps, and welfare combined.


By 2003, the deficit is expected to leap to a staggering $653 billion and will have reached its largest fraction of gross domestic product in more than 50 years.
Mr. President, we must act to restore budgetary restraint in the Congress. An analysis of the past shows that after each of the last major budget deals, the deficit in fact increased, spending increased, and taxes increased. We must avoid this cycle.

If we are to avoid a repeat of the Carter administration, we must turn toward real budgetary reform that truly curbs spending. This is a considerable undertaking that will involve asking all, including many powerful coalitions, that they will have no choice but to do more with less. The control of the Nation's purse will become even more fierce if we instituted budgetary reform and limit spending.

One aspect of this is to give the President the line-item veto.

RECOGNIZING THE CONGRESS' DISEASE

Mr. President, if we are to take control of the budget process we must move bravely forward and be prepared to make many difficult choices.

Now is the time to rise above petty politics and turf wars. We must put institutional pride aside. And most importantly, we must put the local-specific needs of each of our constituents aside and look at the Nation as a whole. Now, Mr. President, is the time for serious reform.

We must reinstitute budgetary restraint and take firm action to control spending. This will involve implementing specific strategies and standing behind a commitment to decrease spending—no matter what the political climate. This will involve accepting one set of budgetary goals and not allowing them to float or be adjusted.

Mr. President, one glaring example of this lack of backbone is the now altered Gramm-Rudman-Hollings deficit targets. The Congress had sought when it passed the Gramm-Rudman-Hollings Act to impose mandatory spending caps on the Congress. During recent years, however, these fixed budget targets have become significantly relaxed.

Mr. President, when push came to shove, the Congress allowed these ceilings to be altered. Due to the pressure of Gramm-Rudman-Hollings on the Congress to curtail its spending, the Congress curtailed Gramm-Rudman-Hollings. As a result, the 1990 Budget Act was passed and new higher targets were established.

Now, 4 years into that agreement, deficits and spending are being allowed to spiral out of control with reckless abandon. The outlook for the future looks even worse: massive cuts in defense, huge tax increases, and an increase in domestic spending. The problem of the deficit, although often mentioned in high-political rhetoric, is not addressed and allowed to grow.

THE LINE-ITEM VETO AS PART OF THE SOLUTION: PROCESS REFORM

The only solution to our budgetary problems and our profligate spending habits is substantial process reform. One aspect of this process reform must be the line-item veto. Mr. President for those who say there is no need for the line-item veto, I implore you to open your eyes to the facts. Like all addicts, we are afraid to admit our own problem. But others have recognized our problems.

Ross Perot on Good Morning America stated:

* * * There's every reason to believe that if you give the Congress more money, it's like giving a friend who is going to a liquor store. The point is they will spend it. They will not use it to pay down the debt. If you don't get a balanced budget amendment, if you don't get a line-item veto for the President, we might as well take this money out to the edge of town and burn it, because it'll be thrown away.

Governor Clinton on Larry King Live:

We ought to have a line-item veto.

Candidate Bill Clinton in Putting People First:

Line Item Veto. To eliminate pork-barrel projects and cut government waste, I will ask Congress to give me the line-item veto.

President Bill Clinton in his Inaugural Address:

Americans deserve better ... so that power and privilege no longer shut down the voice of the people. Let us put aside personal advantage so that we can feel the pain and see the promise of America. Let us give this Capitol back to the people to whom it belongs.

According to the CATO Institute, December 9, 1992, Policy Analysis:

Ninety-two percent of the governors believe that a line-item veto for the President would help restrain federal spending. Eighty-eight percent of the Democratic respondents believe the line-item veto would be useful.

America's governors and former governors have a unique perspective on budget reform issues. Most of them have had practical experience with the line-item veto and balanced budget requirement in their states. The fact that most governors have found those budget tools useful in restraining deficits and unnecessary government spending suggests that they may be worth instituting on the federal level.

Additionally from the CATO Institute Study:

Keith Miller (R), former Governor, AK:

The line-item veto is a useful tool that a governor can use on occasion to eliminate blatantly "pork barrel" expenditures that can strain a budget. At the same time he must answer to the voters if he or she uses the veto irresponsibly. It is a certain restraint on the legislative branch.

Michael Dukakis (D), former Governor, MA:

The line-item veto is helpful in stopping efforts to add riders and other extraneous amendments to the budget bill.

L. Douglas Wilder (D), Governor, VA:

To the detriment of the federal process, the President is not held accountable for a balanced budget. Congress takes control over budget development by rushing through a budget resolution, after which, the President may only approve or veto 13 appropriations bills. Without the line item veto the President has no minimal flexibility to manage the federal budget after it is passed.

S. Ernest Vandiver (D), former Governor, GA:

Tremendous tool for saving money.

Ronald Reagan (R), former Governor, CA, former President:

When I was governor in California, the governor had the line-item veto, and so you could veto parts of a bill. The President can't do that. I think, frankly---of course, I'm prejudiced---government would be far better off if the President had the right of line-item veto.

The U.S. Chamber of Commerce: supports the McCain bill or similar legislation providing for line item veto/enhanced rescission authority, as a means of curbing excessive and wasteful government spending, to provide for better prioritization of scarce resources, and to encourage deficit reduction without tax increases.

THE GREATER THREAT OF INACTION

Mr. President, many have characterized this legislation as a dangerous ploy, not as a true budgetary reform. This is not accurate and does not take into account the greater picture of the dangers presented by our out of control budget process.

What is dangerous is what is happening to the effective administration of the American Government. Pork-barrel spending is threatening our national security and consuming resources that could better be spent on tax cuts, deficit reduction, or homeland security. I do not make the charge that pork-barrel spending is threatening our national security without a great deal of consideration. After last year's defense appropriation bill, it is unfortunately clear how important pork-barrel spending can be to our national security. It should now be clear how urgent the need for the line-item veto is.

At a time when thousands of men and women who volunteered to serve their country have to leave military service because of changing priorities and declining defense budgets, we nonetheless are able to find money for $6.3 billion of pork in the defense appropriation bill. At a time when we need to restructure our forces and manpower to meet the post-cold war needs, we squandered $6.3 billion of pointless projects with no military value like engines that will never be used, military museums, studies of military stress on families, military physical fitness centers, and even supercomputers. This $6.3 billion of pork is impairing our national security and harming our society.

Mr. President, every Congressman or Senator wants to get projects for his or her district. It is an institutional problem. I am not a saint. There are no saints in the City of Satan, but I am trying. I am trying to change a system that has failed. I am trying to make a difference. I am not here to cast aspersions on other Senators who sponsored pork-barrel projects for their States. I am not here to start a partisan fight.

I am here trying to reform Congress. It is a Congress that has piled up $3.7 trillion in debt. It is a Congress that is responsible for a $400 billion deficit this year. It is a Congress that has miserably failed the American people. It is an institution that desperately needs reform.
Anyone who feels that the system does not need reform need only examine the trend in level of our public debt. As I have stated in my analysis of the most recent budget plans, the deficit has continued to grow and spending continues to increase. In 1960, the Federal debt held by the public was $256.8 billion. In 1970, it was $283.3 billion. In 1980, it was $709.3 billion. In 1990, it was $3.2 trillion, and it is expected to surpass $4 trillion this year.

My colleagues may ask: Why is the line-item veto so important? Because a President with a line-item veto could play an active role in ensuring that valuable taxpayer dollars are spent effectively to meet our national security needs, our infrastructure needs, and other social needs without pointless pork-barrel spending.

According to a recent General Accounting Office study, $70 billion could have been saved between 1984 and 1989, if the President had a line-item veto.

It is important because it can help reduce the deficit. It can change the way Washington operates. Mr. President, we cannot turn a blind eye to unnecessary spending when we cannot meet the needs of our service men and women. We cannot tolerate this kind of waste when Americans all over this country are experiencing economic hardship and uncertainty.

We cannot ignore the line-item veto, when it is self-evident how effective it could be in reducing the deficit. We cannot ignore any method of saving the taxpayer's hard-earned money.

The $6.3 billion of pork in the defense appropriation bill is not an insignificant sum. $6.3 billion would pay for the personnel and operating costs of 19,000 enlisted personnel in the Air Force for 1 year. It would pay for the operating costs of up to 16 carrier battle groups for 1 year. It would pay for the operating costs of eight to nine fully armed army divisions. It would pay for the operating costs of 14 to 15 light infantry divisions for 1 year. It would pay for the total operation of the soon to be closed Williams Air Force Base in Arizona for 50 years.

The American public deserves better than business as usual. As their elected representatives we have an obligation to end the practice of pork-barrel spending.

RETURN TO THE VIEWS OF THE FOUNDING FATHER AND THE CONSTITUTION

Mr. President, let me remind my colleagues that a President empowered with a veto is the system designed by the Founding Fathers. It was not considered a threat to our republican form of government by the Framers of the Constitution.

This bill in no way alters or violates any of the principles of the Constitution. It preserves wholly the right of the Congress to control our Nation's purse strings—a trust the Congress has often violated. This legislation, however, does further the concept of checks and balances which is the heart of our divided government.

The veto was designed by the Founding Fathers to ensure that the President had some authority to reign over an unruly legislature. As grade schools learn, the veto is an important aspect of the Constitution. At the same time, these school children learn that the President has the right to override the President. This bill does nothing more than embrace that Constitutional tenet.

On the subject of the veto, according to Alexander Hamilton in “Federalist No. 73” the views of the Founding Fathers on executive veto power are as follows:

It [the veto] not only serves as a shield to the executive, but it furnishes an additional security against the inaction of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the dementedly, upset the alliance of power, precipitancy, or any impulse unfriendly to the public good, which may happen to influence a majority of that body.

Given Congress’ predilection for unfunded and/or pork-barrel spending, omnibus spending bills, and continuing resolutions, it would seem only prudent and constitutional to provide the President with functional veto power.

The President must have more than the option of cutting the spending bill and shutting down Government or simply submitting to congressional coercion.

Mr. President, let me emphasize that this bill is also known as enhanced rescission power. The Congress is not transferring power. We are proposing an end to business as usual. The taxpayer needs protection.

Furthermore, this strictly defined and limited line-item veto will not function as a shield to the President and Congress from the executive power. As the President must have more than the option of vetoing a spending bill and shutting down Government or simply submitting to congressional coercion.

Mr. President, criticism of the line-item veto has not stopped with the unfunded charge of upsetting the delicate balance of power between the executive and legislative branches. And, it is consistent with the values expressed in our Federal Constitution.

Mr. President, the criticism of the line-item veto has not stopped with the unfunded charge of upsetting the delicate balance of power between the President and Congress. Opponents claim that it would give the President the power to coerce the Congress. That is not true.

This measure in no way tips the checks and balance system so carefully crafted into the Constitution. The President is given very limited power by this bill. It is limited to appropriation bills and only for a limited time after their passage. Congress is guaranteed the opportunity to quickly over-turn the President’s rescissions. Opponents may hide behind the charge of coercion, but Congress would not subscribe to such predatory extortion. They would expose the President’s coercion, and overturn any offensive rescission.

Charges that the President would abuse this power are also misleading and an end to business as usual. The taxpayer needs protection.

To summarize, this legislation will impose the President’s rescission. It will give the President limited power in controlling spending and reducing the deficit. It should be self-evident to all Senators that controlling spending is something that the Congress is completely unable to do. I bring to the Senate’s attention the $3.7 trillion public debt as irrefutable proof of our inability to control spending.

PRESIDENTIAL POWER USED TO IMPLEMENT BUDGETARY REFORM

This inability to control spending was aggravated in 1974 by the Budget Control and Impoundment Act. If opponents of the line-item veto are in search of a dangerous transfer of political power, they can end their search with that power grab by Congress.

Specifically, the Budget Control and Impoundment Act of 1974 weakened executive power by allowing the Congress to disburse funds that the President had recommended for veto. This is not a means for Presidential abuse, but a means to end congressional abuse. It will give the President limited power in controlling spending and reducing the deficit. It will give the President limited power in controlling spending and reducing the deficit. It should be self-evident to all Senators that controlling spending is something that the Congress is completely unable to do. I bring to the Senate’s attention the $3.7 trillion public debt as irrefutable proof of our inability to control spending.

Since 1974, the Congress’ attitude toward Presidential rescission has become one of near total neglect.

For example, President Ford proposed 150 rescissions, and Congress ignored 97. President Carter proposed 132 rescission, and Congress ignored 38. President Reagan proposed 601 rescissions, and Congress ignored 394. President Bush has proposed 47 rescissions, and Congress ignored 45. The Congress has ignored the 564 rescissions that it has ignored since 1974, $40.4 billion would have been saved. This is not a trivial sum to a taxpayer, even if it is to a hardened Washington veteran.

The practice of ignoring Presidential rescissions is in contrast to the practice prior to the power grab by Congress in 1974.

Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon all impounded funds that Congress had appropriated for line-item projects. In the most telling example of Presidential impoundment used as a means of controlling spending, President Johnson impounded $5.3 billion for many of his Great Society programs during the Vietnam war to quell inflation. These modern Presidents were not afraid to use their line-item veto as a means of controlling spending.
appropriated by Congress. He, of course, had good reason. When the gunboats were appropriated, a war with Spain seemed imminent. The war never materialized, and the threat posed by Spain ebbed. Circumstances changed, and Jefferson thought it was within his power to eliminate this unnecessary spending. The next set of gunboats was not spent, and money was not appropriated in 1802 for the gunboats.

The Union did not fall because the President refused to waste taxpayers' money.

When, engaged in unjustifiable pursuits, are aware that obstacles may come from Congress, they cannot control, they will often be restrained by the apprehension of opposition from doing what they would with eagerness rush into if no such external impediments were to be feared. ‘Those opposed to this amendment should consider this their position. They who believe passionately on this side that the system as it now exists is unworkable, are aware that obstructions may come from Congress behind decisions to use force and that a Congress with a political will not weigh these threats before as they consider them.’

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acts in defense of American interests, the President should have all the flexibility provided in the Constitution—and not be subject to an automatic withdrawal “trigger” or a 60-day time clock.

S. 5 also addresses another aspect of the U.S. involvement in the post-cold war world—peacekeeping. S. 5 imposes significant new limits on peacekeeping policies which have jeopardized American interests, squandered resources—and cost lives. S. 5 limits the placing of American troops under foreign command. S. 5 also requires U.N. assessments for peacekeeping be reduced by the amount spent by the Department of Defense in direct or indirect support of peacekeeping activities. This addresses the absurd situation where the United States spends billions on Somalia, for example, and then receives a bill from the United Nations for millions more—as an assessment for our share of peacekeeping.

S. 5 addresses the out of control deficit voting which has occurred in the United Nations. S. 5 requires the administration to tell Congress how it will pay for peacekeeping operations before they vote for such operations and incur any obligation. S. 5 also makes clear that resources can be committed in New York which have not been appropriated by Congress. The Congress is a little tired of being told we owe arrears which the administration has made no efforts to finance. S. 5 says if you cannot pay for it, don’t vote for it. Finally, S. 5 reaffirms Congress’ commitment to the reduction of U.N. peacekeeping to 25 percent—even if the United Nations tries to change U.S. interest or penalties.

S. 5 will be the subject of many hearings—in Foreign Relations, in Armed Services, and perhaps in other committees. Maybe certain provisions can be improved in the course of our review. I ask that a summary of the provisions of S. 5 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 5

(2) The documents described in paragraph (1) shall be submitted to the appropriate committees of Congress.

(3) The appropriation for United Nations Peacekeeping for any fiscal year shall be included in the budget of the United States Government for that fiscal year.

(4) The appropriation shall be available—

(a) for the construction of facilities at any United Nations Peacekeeping Operation;

(b) for the purchase of supplies and equipment;

(c) for the payment of personnel;

(d) for the payment of other expenses of a peacekeeping operation.

SEC. 6. REDUCTION OF UNITED NATIONS ASSESSMENTS TO THE UNITED STATES FOR PEACEKEEPING OPERATIONS.

(a) Annual Report.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1995 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(b) Limitation.—In each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of Peacekeeping for any fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for any such fiscal year.

(c) Definitions.—As used in this section—

(1) the term ‘United Nations peacekeeping activity’ means any activity or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.
the Anti-Deficiency Act)."

(b) The authority to obligate United States resources that most closely meet the needs of the United Nations, should advise the Security Council of the requirement of this section on each occasion when the United States supports a Security Council resolution that may result in United States assistance or contributions to the United Nations, exceeding amounts currently available to be obligated for that purpose.

SEC. 9. LIMITATION ON ASSESSMENT PERCENTAGE FOR PEACEKEEPING ACTIVITIES.

(a) Notice to Congress of Proposed United Nations Peacekeeping Activities—Section 404(b)(2) of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by adding at the end the following new sentence: "Any penalties, interest, or other charges imposed under the Act in connection with such contributions shall be credited as a part of the percentage limitation contained in the preceding sentence."


Repeals War Powers Resolution of 1973 in its entirety (section 2).

Consultation provisions added back: in advance in "every possible instance" and "regularly" while deployment underway (section 3, old section 3 of War Powers).

Mandatory identification of funding before votes to establish, extend or expand peacekeeping operations (section 7) improves on current law which requires only a cost assessment but allows "deficit voting." Section 8 also requires the President to make any determination to waive the advance notice, and adds penalties from the Anti Deficiency Act to votes not in accordance with this section.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BREAUX, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. DODD, Mr. KERRY, Mr. DORGAN, and Ms. MOSELEY-BRAUN).

S. 6. A bill to replace certain Federal job training programs by developing a training account system to provide individuals the opportunity to choose the type of training and employment-related services that most closely meet the needs of the individual, and for other purposes; to the Committee on Labor and Human Resources.

There being no objection, the bill was ordered to be printed in the Record, as follows:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Working Americans Opportunity Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—JOB TRAINING ACCOUNT SYSTEM

Sec. 101. Establishment.
Sec. 102. Individual choice.
Sec. 103. Eligibility.
Sec. 104. Obtaining a voucher.
Sec. 105. Oversight and accountability.
Sec. 106. Eligibility requirements for providers of job training.
Sec. 107. Eligibility requirements for providers of employment-related services.
Sec. 108. Evaluation of training account system and assistance centers.
Sec. 109. Apportionment of funds.

TITLE II—ELIMINATION OF FEDERAL JOB TRAINING PROGRAMS

Sec. 201. Elimination of programs.

TITLE III—INFORMATION FOR BETTER CHOICES

Sec. 301. Assistance centers.
Sec. 302. Access to labor market information.
Sec. 303. Direct loans to working Americans.

TITLE IV—REPORTS AND PLANS

Sec. 401. Consolidation and streamlining.
Sec. 402. Reporting relating to income support.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) increasing international competition, technological advances, and structural changes in the economy of the United States present new challenges to private firms and public policymakers who labor to develop skilled workforce with the ability to adapt to change and progress;

(2) a substantial number of Americans lose jobs due to the constantly changing world and national economies rather than cyclical downturns, with more than 2,000,000 full-time workers permanently displaced annually due to plant closures, production cutbacks, and layoffs;

(3) the current response of the Federal Government to dislocations and structural employment is a patchwork of categorical programs, with varying eligibility requirements and different sets of services and benefits;

(4) the lack of cohesion among existing Federal programs creates administrative and regulatory obstacles that hamper the efforts of individuals who are seeking new jobs or reemployment;

(5) enacted in 1944, the Servicemen's Readjustment Act of 1944, popularly known as the GI Bill of Rights, helped millions of World War II veterans, and later, Korean and Vietnam War veterans, finance college educations and assisted in building the middle class of the United States;

(6) restructuring the current job training system, with respect to displaced and disadvantaged workers, in a manner that is
conceptionally similar to the GI Bill will help millions of Americans to become more competitive in today's dynamic world economy in which most Americans—
(A) can expect to move to new jobs a number of times in the course of their careers;
(B) must upgrade their skills continuously;
(7) success in this ever-changing environment depends, in part, on an individual's effective management of the individual's career based on personal choice and reliable information;
(b) insufficient market information and assistance regarding access to job training opportunities;
(9) only a small fraction of individuals eligible for job training are now served, and by removing obstacles and layers of administrative costs, more funds will be available to individuals to enable them to receive the training of their choice; and
(10) while the Federal Government proceeds to create a new marketplace for job training, the Federal Government must also maintain its commitment to providing intensive services to assist those individuals who are economically disadvantaged.

(c) PURPOSES.—It is the purpose of this Act to—
(1) enhance the choices available to disadvantaged workers, and the economically disadvantaged, who want to upgrade their work skills and learn new skills to compete in a changing economy;
(2) enable individuals to make choices that are best for the careers of such individuals;
(3) replace a number of Federal job training and employment-related services with a simple and direct training account voucher system that relies on individual choice and provides high-quality job market information;
(4) allow an individual to tailor training and education to the personal needs of such individual so that such individual may remain in long-term employment yet have the means to be flexible when necessary; and
(5) create a system that provides timely and reliable information to individuals to use to assist such individuals in making the best choices with respect to the use of vouchers for job training and employment-related services.

SECT. 2. DEFINITIONS.
As used in this Act:

(A) DISLOCATED WORKERS.—(A) in general.—The term "dislocated workers" means individuals who—
(i) have been terminated or laid off or who have received a notice of termination or layoff from employment, are eligible for or have exhausted unemployment compensation, and are unlikely to return to their previous industry or occupation;
(ii) have been terminated or have received a notice of termination of employment, as a result of any permanent closure of or any substantial layoff at a plant, facility, or enterprise;
(iii) are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including older individuals who may have substantial barriers to employment by reason of age;
(iv) were self-employed (including farmers and ranchers and fishermen) and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters, subject to regulations prescribed by the Secretary.
(B) SPECIAL RULE.—The Secretary of Labor shall establish categories of self-employed individuals and of economic conditions and
(c) ECONOMICALLY DISADVANTAGED ADULT.—The term "economically disadvantaged adult" means an individual who is age 18 and older and who has, or is a member of a family that has, a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, was not in excess of the official poverty line (as defined by the Office of Management and Budget, and revised in accordance with section 9902(2) of title 42); or
(B) 70 percent of the lower living standard income level.
(C) GOVERNOR.—The term "Governor" means the chief executive of any State.

(b) PROVIDER.—The term "provider" means a public agency, private nonprofit organization, or private for-profit entity that delivers, basic employment, educational, job training, employment-related, or supportive services.

(c) STATE. —The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

TITLE I—JOB TRAINING ACCOUNT SYSTEM

SEC. 101. ESTABLISHMENT.
Not later than January 1, 1996, the Secretary of Labor and the Secretary of Education shall jointly establish pursuant to the requirements of this Act a job training account system that provides vouchers to individuals for the purpose of the provision of job training and employment-related services.

SEC. 102. INDIVIDUAL CHOICE.

(a) IN GENERAL.—Upon notification of approval of an application under this section, an individual shall be eligible to receive a voucher under subsection (b) in the amount of $3,000 for 2 years beginning on the date on which an application is approved under section 104.

(b) USE OF TRAINING ACCOUNT VOUCHERS FOR JOB TRAINING AND EMPLOYMENT-RELATED SERVICES.—
(1) IN GENERAL.—An individual who is a recipient of a voucher issued under subsection (a) may use such voucher to purchase job training or employment-related services from any service provider that meets the requirements of this title.

(b) STATE-DESIGNATED VOUCHER APPLICATION OFFICES.

(1) ESTABLISHMENT.—Each State shall designate or establish easily accessible voucher application offices within such State to assist applicants for the purpose of the provision of services.

(2) DUTIES.—Each voucher application office shall—
(A) provide applications for vouchers under this title if such individual is—
(i) a dislocated worker; or
(ii) an economically disadvantaged adult.

(3) OVERSIGHT AND ACCOUNTABILITY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor and the Secretary of Education shall jointly issue regulations—
(C) use of such vouchers;
(D) method of redemption of such vouchers;
(E) most expeditious and effective process of distribution (consistent with the findings and purposes of this Act) of a voucher from the Federal Government to eligible individuals; and
(F) the arrangements necessary to phase in the training account system in each State in a timely manner.

(2) specify the duties and responsibilities of providers under a training account program established by a State under this title;
(3) provide for a State in the oversight of such providers of such State;
(4) specify the Federal and State responsibilities in such oversight, including the enforcement of such duties and the determination of administrative costs with respect to a State that establishes a training account program under this title;
(5) include provisions that encourage States to distribute in a regionally balanced manner, to the extent practicable, vouchers to individuals to participate in job training or employment-related services in such State; and
(6) specify the manner in which economically disadvantaged individuals will receive adequate counseling and support services necessary to take full advantage of the voucher assistance under this title.

(b) PUBLIC COMMENTS.—In promulgating regulations under subsection (a), the Secretary of Labor and the Secretary of Education shall provide the opportunity for comment from the public, including representatives of institutions of higher education, the taxpayer; and community-based organizations.

SEC. 106. ELIGIBILITY REQUIREMENTS FOR PROVIDERS OF JOB TRAINING.

(a) ELIGIBILITY REQUIREMENTS.—A provider of job training shall be eligible to receive payment by voucher under this title if such provider—

(1) is—
(A) eligible to participate in programs under title IV of the Higher Education Act of 1965;
(B) determined to be eligible under the procedures described in subsection (b); and
(C) provides the performance-based information required pursuant to paragraph (1) of subsection (c).

(2) PROCEDURE REQUIREMENTS.—The procedure described in paragraph (1) shall establish minimum acceptable levels of performance for providers of job training based on factors and guidelines developed jointly by the Secretary of Labor and the Secretary of Education. Such factors shall be comparable in rigor and scope to those provisions of part H of title IV of the Higher Education Act of 1965 that are used to determine an institution of higher education's eligibility to participate in programs under such part. The Secretary of Education shall identify performance-based information that is to be submitted by providers of job training desiring to be eligible under this section. Such information may include information relating to—

(A) the percentage of students completing the programs conducted by such provider of job training;
(B) the rates of licensure of graduates of the programs conducted by such provider;
(C) the percentage of graduates of the programs conducted by such provider that meet skill standards and certification requirements or the National Skills Standards Board established under section 503 of the National Skills Standards Act of 1994;
(D) the rates of placement and retention in employment to be attained by graduates of the programs conducted by such provider;
(E) the rate of graduates of the program conducted by such provider who obtained employment in an occupation related to such program conducted by such provider; and

(f) the warranties or guarantees provided by such provider relating to the skill levels or employment to be attained by graduates of the program conducted by such provider.

(3) ADDITIONS.—The Governor may, pursuant to the approval of the Secretary of Labor and the Secretary of Education, prescribe additional performance-based information that shall be submitted by providers of job training pursuant to this subsection.

(b) ADMINISTRATION.—

(1) STATE AGENCY.—The Governor shall designate a State agency to collect, verify, and disseminate the performance-based information submitted pursuant to paragraph (1) of subsection (c).

(2) APPLICATION.—A provider of job training desiring to receive funds under this title shall make the information required under subsection (c) to the State agency designated under paragraph (1) at such time and in such form as such State agency may require.

(3) LIST OF ELIGIBLE PROVIDERS.—The State agency designated under paragraph (1) shall compile a list of eligible providers, accompanied by the performance-based information submitted and disseminated such list and information to the voucher application offices described under section 106(b)(1), assistance centers described under section 301, and other appropriate entities within the State.

(c) PERFORMANCE-BASED INFORMATION.—

(A) IN GENERAL.—If the State agency determines that a provider of training services (in accordance with the performance-based information under this subsection, such provider shall be disqualified from receiving funding for a period of 2 years beginning on the date of such determination, unless such provider can demonstrate to the satisfaction of the Governor or a designee of the Governor, that the information was provided in good faith.

(B) APPEAL.—The Governor shall establish a procedure for a provider of job training to appeal a determination under subparagraph (A) that results in a disqualification under sub-subparagraph (A). Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(d) ASSISTANCE IN DEVELOPING INFORMATION.—The State agency designated under paragraph (1) may, in its sole discretion, provide technical assistance to a provider of job training in developing the performance-based information required under subsection (c). Such assistance may include the use of State administrative records, such as unemployment compensation wage records, and other appropriate coordination activities.

(e) CONSULTATION.—The Governor shall consult with the Secretary of Education regarding the eligibility of institutions of higher education or other providers of job training to participate in programs under this Act or under title IV of the Higher Education Act of 1965.

SEC. 107. ELIGIBILITY REQUIREMENTS FOR PROVIDERS OF EMPLOYMENT-RELATED SERVICES.

(a) IN GENERAL.—A provider of employment-related services shall be eligible to receive payment by voucher under this title if such provider—

(1) is determined to be eligible under procedures described in subsection (b); and
(2) provides the performance-based information required pursuant to paragraph (c).

(b) PROCEDURES.—(1) The Governor, after consultation with local elected officials and other appropriate entities in the State, shall establish procedures to determine eligibility of employment-related services in such State desiring to receive payment by voucher under this title. Such procedures shall establish minimum acceptable levels of performance for such providers based on factors and guidelines developed by the Secretary of Labor.

(c) PERFORMANCE-BASED INFORMATION.—The Secretary of Labor and the Secretary of Education shall identify performance-based information that is to be submitted by providers of employment-related services desiring to be eligible under this section.

SEC. 108. EVALUATION OF TRAINING ACCOUNT SYSTEM AND ASSISTANCE CENTERS.

The Secretary of Labor and the Secretary of Education shall—

(a) monitor the effectiveness of the training account system and the assistance centers established under section 301;
(b) evaluate the benefits of such system and centers to voucher recipients under this title and the taxpayer; and
(c) submit to the appropriate committees of Congress information obtained from such evaluation.

SEC. 109. APPOINTMENT OF FUNDS.

(a) IN GENERAL.—The Secretary of Labor and the Secretary of Education shall, without any reduction of the commitment or the level of effort by the Federal Government to improve the education, employment, and earnings of all workers and job-seekers (particularly in hard-to-serve communities), jointly apportion funds appropriated under section 302 to each State for each fiscal year in accordance with subsection (b).

(b) CONSIDERATION OF FACTORS.—

(1) IN GENERAL.—An apportionment of funds under subsection (a) shall be based on the following factors:

(A) The relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States.

(B) The relative excess number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States.

(C) The relative number of individuals who have been unemployed for 15 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

(D) The relative number of economically disadvantaged adults who reside in each State.

(2) DEFINITION.—For purposes of this subsection, the term "excess number" means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

(c) FUNDS FOR VOUCHERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not less than 75 percent of funds apportioned to a State under subsection (a) shall be made available in the
form of vouchers to individuals in the State who are eligible under section 103.

(2) WAIVER.—The Secretary of Labor may waive the requirement under paragraph (1) for a State if—

(A) such State provides job training and employment-related services other than the job training and employment-related services provided through vouchers; and

(B) such services are considered by the Secretary of Labor to be more beneficial to individuals in such State to meet the self-determined training needs of such individuals.

Voucher Employment-Related Services.—

(1) IN GENERAL.—The remaining balance of the funds apportioned under subsection (a) shall be used to fund employment-related services that are provided through means other than voucher and that increase the probability that such individuals will benefit from training and reenter the workforce.

(2) AUTHORIZED SERVICES.—The employment-related services described in paragraph (1) may include—

(A) skill assessments;
(B) testing;
(C) counseling;
(D) job development;
(E) work experience evaluation;
(F) job readiness training;
(G) basic skills education;
(H) supportive and supplemental services; and

(I) rapid response.

(3) AVAILABILITY OF SERVICES.—The services described in paragraph (2) and any other related services may be made available through assistance centers established under title III.

(e) SPECIAL RULE.—The Secretary of Labor and the Secretary of Education shall jointly determine the equitable distribution of voucher and nonvoucher employment-related assistance under subsections (c) and (d), respectively, between dislocated workers and economically disadvantaged adults.

TITLE II—ELIMINATION OF FEDERAL JOB TRAINING PROGRAMS

SEC. 201. ELIMINATION OF PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the elimination and streamlining of Federal job training programs should be accomplished without in any way reducing the commitment of, or the level of effort by, the Federal Government to improve the education, employment, and earnings of all workers and jobseekers particularly in hard-to-serve communities.

(b) REPEALS OF EMPLOYMENT TRAINING PROGRAMS.—

(1) IN GENERAL.—The following provisions are repealed:

(A) Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)).
(B) Section 100(b) of the Job Training Partnership Act (29 U.S.C. 151(b)(7)).
(C) Section 322 of such Act (29 U.S.C. 1532).
(D) Section 204(d) of such Act (29 U.S.C. 1604(d)).
(E) Part A of title II of such Act (29 U.S.C. 1601 et seq.).
(F) Section 302(c) of such Act (29 U.S.C. 1652(c)).
(G) Part A of title III of such Act (29 U.S.C. 1661 et seq.).
(H) Sections 321 through 324 of such Act (29 U.S.C. 1662 through 1662c).
(I) Section 325 of such Act (29 U.S.C. 1662d).
(J) Section 325A of such Act (29 U.S.C. 1662d-1).
(K) Section 326 of such Act (29 U.S.C. 1662e).
(L) Sections 303 through 303 of such Act (29 U.S.C. 1651 et seq.).
(M) Subtitle C of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

(2) TYPE OF INFORMATION FOR COLLECTION.—The types of information to be developed and provided under paragraph (1) shall include the following:

(A) Regional labor market demand;
(B) Regional employment opportunities;
(C) Regional industries and employers;
(D) Demographic, socioeconomic, and economic characteristics of particular regions.

SEC. 302. DIRECT LOANS TO WORKING AMERICANS.

(a) FINDINGS.—The Congress finds that the Federal Direct Student Loan Program authorized by part D of title IV of the Higher Education Act of 1965, is a valuable financing tool for working Americans who desire to obtain the advantage of training in education programs, consistent with the goals of such Americans, to learn new skills for careers that may bring higher salaries and improved quality of life.

(b) AWARENESS.—The Department of Education shall endeavor to make known the value and availability of direct loans through the Federal Direct Student Loan Program under part D of title IV of the Higher Education Act of 1965 through cooperative arrangements with training and educational training programs, assistance centers, State agencies, and other Federal agencies.

TITLE IV—REPORTS AND PLANS

SEC. 401. CONSOLIDATION AND STREAMLINING.

(a) REPORT ON CONSOLIDATING NONCOVERED FEDERAL JOB TRAINING PROGRAMS.—Not later than January 1, 1996, and each year thereafter, the Secretary of Labor and the Secretary of Education shall jointly prepare a report to Congress on the consolidated Federal job training programs not covered by this Act that can be consolidated into a more integrated and accountable workforce development system that better meets the needs of jobseekers, workers, and business.

(b) PLAN ON USE OF COMMON DEFINITIONS, MEASURES, STANDARDS, AND CYCLES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor and the Secretary of Education shall jointly develop a plan that, wherever practicable, requires all Federal job training programs not covered by this Act to use common definitions, common outcome measures, common eligibility standards, and common funding cycles in order to make such training programs more accessible.

SEC. 402. REPORT RELATING TO INCOME SUPPORT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as many dislocated workers and economically disadvantaged adults are unable to enroll in long-term job training because such workers and adults lack income support after unemployment compensation is exhausted;
(2) evidence suggests that long-term job training is among the most effective adjustment service in assuring dislocated workers and economically disadvantaged adults to obtain employment and enhance wages; and
(3) there is a need to identify options relating to how income support may be provided to dislocated workers and economically disadvantaged adults to participate in long-term job training.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall submit to the Congress a report that—

(1) examines the need for income support to enable dislocated workers and economically disadvantaged adults to participate in long-term job training;
(2) identifies options relating to how income support can be provided to such workers and adults; and
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(3) contains such recommendations as the Secretary of Labor determines are appropriate.

Mr. KENNEDY. Mr. President, I join today with the distinguished Minority Leader, Senator DASCHLE, in co-sponsoring legislation critical to the health and economy of this Nation and to working across this country.

I applaud Senator DASCHLE for the Democratic priorities set forth in the legislation he has introduced on this, the first day of the 104th Congress. As I traveled across Massachusetts over these months, it was clear that the priorities of the people are jobs and the economy, health care and education. These are their priorities, they are my priorities and they are the priorities shared by the Democratic leadership in the Senate, House, and White House.

I look forward to working together with the new Republican leadership. The challenges facing our Nation are not Republican or Democrat, and they require a bipartisan response.

The health care crisis continues to be our greatest challenge and must be our highest priority. To carry on the work begun in the last Congress, I join in cosponsoring the bipartisan Affordable Health Care for All Americans Bill.

The crisis in health care has not gone away. Last year the number of Americans without health insurance coverage increased by another million. The rise in the nation’s health spending was close to $100 billion. The escalating cost of Medicare and Medicaid continues to undermine our efforts to control the deficit. Worst of all, millions of families across the country have been forced to the brink of financial ruin because that the health insurance that protects them today will be there for them tomorrow if serious illness strikes.

It is not surprising that surveys find that Americans rank health care reform as their top priority. As the new Congress begins, I join in cosponsoring the Working Families’ Health Insurance Tax Credit Act.

Each member of Congress has the honor to work with their constituents in shaping our Nation’s future. Senator DASCHLE’s bill demonstrates the high priority that our party gives to reform and provides a basis for constructive action. His bill includes important insurance reforms. It provides for affordable health insurance for families within reach of millions of American families, and provides special help for temporarily unemployed workers who lose their coverage when they lose their job. It also provides 100 percent deductibility for small businesses, and addresses other important problems.

I applaud Senator DASCHLE for the leadership he has shown in cosponsoring legislation critical to the health and economy of this Nation. As we look to the future, we must keep an eye on the ultimate objective: to ensure that everyone in America is guaranteed the basic right to health care. Every member of Congress has that guarantee. Every Canadian has it. Every French citizen has it. Every German has it. Every Japanese has it. In fact, every citizen of every industrialized country except South Africa has it. It is time for us to give every family in America the peace of mind of knowing that uninsured illness will never turn their American dream into a nightmare.

I am also proud to join the Minority Leader in cosponsoring the Working Americans’ Opportunity Act, and I also commend Senator BREAUX for his effective work in shaping this legislation.

Given today’s rapidly changing economy, one of the top priorities of this Congress must be to reform and improve the existing health care programs to assure that they provide realistic opportunities for workers to upgrade skills and increase their earning power over the course of their careers.

As we modernize our job training system, we must not, in any way, retreat...
from the commitment that we have made to provide the basic skills and supports which make it possible for jobseekers and workers to actively participate in the labor market.

We need to respond to the new and powerful economic forces which are making labor markets more uncertain for the middle class. Workers who are employed in industries where employment is growing face a daunting challenge in adjusting to these forces. We need to respond to the new and powerful economic forces which are making labor markets more uncertain for the middle class. Workers who are employed in industries where employment is growing face a daunting challenge in adjusting to these forces.

A more flexible job training system is essential to respond to the ever-expanding number of two-income families and families with single heads of households who face the difficult challenge of balancing work and family responsibilities.

Over the past decade many private businesses have taken steps to re-engineer their operations to deal with the profound changes taking place in our economy. It is clearly time for the Federal Government to act as well, to improve the return we are receiving from the funds we invest in job training and to give workers a greater opportunity to succeed.

The Working American's Opportunity Act, S. 6, begins the important process of streamlining the existing complex job training system, in order to create more accessible, more effective, and more understandable assistance for workers.

Vouchers modeled on the G.I. Bill that transformed this Nation after World War II will be available for workers to select training programs most suited to their needs. States will be encouraged to establish "one-stopshopping" centers for career counseling, job search assistance and performance assessments of training programs. To improve workers' chances of securing jobs, the legislation would require the Departments of Labor and Education to make available up-to-date information on emerging jobs and the skills required, national labor market information will be available. Taken together, these changes are excellent steps toward creating the kind of modern job training system the Nation needs, a system that is genuinely driven by the real requirements of workers, job seekers and businesses.

In the last session of Congress, we laid the groundwork for bipartisan efforts on job training reform by enacting the School-to-Work Opportunities Act. This legislation will be a catalyst for States and local communities to create better career opportunities for non-college bound youth. We need to apply that same bipartisan spirit to making modern job training programs more effective for adults.

In closing, I again commend Senator Daschle for his leadership in introducing these important bills. I look forward to working with him and with Senators on both sides of the aisle in the weeks and months ahead on these and other essential measures to make government more responsive to the people and to meet the many serious challenges we face.

Ms. MIKULSKI. Mr. President, I am proud to join as an original cosponsor of Senate bills 6-10 introduced today by the Democratic leader. They represent a solid effort to help working families, give help to those who first practice self help, get the Federal Government's fiscal house in order, and reform the Congress.

Since the November elections, some have been left with the impression that the Democratic Party has no vision for the future of our country, and that we have abandoned the concerns of the middle class. As a blue collar Senator who returns home each night to the city where I was born, I believe that these five legislative efforts dispel that myth.

These five items represent what we believe as Democrats are the downpayment on the growth of middle America--job security and our standard of living, affordable health insurance, ending welfare as we know it, balancing the budget by cutting spending, and reforming the way Congress itself does its job.

The first of these initiatives, S. 6, the Working Americans Opportunity Act, will enable working Americans to have available a lifetime opportunity of employment retraining. It will revamp job training programs by consolidating those programs that work and eliminating those that don't, providing job training opportunities and access to people who practice self help and need new skills for real work situations. Finally, it will not require new taxes or spending because it replaces, consolidates and eliminates nine existing programs and cuts government bureaucracy. Winning the war for America's future depends on whether Americans can have jobs today and jobs for the future. Congress must have a ready and skilled work force that is equipped and ready to compete for the high tech future. S. 6 will get us headed in that direction.

S. 7, the Family Health Insurance Protection Act, is a significant first step toward ensuring that all Americans have access to affordable, high-quality health insurance coverage. It will ensure that no one can be denied health insurance because of a pre-existing medical condition and protect workers who change jobs from losing their health coverage. It will also prohibit insurers from dropping customers or raising their rates once they become ill. It will reduce red tape and provide tax incentives to small businesses that assist those who practice self help. The legislation will let us begin to ensure health care coverage for every American.

S. 8, the Teenage Pregnancy Prevention and Parental Responsibility Act, will make our welfare system a partner--with parents, teachers, and clergy--in keeping kids in school and off welfare. As the only social worker in the U.S. Senate, I have long fought to make our welfare programs reflect America's family values. This legislation will require unwed teenage mothers to practice self help, either in the presence of a father, or in a supervised group home. It will also help communities to develop their own solutions to the problem of teen pregnancy. And finally, by strengthening our child support laws, this legislation will crack down on people who practice self help, get the Federal Government's fiscal house in order, and reform the Congress.
Mr. ROCKEFELLER. Mr. President, giving American workers the opportu-
nity to get the education and training they need to effectively compete in our modern workplace and highly com-
petitive economy must be a priority. That is why I am joining Senator DASCHLE in introducing S. 6, the Work-
ing Americans Opportunity Act. I commend him and my other colleagues involved in developing this important initiative.

While there are numerous Federal training programs in existence, there also are some questions about how effective these efforts are. It is time to deal with these questions and make the changes necessary to ensure that our programs work more efficiently and effectively, both for the participants and the American taxpayers who are footing the bills.

The Working Americans Opportunity Act is an important step in the right direction to improve our Federal training programs. This effort is designed to streamline Federal training programs and give participants more say over their job search process and training. The bill also proposes a critically needed investment in a "national labor market information system" so people can get on current information that will tell them what fields offer real job opportunities. The bill promotes "one-stop career centers," to help Americans sort through training and career information in one place so they can make more organized decisions about their future.

In cosponsoring this bill, I want to emphasize my continued belief that America's— and West Virginia's— battle for the best jobs in world depends partly on our workers having the best skills and education. Competing in the global economy is a permanent fact of life. And both workers and the unemployed in West Virginia want to get the training they need to have good jobs.

But I also want to register a note of caution about the bill's use of "vouchers" as the way to link workers with training. I have some questions about this concept, because I do not want to see them turn into "coupons" for training that is not up to standard. Neither workers nor the American taxpayers will be well served if the new system does not assure high quality training in fields with real job opportunities. Achieving this goal will require a deliberate balance and strong quality assurance within the new system.

Throughout the legislative process, I will be working to further strengthen this legislation and promote education and training of the best quality for American workers.

Training and education are especially key issues for West Virginia and other regions still struggling with unemployment rates above the national average and facing major industrial restructuring. The experience that West Virginians are eager to work and willing to learn new skills in order to meet the challenges of our increasingly competitive workplace. It is essential to ensure that Federal training programs meet such needs and provide real opportunities to workers who have been dislocated from their careers.

Our entire country benefits when an American worker gains new skills and becomes more productive so it is essential to invest in effective Federal training programs. The Working Americans Opportunity Act is a step in the right direction, and sends a strong signal about the need to move forward.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. REID, Ms. MICKULSKI, Mr. ROCKEFELLER, Mr. DODD, Mr. BREAUX, Ms. MOSELEY-BRAUN, Mr. PELL, Mrs. MURRAY, and Mr. INOUYE):

S. 7. A bill to provide for health care reform through health insurance market reform and assistance for small businesses and families, and for other purposes; to the Committee on Labor and Human Resources.

Family Health Insurance Protection Act

Mr. DASCHLE. 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:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Health Insurance Protection Act."

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—HEALTH INSURANCE MARKET REFORM

Subtitle A—Insurance Market Standards

Sec. 1001. Nondiscrimination based on health status.
Sec. 1002. Guaranteed issue and renewal.
Sec. 1003. Rating limitations.
Sec. 1004. Enforce system quality standards.
Sec. 1005. Benchmark benefits package.
Sec. 1006. Risk adjustment.
Sec. 1007. Effective dates.

Subtitle B—Establishment and Application of Standards

Sec. 1011. General rules.
Sec. 1012. Encouragement of State reforms.
Sec. 1013. Grants to States for small group health insurance purchasing arrangements.
Sec. 1014. Enforcement of standards.

Subtitle C—Insurance Market Transitions

Sec. 1022. Health Care Cost and Access Advisory Commission.
Sec. 1023. Duties of Commission.
Sec. 1024. Certification of Commission.

Subtitle D—Definitions

Sec. 1031. Definitions.

TITLE II—IMPROVING ACCESS TO HEALTH CARE COVERAGE

Subtitle A—Coverage Under Qualified Health Plans and Premium Assistance

Sec. 2011. Amount of premium assistance.
Sec. 2012. Assistance to children.
Sec. 2013. Assistance to temporarily unemployed individuals.

PART 2—AGGREGATE FEDERAL PAYMENTS

PART 3—DEFINITIONS AND DETERMINATIONS OF INCOME
Sec. 2031. Definitions and determinations of income.
Sec. 2032. References to individual.

Subtitle B—Self-Employed Health Insurance Deductions
Sec. 2041. Deduction for health insurance costs of self-employed individuals.

TITLE III—IMPROVING ACCESS IN RURAL AREAS

Subtitle A—Office of Rural Health Policy
Sec. 3001. Office of Rural Health Policy.

Subtitle B—Development of Telemedicine in Rural Underserved Areas
Sec. 3011. Grants for development of rural telemedicine.
Sec. 3012. Report and evaluation of telemedicine.
Sec. 3013. Regulations on reimbursement of telemedicine.
Sec. 3014. Authorization of appropriations.
Sec. 3015. Definitions.

Subtitle C—Rural Health Plan Demonstration Projects
Sec. 3021. Rural health plan demonstration projects.

Subtitle D—Antitrust Safe Harbors for Rural Health Providers
Sec. 3031. Antitrust safe harbors for rural health providers.

TITLE IV—QUALITY AND CONSUMER PROTECTION

Subtitle A—Administrative Simplification
PART 1—PURPOSE AND DEFINITIONS
Sec. 4001. Purpose.
Sec. 4002. Definitions.

PART 2—STANDARDS FOR DATA ELEMENTS AND INFORMATION TRANSACTIONS
Sec. 4011. General requirements on security.
Sec. 4012. Standards for health information transactions and data elements.

PART 3—REQUIREMENTS WITH RESPECT TO CERTAIN TRANSACTIONS AND INFORMATION
Sec. 4021. Requirements on health plans and health care providers.
Sec. 4022. Standards and certification for health information protection organizations.

PART 4—ACCESSING HEALTH INFORMATION
Sec. 4031. Access for authorized purposes.

PART 5—PENALTIES
Sec. 4041. General penalty for failure to comply with requirements and standards.

PART 6—MISCELLANEOUS PROVISIONS
Sec. 4051. Effect on State law.
Sec. 4052. Authorization of appropriations.

Subtitle B—Privacy of Health Information

PART 1—DEFINITIONS
Sec. 4101. Definitions.

PART 2—AUTHORIZED DISCLOSURES
SUBPART A—GENERAL PROVISIONS
Sec. 4106. General rules regarding disclosure.
Sec. 4107. Authorized disclosures for disclosure of protected health information.
Sec. 4108. Health information protection organizations.

JANUARY 4, 1995

CONGRESSIONAL RECORD — SENATE
TITLE I—HEALTH INSURANCE MARKET REFORM

Subtitle A—Insurance Market Standards

SEC. 1001. NONDISCRIMINATION BASED ON HEALTH STATUS.

(a) In General.—Except as provided in subsection (b), a health plan may not deny, limit, or condition the coverage under (or benefits of) the plan, or vary the premium, for an individual based on the individual's health status, medical condition, claims experience, receipt of health care, medical history, anticipated need for health care services, disability, or lack of evidence of insurability.

(b) Treatment of Preexisting Condition Exclusions for All Services.—

(1) In General.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(2) Limitation of benefits or exclusions applicable to preexisting conditions.—

(A) Period of continuous coverage.—

(i) In general.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under the plan; that period shall be reduced by 1 month for each month in the period of continuous coverage.

(ii) Definition of preexisting condition.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(3) Definitions.—For purposes of this subsection:

(A) Period of continuous coverage.—

(i) In general.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under the plan; that period shall be reduced by 1 month for each month in the period of continuous coverage.

(ii) Definition of preexisting condition.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

(1) In General.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(2) Limitation of benefits or exclusions applicable to preexisting conditions.—

(A) Period of continuous coverage.—

(i) In general.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under the plan; that period shall be reduced by 1 month for each month in the period of continuous coverage.

(ii) Definition of preexisting condition.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(3) Definitions.—For purposes of this subsection:

(A) Period of continuous coverage.—

(i) In general.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under the plan; that period shall be reduced by 1 month for each month in the period of continuous coverage.

(ii) Definition of preexisting condition.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

(1) In General.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(2) Limitation of benefits or exclusions applicable to preexisting conditions.—

(A) Period of continuous coverage.—

(i) In general.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under the plan; that period shall be reduced by 1 month for each month in the period of continuous coverage.

(ii) Definition of preexisting condition.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(3) Definitions.—For purposes of this subsection:

(A) Period of continuous coverage.—

(i) In general.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under the plan; that period shall be reduced by 1 month for each month in the period of continuous coverage.

(ii) Definition of preexisting condition.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(4) Limitations prohibited.—

(A) In general.—A health plan may not impose a lifetime limitation on the provision of benefits under the plan.

(B) Rule of construction.—The prohibition contained in paragraph (1) shall not be construed as prohibiting limitations on the scope or duration of particular items or services covered by a health plan.

Title II—Guaranteed Issuance and Renewal

Subtitle A—Small Group Market

(1) In general.—A health plan offering coverage in the small group market shall guarantee each individual purchaser and each employer offering such small employer applying for coverage in such market the opportunity to enroll in the plan.

(2) Large Employer Market.—Each health plan offering coverage in the large employer market shall guarantee each individual eligible for coverage under the plan the opportunity to enroll in such plan.

(3) Capacity Limits.—Notwithstanding this section, a health plan may apply a capacity limit based on limited financial or provider capacity if the plan enrols individuals in a manner that provides prospective enrollees with a fair chance of enrollment regardless of the method by which the individual seeks enrollment.

Title III—Renewal of Policy

Subtitle A—Small Group Market

(1) In general.—A health plan issued to a small employer or an individual purchaser in the small group market shall be renewed at the option of the employer or individual, if such employer or individual remains eligible for coverage under the plan.

(2) Large Employer Market.—A health plan issued to an individual eligible for coverage under a large employer plan shall be renewed at the option of the individual, if such individual remains eligible for coverage under the plan.

Title IV—Grounds for Refusal to Renew

Subtitle A—Small Group Market

(1) In general.—A health plan may refuse to renew a policy only in the case of—

(A) the nonpayment of premiums;

(B) fraud on the part of the employer or individual relating to such plan; or

(C) the misrepresentation by the employer or individual of material facts relating to an application for coverage of a claim or benefit.

Title V—Budget Neutrality

Subtitle A—Insurance Market Standards

SEC. 1001. NONDISCRIMINATION BASED ON HEALTH STATUS.

(a) In General.—Except as provided in subsection (b), a health plan may not deny, limit, or condition the coverage under (or benefits of) the plan, or vary the premium, for an individual based on the individual's health status, medical condition, claims experience, receipt of health care, medical history, anticipated need for health care services, disability, or lack of evidence of insurability.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

(1) In General.—The term "preexisting condition" means, with respect to the period of continuous coverage, any health condition that preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan; or

(B) treatment for the condition was provided during the 6-month period ending on the date of enrollment under the plan.

(2) Limitation of benefits or exclusions applicable to preexisting conditions.—

(A) Period of continuous coverage.—

(i) In general.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under a health plan or an equivalent health care program and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(ii) Equivalent health care program.—The term "equivalent health care program" means—

(I) part A or part B of the medicare program under title XVIII of the social security act 42 U.S.C. 1395 et seq.

(II) the medicaid program under title XIX of the social security act (42 U.S.C. 1396 et seq.

(III) the health care program for active military personnel under title 10, United States Code

(IV) the veterans health care program under chapter 17 of title 38, United States Code

(V) the Civilian Health and Medical Program of the Uniformed Services (CHAMPS), as defined in section 10734 of title 10, United States Code, and

(VI) the Indian health care improvement program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.

(B) Preexisting condition.—The term "preexisting condition" means, with respect to coverage under a health plan, a condition which was diagnosed, or which was treated, within the 3-month period ending on the day before the date of enrollment (without regard to any waiting period).

(C) Limitations prohibited.—

(A) In general.—A health plan may not impose a lifetime limitation on the provision of benefits under the plan.

(B) Rule of construction.—The prohibition contained in paragraph (1) shall not be construed as prohibiting limitations on the
(a) **IN GENERAL.—**Each health plan shall comply with the standards developed under this section.

(b) **RULE OF THE SECRETARY.—**Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with the NAIC and other organizations with expertise with respect to quality assurance (including the Joint Commission on Accreditation of Health Care Organizations, the National Committee for Quality Assurance, and peer review organizations), shall establish minimum standards for the issuance by each State of delivery system quality standards. Such standards shall be the applicable health plan standards under this section.

(c) **MINIMUM GUIDELINES.—**The minimum guidelines specified in subsection (a) are as follows:

(1) Establishing and maintaining health plan quality assurance, including—

(A) quality management;

(B) credentialing;

(C) utilization management;

(D) health care provider selection and due process in selection; and

(E) practice guidelines and protocols.

(2) Providing consumer protection for health plan enrollees, including—

(A) comparative standardized consumer information, including the effects of the proposed health plan premium and quality measures, including health care report cards;

(B) nondiscrimination in plan enrollment, disenrollment, and health plan services provision;

(C) continuation of treatment with respect to health plans that become insolvent; and

(D) grievance procedures.

(3) Ensuring reasonable access to health care services, including accessibility for vulnerable populations in underserved areas.

### SEC. 1005. BENCHMARK BENEFITS PACKAGE

(a) **IN GENERAL.—**With respect to an individual eligible for enrollment, a sponsor of a health insurance purchasing arrangement, or the Secretary—

(1) shall offer the benchmark benefits package described in subsection (b); and

(2) may offer any other health benefits package.

(b) **BENCHMARK BENEFITS PACKAGE DESCRIPTION.—**

(I) **PACKAGE DESCRIPTED.—**The benchmark benefits package described in this subsection is a benefits package that covers all of the items and services under the categories of health care items and services specified by the Secretary under paragraph (2) when medically necessary or appropriate (as determined in accordance with paragraph (3)) and provides for a cost-sharing schedule specified by the Secretary.

(II) **ACTUARIAL VALUE.—**The benchmark benefits package established by the Secretary under this subsection shall have an actuarial value that equals the actuarial value of the benefits package provided under the health benefits plan offered under chapter 89 of title 5, United States Code, for the population, adjusted for a national population under 65 years of age (as determined by the Secretary).

(III) **CATEGORIES OF HEALTH CARE ITEMS AND SERVICES.—**

(A) **IN GENERAL.—**The categories of health care items and services specified by the Secretary under this paragraph shall include at least the categories specified under section 1302(I) of the Public Health Service Act (42 U.S.C. 300e-11(a)) and section 8904(a) of title 5, United States Code. The Secretary may add or delete categories of health care items and services under this paragraph as medical practice changes occur.

(B) **SPECIFYING ITEMS AND SERVICES.—**

(I) **IN GENERAL.—**The Secretary shall specify the items and services under the categories specified under paragraph (A).

(II) **PRIORITIES FOR THE SECRETARY.—**In specifying items and services under this subparagraph the Secretary shall take into account the following:

(1) **MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.—**With respect to mental health and substance abuse services, the Secretary shall give priority to parity for such services and shall offer those health plan services at least as good as the most recently offered service.

(II) **VULNERABLE POPULATIONS AND UNDERSERVED AREAS.—**The Secretary shall give priority to the needs of children and vulnerable populations, including those populations in rural, frontier, and underserved areas.

(III) **PREVENTION.—**The Secretary shall give priority to improving the health of individuals through prevention.

(3) **MEDICAL NECESSITY OR APPROPRIATENESS.—**The Secretary shall establish general criteria for determining whether an item or service specified by the Secretary under paragraph (2)(B) is medically necessary or appropriate. Health plans shall make coverage decisions regarding procedures and technologies consistent with such general criteria.

(4) **COST-SHARING.—**The Secretary shall establish cost-sharing schedules to be provided by a benchmark benefits package. Establishing such cost-sharing schedules, the Secretary shall meet the following requirements:

(A) **ANNUAL BASIS.—**The Secretary shall specify, and update, such schedules as determined appropriate by the Secretary, but on at least an annual basis.

(B) **PREVENTIVE SERVICES EXEMPTED.—**The Secretary shall exempt from any cost-sharing schedules clinical preventive services and prenatal care services.

(C) **DELIVERY SYSTEMS.—**In establishing cost-sharing schedules for benchmark benefits packages, the Secretary shall ensure that the schedules permit a variety of delivery systems, including fee-for-service, preferred provider organizations, point of service, and health maintenance organizations.

### SEC. 1006. RISK ADJUSTMENT

Each health plan offering coverage in the small group market shall participate in a risk adjustment program developed by such State under standards established by the Secretary.

### SEC. 1007. SPECIFIC DATES

(a) **IN GENERAL.—**Except as provided in subsection (b), this title shall take effect on January 1, 1996.

(b) **RATING LIMITATIONS, BENCHMARK BENEFITS PACKAGES, AND RISK ADJUSTMENTS.—**The standards promulgated under sections 1004 through 1006 shall apply to plans that are issued or renewed after December 31, 1996.

### Title I—Contribution and Application of Standards

#### Title I. General Provisions

(a) **CONSTRUCTION.—**

(1) **IN GENERAL.—**A requirement or standard imposed on a health plan under this Act shall be deemed to be a requirement or standard imposed on the insurer or sponsor of such plan.

(2) **PREEMPTION OF STATE LAW.—**

(A) **IN GENERAL.—**No requirement of this title shall be construed as preempting any State law unless such State law directly conflicts with such requirement. The provisions of any additional or supplemental provisions under State law as described in subparagraph (B) shall not be considered to directly conflict with any such requirement.

(B) **CONSUMER PROTECTION LAWS.—**State laws referred to in paragraph (A) that are not preempted by this title include—

(i) laws that limit variations in premium rates beyond the variations permitted under section 1003; and

(ii) laws that would expand the small group market in excess of that provided for under this title.

#### Title II—Encouragement of State Reform

Nothing in this Act shall be construed as prohibiting States from adopting any health care reform measures that exceed the measures established under this Act, including reforms that expand access to health care services, control health care costs, and enhance quality of care.

#### Title III—Grants to States for Small Group Health Insurance Purchasing Arrangements

(a) **IN GENERAL.—**The Secretary shall make grants to States that submit applications meeting the requirements of this section for the establishment and operation of small group health insurance purchasing arrangements.

(b) **USE OF FUNDS.—**Grants funds awarded under this section to a State may be used to—

(1) engage in marketing and outreach efforts to inform individuals and small employers about the small group health insurance purchasing arrangement, which may include the payment of sales commissions to:

(a) negotiating with insurers to provide health insurance through the small group health insurance purchasing arrangement, or

(b) providing administrative functions, such as eligibility screening, claims administration, and customer service.

#### Title IV—Enforcement Requirements

An application submitted by a State to the Secretary shall describe—

(1) whether the program will be operated directly by the State or through 1 or more State-sponsored private organizations and the details of such operation;

(2) program goals for reducing the cost of health insurance for, and increasing insurance coverage in, the small group market;
(3) the approaches proposed for enlisting participation by insurers and small employers, including any plans to use State funds to subsidize the cost of insurance for participating individuals and employers; and

(4) a Finding of the Commission for evaluating the effectiveness of the program in reducing the number of uninsured in the State and on lowering the cost of health insurance for the small group market in the State.

(g) GRANT CRITERIA.—In awarding grants, the Secretary shall consider the potential impact of the State’s proposal on the cost of health insurance for the small group market in the State and on the number of uninsured, and the need for regional variation in the awarding of grants. To the extent the Secretary deems appropriate, the funds awarded shall be used to fund programs employing a variety of approaches for establishing small group health insurance programs.

(h) PROHIBITION ON GRANTS.—No grant funds shall be paid to States that do not meet the requirements of this title with respect to small group health plans, or to States with group purchasing programs involving small group health plans that do not meet the requirements of this title.

(i) ANNUAL REPORT BY STATES.—States receiving grants under this section shall report to the Secretary on an annual basis on the numbers and rates of participation by eligible insurers and small employers, the impact of the program on reducing the number of uninsured, and the cost of insurance available to the small group market in the State.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal years 1996, 1997, and 1998.

(k) SECRETARIAL REPORT.—The Secretary shall report to Congress by not later than January 15 (beginning in 1999) on the status of health care spending and health insurance coverage in the nation.

(2) CONTENTS OF REPORT.—Each annual report shall include—

(A) findings regarding—

(i) the characteristics of the insured and uninsured, including demographic characteristics, working status, health status, and geographic distribution;

(ii) the effectiveness of insurance reforms on increasing access to health insurance and making health insurance more affordable; and

(iii) the impact of cost containment strategies at the Federal and State levels and in the private sector; and

(B) recommendations for improving access to health insurance and reducing health care cost inflation.

SEC. 1023. ORGANIZATION OF COMMISSION.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of not more than 11 individuals appointed by the President and confirmed by the Senate. Members shall be appointed not later than 30 days after the date of enactment of this Act.

(2) CHAIRPERSON.—The President shall designate 1 individual described in paragraph (1) who shall serve as Chairperson of the Commission.

(b) COMPOSITION.—The membership of the Commission shall consist of individuals with national recognition for their expertise in health care and health care markets. In appointing members of the Commission, the President shall ensure that no more than 6 members of the Commission are affiliated with the same political party.

(c) TERMS.—

(1) IN GENERAL.—The terms of members of the Commission shall be for 4 years, except that of the members first appointed, 4 shall be appointed for an initial term of 3 years and 4 for a 4-year term.

(2) CONTINUATION IN OFFICE.—Upon the expiration of a term of office, a member shall continue to serve until a successor is appointed and qualified.

(d) VACANCIES.—

(1) IN GENERAL.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual’s predecessor was appointed.

(2) NO IMPAIRMENT OF FUNCTION.—A vacancy or a failure of the Commission does not impair the authority of the remaining members to exercise all of the powers of the Commission.

(e) CHAIRPERSON.—The Commission may designate a member to act as Chairperson during any period in which there is no Chairperson designated by the President.

(f) MEETINGS.—

(1) MEETINGS.—The Chairperson shall preside at meetings of the Commission, and in the absence of the Chairperson, the Commission shall elect another member to act as Chairperson pro tempore.

(2) QUORUM.—Six members of the Commission shall constitute a quorum thereof.

(g) ADMINISTRATIVE PROVISIONS.—

(1) PAY AND TRAVEL EXPENSES.—

(A) PAY.—Each member shall be paid at a rate equal to the daily equivalent of the minimum rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is actually performing duties of the Commission.

(B) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(2) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Executive Director shall be appointed by the President, with the advice and consent of the Senate, to serve as the Executive Director.

(B) PAY.—The Executive Director shall be paid at a rate equivalent to the senior Executive Service.

(3) STAFF.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Executive Director, with the approval of the Commission, shall appoint any personnel as are necessary to carry out the duties and responsibilities of the Commission.

(B) PAY.—The Executive Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of 120 percent of the annual rate of basic pay payable for GS-15 of the General Schedule.

(C) DETAILED PERSONNEL.—Upon request of the Executive Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(4) OTHER AUTHORITY.

(A) CONTRACT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(B) LEASES AND PROPERTY.—The Commission may lease space and acquire personal property in lieu of purchase to the extent funds are available.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the operation of the Commission.

Subtitle D—Definitions

SEC. 1031. DEFINITIONS.

(a) HEALTH PLAN.—For purposes of this subtitle—

(1) the term ‘‘health plan’’ means a plan that provides benefits, or pay for the cost of health benefits. Such term does not include the following, or any combination thereof:

(A) Coverage only for accidental death, dismemberment, dental, or vision.

(B) Coverage providing wages or payments in lieu of wages for any period during which the employee is absent from work on account of sickness or injury.

(C) A Medicare supplemental policy (as defined in section 1851(2)(A) of the Social Security Act (42 U.S.C. 1395ss(g)(1))).

(D) Coverage issued as a supplementary liability insurance.

(E) Worker’s compensation or similar insurance.

(F) Automobile medical-payment insurance.

(G) A long-term care insurance policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy provides sufficiently comprehensive coverage of a benefit so that it should be treated as a health plan).

(b) PAYMENT FOR SERVICES DESCRIBED IN SUBPARAph 6 OF SECTION 3503 OF THE EXECUTIVE SCHEDULE — Subject to paragraph (1) of subsection (b) of section 3503 of the Executive Schedule—a payment for services described in any preceding subparagraph which provides for benefit payments on a periodic basis, for a specified disease or illness or period of hospitalization without regard to the costs incurred or services rendered during the period to which the payments relate.

(9) Such other plan or arrangement as the Secretary determines is not a health plan.
(b) TERMS AND RULES RELATING TO THE SMALL GROUP AND LARGE EMPLOYER MARKETS.—For purposes of this title:

(1) SMALL GROUP MARKET.—The term "small group market" means the market for health plans offered by small employers and individual purchasers.

(2) LARGE EMPLOYER MARKET.—The term "large employer" means the market for health plans which is composed of large employers.

(3) EMPLOYER.—The term "employer"—
   (A) means an employer that is not a small employer; and
   (B) includes a multiemployer plan as defined in section 3(37) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)) and a plan which is maintained by two or more employers.

(4) LARGER EMPLOYER.—The term "larger employer" means an employer who is not a small employer, and may be in effect for calendar years beginning after 1996.

(5) EMPLOYER MAINTENANCE OF EFFORT.—In order to qualify for payments under part 1 for enrollment in qualified health plans; and

(6) THE TERM “SECRETARY.”—The term "Secretary" means the Secretary of Health and Human Services.

TITLE II—IMPROVING ACCESS TO QUALIFIED HEALTH PLANS AND PREMIUM ASSISTANCE

SUBTITLE A—COVERAGE UNDER QUALIFIED HEALTH PLANS AND PREMIUM ASSISTANCE

PART 1—ACCESS TO QUALIFIED HEALTH PLANS

Subpart A—General Provisions

SEC. 2001. ESTABLISHMENT OF STATE PROGRAM.

In order to qualify for payments under part 1, each State shall establish a program under which the State—

(1) makes available at least 1 qualified health plan to each premium subsidy eligible individual residing in the State; and

(2) furnishes premium assistance to such individual residing in the State.

The program shall comply with requirements specified under regulations issued by the Secretary and may be in effect for calendar years beginning after 1996.

SEC. 2002. ASSISTANCE WITH HEALTH PLAN PREMIUMS.

(a) IN GENERAL.—An individual who has been determined by a State under subsection (b) to be an individual who is a premium subsidy eligible individual as defined in subpart B shall be eligible for premium assistance in the amount determined under such subpart.

(b) DETERMINATION OF ELIGIBILITY.—

(1) IN GENERAL.—The Secretary shall issue regulations specifying requirements for each State program under this part with respect to determining eligibility for premium assistance, including measures to prevent individuals from knowingly making material misrepresentations of information or providing false information in applications for assistance under the program.

(2) EMPLOYER MAINTENANCE OF EFFORT.—In order to promote employer-based coverage, the Secretary shall issue regulations that provide that an eligible individual may not be a premium subsidy eligible individual described in subsection (a) if a significant employer contribution toward the premium under a qualified health plan is available to the individual.

(3) STATE MAINTENANCE OF EFFORT.—In order to promote State maintenance of effort, the Secretary shall issue regulations that provide that an eligible individual may not be a premium subsidy eligible individual described in subsection (a) until such individual is enrolled in a health plan maintained by a State or political subdivision thereof for assistance under any other public health insurance program provided by a State or its political subdivision thereof.
PART 3—DEFINITIONS AND DETERMINATIONS OF INCOME.

SEC. 2031. DEFINITIONS AND DETERMINATIONS OF INCOME.

For purposes of this subtitle:

(1) QUALIFIED HEALTH PLAN.—The term "qualified health plan" means a health plan providing the benefits specified in sections 983A and 983B of the Internal Revenue Code of 1986.

(2) CHILD.—The term "child" means an individual who is under 19 years of age.

(3) DETERMINATIONS OF INCOME.—(A) IN GENERAL.—The term "income" means income includible in gross income under section 61 of the Internal Revenue Code of 1986.

(C) MODIFIED ADJUSTED GROSS INCOME.—The term "modified adjusted gross income" means, with respect to an individual who—

(i) is an individual who is an individual described in subparagraph (B) of another individual, the sum of the modified adjusted gross incomes (as defined in subparagraph (B)) of such individual, and children who are members of the immediate family of such individual;

(ii) is an individual described in subparagraph (B) of another individual, the sum of the modified adjusted gross incomes (as defined in subparagraph (B)) of such individual, the other individual's spouse, and children who are members of the immediate family of such individual.

(D) EXPANSION OF DUTIES.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended—

(1) by striking "social security benefits"; and

(2) by striking paragraph (1) and inserting the following:

(1) ALLOWANCE OF DEDUCTION.—(A) In General.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

If the taxable year is:

The applicable percentage is:

1994 ............................... 25 percent
1995 ............................... 10 percent
1996 ............................... 5 percent
1997 ............................... 5 percent
1998 ............................... 5 percent
1999 or thereafter ..................... 0 percent.

(E) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE III—IMPROVING ACCESS IN RURAL AREAS

Subtitle A—Office of Rural Health Policy

SEC. 3001. OFFICE OF RURAL HEALTH POLICY.

(a) APPOINTMENT OF ASSISTANT SECRETARY.—

(i) GENERAL.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended—

(A) by striking "by a Director, who shall administer the Social Security Act (in consultation with the Assistant Secretary for Rural Health)," and

(B) by adding at the end the following new sentence: "The Office shall not be a component of any other office, service, or component of the Department of Health and Human Services.''

(b) CONFORMING AMENDMENTS.—(A) Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended by striking "the Assistant Secretary for Rural Health'' and inserting "the Assistant to the Director''.

(B) Section 338(a) of the Public Health Service Act (42 U.S.C. 254(a)) is amended by striking "director of the Office of Rural Health Policy'' and inserting "assistant secretary for Rural Health Policy''.

(C) Section 464(b) of the Public Health Service Act (42 U.S.C. 255(b)) is amended in the matter preceding paragraph (1) by striking "director of the Office of Rural Health Policy'' and inserting "assistant secretary for Rural Health Policy''.

(D) Section 6525 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1366 note) is amended in subsection (e)(1) by striking "director of the Office of Rural Health Policy'' and inserting "assistant secretary for Rural Health Policy''.

(E) Section 403 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C. 300k-11 note) is amended in the matter preceding paragraph (1) by striking "director of the Office of Rural Health Policy'' and inserting "assistant secretary for Rural Health Policy''.

(F) AMENDMENT TO AMEN DMENT TO SECTION 3201.—Section 5315 of title 5, United States Code, is amended by striking "assistant secretary for Rural Health Policy in the Department of Health and Human Services'" and inserting "Assistant Secretary for Health and Human Services'".

(G) EXPANSION OF DUTIES.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended by striking "and access to (and the quality of) health care in rural areas'' and inserting "access to, and quality of, health care in rural areas, and reforms to the health care system and the implications of such reforms for rural areas''.

(H) TRANSFER OF DUTIES.—Effective January 1, 1996, the functions, powers, duties, and authorities that were carried out in accordance with Federal law by the Office of Rural Health Policy in the Department of Health and Human Services are transferred to the Office of the Assistant Secretary for Rural Health in the Department of Health and Human Services.

(I) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

Subtitle B—Development of Telemedicine in Rural Underserved Areas

SEC. 3101. GRANTS FOR DEVELOPMENT OF RURAL TELEMEDICINE.

(a) IN GENERAL.—(1) GRANTS AWARDED.—The Secretary, acting through the Office of Rural Health Policy, shall award grants to eligible entities that have applications approved under subsection (b) for the purpose of expanding access to health care services for individuals in rural areas through the use of telemedicine.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term "eligible entity" includes hospitals and other health care providers in the health care network of community-based providers that includes at least 3 of the following:

(A) Community or migrant health centers.

(B) Local health departments.
(C) Community mental health centers.
(D) Nonprofit hospitals.
(E) Private practice health professionals, including rural health clinics.
(F) Other publicly funded health or social service agencies.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall submit to the Secretary an application containing information as the Secretary may require, including the anticipated need for the grant and the source and amount of non-Federal funds the entity would pledge for the project.

(c) PREFERENCE.—The Secretary shall, in awarding grants under this section, give preference to applicants that—

(1) propose to use Federal funds to develop plans for, or to establish, telemedicine systems that will link rural hospitals and rural health care providers to other hospitals and health care providers; and

(2) propose to use Federal funds to develop plans for, or to establish, telemedicine systems that will link rural hospitals and rural health care providers to other hospitals and health care providers; and

(3) demonstrate financial, institutional, and community support for the long range viability of the network.

(d) USE OF AMOUNTS.—Amounts received under a grant awarded under this section shall be utilized for the development of telemedicine networks or providers that propose to form such networks in medically underserved or health professional shortage areas; and

(e) PROHIBITED USES.—Amounts received under a grant awarded under this section may not be used for any of the following:

(1) Expenditures for lease equipment to the extent the expenditures would exceed more than 60 percent of the total grant funds.

(2) Expenditures for indirect costs (as determined by the Secretary) to the extent the expenditures would exceed more than 10 percent of the total grant funds.

SEC. 3102. REPORT AND EVALUATION OF TELEMEDICINE.

Not later than October 1, 1995, the White House Information Infrastructure Task Force shall prepare and submit to Congress a report on the development and cost effectiveness of equipment and utility of telemedicine and includes recommendations for a coordinated Federal strategy to increase access to health care through telemedicine.

SEC. 3103. REGULATIONS ON REIMBURSEMENT OF TELEMEDICINE.

Not later than January 1, 1996, the Secretary, in consultation with the Assistant Secretary for Rural Health and the Administrator of the Health Care Financing Administration, shall issue regulations concerning reimbursement for telemedicine services provided under title XVIII of the Social Security Act.

SEC. 3104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000, to carry out this subtitle.

SEC. 3105. DEFINITIONS.

For purposes of this subtitle—

(1) CARE NETWORK.—The term “rural care network” means a group of rural hospitals or other rural health care providers (including clinics, physicians and medical groups, rural health care providers) that have entered into a relationship with each other or with nonrural hospitals and health care providers for the purpose of strengthening delivery of health care services in rural areas or specifically to improve their patients’ access to telemedicine services. At least 75 percent of hospitals any other health care providers participating in the network shall be located in rural areas.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

Subtitle C—Rural Health Plan Demonstration Projects

SEC. 3201. RURAL HEALTH PLAN DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall establish and implement demonstration projects for the designation of rural health plan areas. To be designated as a rural health plan area under this section, an area must be a nonurban area in accordance with other criteria specified by the Secretary of Health and Human Services.

(b) APPLICATION.—To be eligible to conduct a demonstration project under this section, an entity shall prepare and submit to the Secretary of Health and Human Services an application containing such information as the Secretary may require to ensure that project participants meet the goals described in subsection (d). An application submitted under this section shall—

(1) identify the area in which the demonstration project will be conducted; and

(2) provide assurances that the area described in paragraph (1) meets the requirements of subsection (c).

(c) REQUIREMENTS.—An entity offering a health plan (as defined in section 1331) through a demonstration project under this section shall—

(1) have a recognized, long-standing relationship with the rural community in which the project is being conducted; and

(2) ensure that the requirements for health plans under title XVIII are met.

(d) GOALS.—The goals referred to in this subsection are as follows:

(1) To develop a model of providers’ supply of health care and rural health care delivery infrastructures with a sound financial footing.

(2) To develop a mechanism to begin to provide the benefits of networking found in urban health systems to rural Americans living in rural health plan areas.

(3) To report not later than 360 days after the date on which the first demonstration project is implemented under this section, and annually thereafter for each year in which a demonstration project is conducted, that a demonstration project has been conducted, the Secretary of Health and Human Services shall submit to Congress a report that evaluates the effectiveness of such projects. Such reports shall include any determinations determined appropriate by the Secretary.

Subtitle D—Antitrust Safe Harbors for Rural Health Providers

SEC. 3301. ANTITRUST SAFE HARBORS FOR RURAL HEALTH PROVIDERS.

(a) IN GENERAL.—The Attorney General of the United States, in consultation with the Commissioner of the Federal Trade Commission, shall establish policy guidelines to assist rural health care providers in complying with safe harbor requirements with respect to the conduct of activities relating to the provision of health care services in rural areas.

(b) DISSEMINATION OF INFORMATION.—The Attorney General, in consultation with the Commissioner of the Federal Trade Commission and the Antitrust Division of the Department of Justice, shall develop methodologies for the dissemination of the policy guidelines established under subsection (a) to rural health care providers.

(c) PUBLICATION OF ADDITIONAL SAFE HAR- BORS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register the guidelines established under subsection (a) together with any proposed additional safe harbors for rural providers of health care services.

TITLE IV—QUALITY AND CONSUMER PROTECTION

Subtitle A—Administrative Simplification

PART 1—PURPOSE AND DEFINITIONS

SEC. 4001. PURPOSE.

(a) IN GENERAL.—It is the purpose of this subtitle to promote administrative simplification, enhance the usefulness of health information, and protect privacy through the establishment of a national framework for health information.

(b) GOALS OF FRAMEWORK.—By standardizing data elements, code sets, and electronic transactions, and by assuring a secure environment for the transmission and exchange of health information, it is the goal of the national framework to reduce the burden of administrative complexity, paperwork, and cost on the health care system, including the Medicare program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act. It is further goal of the national framework to enable the information routinely collected in the health care and claims processes to be used for other purposes, including promoting access and quality of care, achieving public health objectives, improving the detection of fraud and abuse, and advancing medical research.

SEC. 4002. DEFINITIONS.

(a) DEFINITIONS FOR TITLE.—For purposes of this title:

(1) HEALTH CARE PROVIDER.—The term “health care provider” means any person furnishing health care supplies and services.

(2) HEALTH INFORMATION.—The term “health information” means any information, whether oral or recorded in any form or medium that—

(A) is created or received by a health care provider, health plan, health oversight agency (as defined in section 4003), health research, public health authority (as defined in section 4001), employer, life insurer, school or university, or certified health information network service; and

(B) relates to the past, present, or future physical or mental health condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

(3) HEALTH INFORMATION PROTECTION ORGANIZATION.—The term “health information protection organization” means a private entity or an entity operated by a State, certified under section 4022, that accesses standard data elements of health information through the health information network and—

(A) stores such information; and

(B) processes such information into nonidentifiable health information and discloses such information in accordance with subtitle B.

(4) HEALTH PLAN.—The term “health plan” has the meaning given such term in section 1866(d)(2)(D) of the Social Security Act (42 U.S.C. 1395cc(d)(2)(D)) or an underserved or nonurban area as defined in subsection (b).

(5) NON-IDENTIFIABLE HEALTH INFORMATION.—The term “non-identifiable health information” means health information that is not protected health information as defined in section 4001.

(6) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.
PART 2—STANDARDS FOR DATA ELEMENTS AND INFORMATION TRANSACTIONS

SEC. 401L. GENERAL REQUIREMENTS ON SEC- TION TRANSACTION AND DATA ELEMENTS.

(a) IN GENERAL.—The Secretary shall adopt standards and modifications to standards under this subtitle, if, in general, standards under this subtitle are adopted by the Secretary under the transaction or data elements meet any data elements of health information, means referring to an information transaction or to elements of health information that is requested by such person, that such person failed to comply with the requirement or standard described in subsection (a).

(b) FAILURES DUE TO REASONABLE CAUSE.—A penalty may not be imposed under subsection (a) if the failure to comply was due to reasonable cause and not to willful neglect, and the failure to comply is corrected during the time period established by the Secretary.

(c) REDUCTION.—In the case of a failure to comply which is due to reasonable cause and not to willful neglect, any penalty under subsection (a) that is not entirely waived under paragraph (2) may be waived to the extent that the payment of such penalty would be excessive relative to the compliance failure involved.

PART 5—PENALTIES

SEC. 401L. GENERAL PENALTY FOR FAILURE TO COMPLY WITH REQUIREMENTS AND STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall impose on any person that violates a requirement or standard imposed under this subtitle a penalty of not more than $1,000 for each violation. The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to the imposition of any penalty under this subtitle in the same manner as such provisions apply to the imposition of a penalty under such section 1128A.

(b) EXEMPTIONS.—(1) NONCOMPLIANCE NOT DISCOVERED.—A penalty may not be imposed under subsection (a) if it is established to the satisfaction of the Secretary that the person liable for the penalty did not know, and by exercising reasonable diligence would not have known, that such person failed to comply with the requirement or standard described in subsection (a).

(2) FAILURES DUE TO REASONABLE CAUSE.—A penalty may not be imposed under subsection (a) if the failure to comply was due to reasonable cause and not to willful neglect, and the failure to comply is corrected during the time period established by the Secretary.

(c) LIMITATIONS.—(1) N O COMP LIANCE NOT DISCOVERED.—A penalty may not be imposed under subsection (a) if it is established to the satisfaction of the Secretary that the person liable for the penalty did not know, and by exercising reasonable diligence would not have known, that such person failed to comply with the requirement or standard described in subsection (a).

(2) FAILURES DUE TO REASONABLE CAUSE.—A penalty may not be imposed under subsection (a) if the failure to comply was due to reasonable cause and not to willful neglect, and the failure to comply is corrected during the time period established by the Secretary.

(3) REDUCTION.—In the case of a failure to comply which is due to reasonable cause and not to willful neglect, any penalty under subsection (a) that is not entirely waived under paragraph (2) may be waived to the extent that the payment of such penalty would be excessive relative to the compliance failure involved.

PART 6—MISCELLANEOUS PROVISIONS

SEC. 401L EFFECT ON STATE LAW.

(a) IN GENERAL.—Except as provided in subsection (b), a provision, requirement, or standard under this subtitle shall supersede any contrary provision of State law, including—

(1) any law that requires medical or health plan records (including billing information) to be maintained or transmitted in writing, and

(2) a provision of State law which provides for requirements or standards that are more stringent than the requirements or standards under this subtitle; except if the Secretary determines that the provision is necessary to prevent fraud and misuse of health information from a health plan, health care provider, or other health information protection organization in order to comply with a request of a Federal or State agency under this subtitle.

(b) PUBLIC HEALTH REPORTING.—Nothing in this subtitle shall be construed to invalidate any authority, power, or procedure established under any law providing for the reporting of disease or injury, child abuse, birth, or death, public health surveillance, or public health investigation or intervention.
SEC. 4001. DEFINITIONS.

For purposes of this subtitle:

(1) PROTECTED HEALTH INFORMATION.—The term "protected health information" means any information, including demographic information, collected or received by a health information trustee, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, health oversight agency, health care clearinghouse, employer, life insurer, school or university, or other entity responsible for the protection of health information protection organization; and

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or an individual, the past, present, or future payment for the provision of health care to an individual, and—

(i) identifies an individual; or

(ii) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(2) "Disclosure", when used with respect to protected health information, means to provide access to the information, but only if such access is provided to a person other than the individual who is the subject of the information.

(3) HEALTH INFORMATION TRUSTEE.—The term "health information trustee" means—

(A) a health care provider, health plan, health oversight agency, health information protection organization, employer, life insurer, school or university, or any other entity the Secretary determines is an entity responsible for the protection of health information protection organizations; or

(B) any person who obtains health information that is collected or received by an individual, whether oral or recorded in any form or medium, that—

(i) identifies an individual; or

(ii) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(4) HEALTH OVERSIGHT AGENCY.—The term "health oversight agency" means a person who—

(A) performs or oversees the performance of an assessment, evaluation, determination, investigation relating to the licensing, accreditation, or certification of health care providers; or

(B) performs or oversees the performance of an assessment, evaluation, determination, investigation, or prosecution relating to the effectiveness of compliance with, or applicability of legal, fiscal, medical, or scientific standards or aspects of performance related to the delivery of, or payment for health care services, but only if such performance is required of, health care providers or fraudulent claims for payment relating to health care; and

(ii) is a public agency, acting on behalf of a public agency, or all the United States, a State, or a political subdivision of a State that is—

(A) responsible for public health matters; and

(B) engaged in such activities as injury reporting, public health surveillance, and public health investigation or intervention.

(5) PUBLIC HEALTH AUTHORITY.—The term "public health authority" means any authority or instrumentality, by law created, established, or otherwise authorized, within the United States, a State, or a political subdivision of a State that is—

(A) responsible for public health matters; and

(B) engaged in such activities as injury reporting, public health surveillance, and public health investigation or intervention.

(6) INDIVIDUAL REPRESENTATIVE.—The term "individual representative" means any individual legally empowered to make decisions concerning the provision of health care to an individual (if the individual lacks the legal capacity to make such decisions) or the administrator or executor of the estate of a deceased individual.

(7) PERSON.—The term "person" includes (i) an authorized representative of the State or a political subdivision of the State.

PART 2—AUTHORIZED DISCLOSURES

Subpart A—General Provisions

SEC. 4106. GENERAL RULES REGARDING DISCLOSURES.

(a) GENERAL RULE.—A health information trustee may disclose protected health information only for a purpose that is authorized under this subtitle.

(b) DISCLOSURE WITHIN A TRUSTEE.—A health information trustee may disclose protected health information to an officer, employee, or agent of the trustee that is necessary to accomplish the purpose for which the information is disclosed.

(c) DISCLOSURE FOR INTERNAL USE OR FOR REDISCLOSURE.—When information is disclosed under this subtitle that permits a disclosure shall allow such disclosure if the subject of the protected health information has previously objected to disclosure writing.

Subpart B—Specific Disclosures Relating to Patient

SEC. 4111. DISCLOSURES FOR TREATMENT AND FINANCIAL AND ADMINISTRATIVE PURPOSES.

(a) HEALTH CARE TREATMENT.—A health care provider, health plan, employer, or person who receives protected health information under section 4112 may disclose protected health information to a health care provider for the purpose of providing health care to an individual, and—

(i) for purposes of creating non-identifiable health information for the health care provider;

(ii) to a health care provider for the purpose of providing health care to an individual,

(iii) for the purposes of creating non-identifiable health information for the health care provider;

(iv) for the purposes of creating non-identifiable health information for the health care provider; and

(v) to the extent necessary to provide health care to an individual.

(b) DISCLOSURE FOR FINANCIAL AND ADMINISTRATIVE PURPOSES.—A health care provider or employer may disclose protected health information to a health care provider or health plan for the purpose of providing for the payment for, or reviewing the payment of, health care furnished to an individual.

SEC. 4112. EMERGENCY CIRCUMSTANCES.

A health care provider, health plan, employer, or person who receives protected health information under section 4112 may disclose protected health information in emergency circumstances when necessary to protect the health or safety of an individual from imminent harm.

Subpart C—Disclosures for Oversight, Public Health, or Other Research Purposes

SEC. 4116. OVERSIGHT.

A health information trustee may disclose protected health information to a health oversight agency for an oversight function authorized by law.

SEC. 4117. PUBLIC HEALTH.

A health care provider, health plan, public health authority, employer, or person who receives protected health information under section 4112 may disclose protected health information to a public health authority or other person authorized by law for use in a legally authorized—

(1) disease or injury reporting;

(2) public health surveillance; or

(3) public health investigation or intervention.

SEC. 4118. RESEARCH.

(a) IN GENERAL.—A health information trustee may disclose protected health information to a health research or other institution review board determines that the research project engaged in by the health re-
SEC. 4121. JUDICIAL AND ADMINISTRATIVE PURSUITS.

A health care provider, health plan, health oversight agency, or employer may disclose protected health information, subject to a court order or other judicial or administrative order, in the following circumstances:

1. In connection with litigation or proceedings to which the individual is a party and in which the information is at issue and which has placed the individual’s physical or mental condition at issue;
2. If the protected health information is developed in response to a court-ordered physical or mental examination; or
3. Pursuant to a law requiring the reporting of specific medical information to law enforcement authorities.

SEC. 4122. LAW ENFORCEMENT.

(a) IN GENERAL.—A health care provider, health plan, health oversight agency, employer, or person who receives protected health information under section 4122 may disclose protected health information to law enforcement authorities (other than a health plan, health oversight agency, employer, or person who receives protected health information under subsection (a) shall use such information solely for the purposes of the approved research project and shall remove or destroy, at the earliest opportunity consistent with the purposes of the project, information that would enable an individual to be identified.

Subpart D—Disclosure For Judicial, Administrative, and Law Enforcement Purposes

SEC. 4125. GOVERNMENT SUBPOENAS AND WARREN.

(a) PROBABLE CAUSE REQUIREMENT.—A government authority may not obtain protected health information about an individual under paragraph (1) or (2) of section 4126 for an investigation under such circumstances described in subsection (a) and pursuant to a subpoena or summons unless there is probable cause to believe that the information is relevant to a legitimate law enforcement inquiry being conducted by the government authority.

(b) WARRANTS.—A government authority that obtains protected health information about an individual under circumstances described in subsection (a) and pursuant to a warrant shall, not later than 30 days after the date the warrant was executed, serve the individual with, or mail to the last known address of the individual, a notice that protected health information about the individual was so obtained, together with a notice of the individual’s right to challenge the warrant.

(c) SUBPOENA OR SUMMONS.—Except as provided in subsection (d), a government authority may not obtain protected health information about an individual under circumstances described in subsection (a) and pursuant to a subpoena or summons unless a copy of the subpoena or summons has been served on the individual on or before the date of return of the subpoena or summons, together with notice of the individual’s right to challenge the subpoena or summons. No disclosure may be made until after the 15th day after the individual has been served or after a court order allowing disclosure.

(d) APPLICATION FOR DELAY.—(1) IN GENERAL.—A government authority may apply ex parte and under seal to an appropriate court to delay or extend a period of time for compliance with a subpoena or summons required under subsection (b) or (c). The initial period of delay shall not exceed 90 days.

(2) EX PARTE ORDER.—The court shall enter an ex parte order delaying or extending the delay of notice, an order prohibiting the disclosure of the request for, or disclosure of, the information, and an order requiring the disclosure of the protected health information if the court finds that—

(A) the inquiry being conducted is within the lawful jurisdiction of the government authority seeking the protected health information;

(B) there is probable cause to believe that the protected health information being sought is relevant to a legitimate law enforcement inquiry;

(C) the government authority’s need for the information outweighs the privacy interest of the individual who is the subject of the information; and

(D) there is reasonable ground to believe that receipt of notice by the individual will result in—

(i) endangering the life or physical safety of any individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence or the information being sought;

(iv) injury or distress to witnesses; or

(v) disclosure of the existence or nature of a confidential law enforcement investigation or grand jury investigation is likely to seriously jeopardize such investigation.

SEC. 4126. GOVERNMENT SUBPOENAS AND WARREN.

(a) MOTION TO QUASH.—Within 15 days after the date of service of a notice of execution or a warrant, a subpoena, or summons of a government authority seeking protected health information about an individual under paragraph (1) or (2) of section 4126, the individual may file a motion to quash.

(b) STANDARD FOR DECISION.—The court shall grant a motion under subsection (a) unless the government demonstrates that there is probable cause to believe that the protected health information is relevant to a legitimate law enforcement inquiry being conducted by the government authority and the government authority’s need for the information outweighs the privacy interest of the individual.

Subpart E—Disclosure Pursuant to Government Subpoena

SEC. 4132. ACCESS PROCEDURES FOR PARTY SUBPOENAS.

A party may not obtain protected health information about an individual pursuant to a subpoena or summons unless a copy of the subpoena or summons has been served on the individual on or before the date of return of the subpoena or summons, together with notice of the individual’s right to challenge the subpoena in accordance with section 4133 has been served upon the individual on or before the date of return of the subpoena.

SEC. 4133. CHALLENGE PROCEDURES FOR PARTY SUBPOENAS.

(a) MOTION TO QUASH SUBPOENA.—After service of a copy of the subpoena seeking protected health information under section 4131, the individual is subject to a court order or other judicial or administrative proceeding, and

(2) the need of the respondent for the information outweighs the privacy interest of the individual.

PART 3—PROCEDURES FOR ENSURING SECURITY OF PROTECTED HEALTH INFORMATION

Subpart A—Establishment of Safeguards

SEC. 4136. ESTABLISHMENT OF SAFEGUARDS.

A health information trustee shall establish and maintain administration, technical, and physical safeguards to ensure the integrity and confidentiality of protected health information created or received by the trustee, subpoena, or summons.

SEC. 4137. ACCOUNTING FOR DISCLOSURES.

A health information trustee shall create and maintain, with respect to any protected health information disclosed in exceptional circumstances, a record of the disclosure in accordance with regulations issued by the Secretary.

Subpart B—Review of Protected Health Information By Subjects of the Information

SEC. 4141. INSPECTION OF PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), a health care provider or health plan shall permit an individual who is

(1) uses or discloses protected health information for the effectiveness of the}

(2) is of sufficient importance to outweigh the intrusion into the privacy of the individual.

The information that would result from the disclosure.

(b) RESEARCH REQUIRING DIRECT CONTACT.—A health care provider or health plan may disclose protected health information to a health researcher for a research project that includes direct contact with an individual who is subject to a court order or other judicial or administrative proceeding, in the following circumstances:

1. In connection with the investigation or prosecution of a law enforcement inquiry being conducted by the government authority and the disclosure otherwise meets the conditions of section 4116, 4117, 4118, 4121, or 4122.

SEC. 4127. ACCESS PROCEDURES FOR LAW ENFORCEMENT SUBPOENAS AND WARREN.

(a) PROBABLE CAUSE REQUIREMENT.—A government authority may not obtain protected health information about an individual under paragraph (1) or (2) of section 4126 unless there is probable cause to believe that the information is relevant to a legitimate law enforcement inquiry being conducted by the government authority.

(b) WARRANTS.—A government authority that obtains protected health information about an individual under circumstances described in subsection (a) and pursuant to a warrant shall, not later than 30 days after the date the warrant was executed, serve the individual with, or mail to the last known address of the individual, notice that protected health information about the individual was so obtained, together with a notice of the individual’s right to challenge the warrant.

(c) SUBPOENA OR SUMMONS.—Except as provided in subsection (d), a government authority may not obtain protected health information about an individual under circumstances described in subsection (a) and pursuant to a subpoena or summons unless a copy of the subpoena or summons has been served on the individual on or before the date of return of the subpoena or summons, together with notice of the individual’s right to challenge the subpoena or summons. No disclosure may be made until after the 15th day after the individual has been served or after a court order allowing disclosure.

(d) APPLICATION FOR DELAY.—(1) IN GENERAL.—A government authority may apply ex parte and under seal to an appropriate court to delay or extend a period of time for compliance with a subpoena or summons required under subsection (b) or (c). The initial period of delay shall not exceed 90 days.

(2) EX PARTE ORDER.—The court shall enter an ex parte order delaying or extending the delay of notice, an order prohibiting the disclosure of the request for, or disclosure of, the information, and an order requiring the disclosure of the protected health information if the court finds that—

(A) the inquiry being conducted is within the lawful jurisdiction of the government authority seeking the protected health information;

(B) there is probable cause to believe that the protected health information being sought is relevant to a legitimate law enforcement inquiry;

(C) the government authority’s need for the information outweighs the privacy interest of the individual who is the subject of the information; and

(D) there is reasonable ground to believe that receipt of notice by the individual will result in—

(i) endangering the life or physical safety of any individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence or the information being sought;

(iv) injury or distress to witnesses; or

(v) disclosure of the existence or nature of a confidential law enforcement investigation or grand jury investigation is likely to seriously jeopardize such investigation.

SEC. 4128. CHALLENGE PROCEDURES FOR LAW ENFORCEMENT SUBPOENAS AND SUMMONS.

(a) MOTION TO QUASH.—Within 15 days after the date of service of a notice of execution or a warrant, a subpoena, or summons of a government authority seeking protected health information about an individual under paragraph (1) or (2) of section 4126, the individual may file a motion to quash.

(b) STANDARD FOR DECISION.—The court shall grant a motion under subsection (a) unless the government demonstrates that there is probable cause to believe that the protected health information is relevant to a legitimate law enforcement inquiry being conducted by the government authority and the government authority’s need for the information outweighs the privacy interest of the individual.

Subpart F—Disclosure Pursuant to Party Subpoena

SEC. 4133. PARTY SUBPOENAS. A health care provider, health plan, employer, or person who receives protected health information under section 4122 may disclose protected health information under this section if the disclosure is pursuant to a subpoena issued on behalf of a party who has complied with the access provisions of section 4122.

SEC. 4132. ACCESS PROCEDURES FOR PARTY SUBPOENAS. A party may not obtain protected health information about an individual pursuant to a subpoena or summons unless a copy of the subpoena or summons seeking protected health information under section 4131 has been served upon the individual on or before the date of return of the subpoena.
the subject of protected health information or the individual's designee to inspect any such information that the provider or plan maintains. A health care provider or health plan may require an individual to reimburse the provider or plan for the cost of such inspection.

(b) EXCEPTIONS.—A health care provider or health plan is not required by this section to permit the copying of protected health information if any of the following conditions apply:

(1) MENTAL HEALTH TREATMENT NOTES.—The information consists of psychiatric, psychological, or mental health treatment notes, and the provider or plan determines, based on reasonable medical judgment, that inspection or copying of the notes would cause sufficient harm.

(2) ENDANGERMENT TO LIFE OR SAFETY.—The provider or plan determines that disclosure of the information could reasonably be expected to endanger the life or physical safety of any individual.

(3) CONFIDENTIAL SOURCE.—The information identifies or could reasonably lead to the identification of a person (other than a health care provider) who provided information under a promise of confidentiality to a health care provider concerning the individual who is the subject of the information.

(4) ADMINISTRATIVE PURPOSES.—The information is provided by a government agency or plan solely for administrative purposes and not in the provision of health care to the individual who is the subject of the information.

SEC. 4122. AMENDMENT OF PROTECTED HEALTH INFORMATION.

A health care provider or health plan shall, within 45 days after receiving a written request, acknowledge receipt of a request for protected health information from the individual who is the subject of the information.

(1) IN GENERAL.—The acknowledgement shall include a statement of the reasons for refusing to correct or amend such information and include a copy of such statement in the provider's or plan's records.

(2) NOTICE TO INDIVIDUALS.—A health care provider or health plan shall provide written notice of the provider's or plan's information practices, including notice of individual rights with respect to protected health information.

PART 4—SANCTIONS

Subpart A—Sanctions

SEC. 4131. CIVIL PENALTY.

(a) VIOLATION.—Any health information trustee who the Secretary determines has substantially failed to comply with this subtitle shall, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $10,000 for each such violation.

(b) PROCEDURES FOR IMPOSITION OF PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a-7), other than subsections (a) and (b) and the second sentence of subparagraph (A) of section 4107, shall apply to the imposition of a civil monetary penalty under this section in the same manner as such provisions apply with respect to the imposition of a penalty under such section 1128A.

SEC. 4132. CIVIL ACTION.

(a) IN GENERAL.—An individual who is aggrieved by a final decision in violation of this subtitle may bring a civil action to recover—

(1) the greater of actual damages or liquidated damages of $5,000; or

(2) punitive damages; and

(3) a reasonable attorney's fee and expenses of litigation;

(b) LIMITATION.—No action may be commenced under this section more than 3 years after the date on which the violation was or should reasonably have been discovered.

Subpart B—Criminal Sanctions

SEC. 4131. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) OFFENSE.—A person who knowingly—

(1) obtains protected health information relating to an individual in violation of this subtitle; or

(2) discloses protected health information to another person in violation of this subtitle, shall be punished as provided in subsection (b).

(b) PENALTIES.—A person described in subsection (a) shall—

(1) be fined not more than $50,000, imprisoned not more than 1 year, or both; or

(2) if the offense is committed under false pretenses, be fined not more than $100,000, imprisoned not more than 5 years, or both; and

(3) if the offense is committed with intent to sell, transfer, or use protected health information for personal gain, or malicious harm, fined not more than $250,000, imprisoned not more than 10 years, or both.

PART 5—ADMINISTRATIVE PROVISIONS

SEC. 4166. RELATIONSHIP TO OTHER LAWS.

(a) STATE LAW.—Except as provided in subsections (b), (c), and (d), this subtitle preempts State law.

(b) LAWS RELATING TO PUBLIC OR MENTAL HEALTH.—Nothing in this subtitle shall be intended to preempt or modify State common or statutory law to the extent such law concerns a privilege of a witness or person in a proceeding in which the individual is a party; or concerns a privilege of the provider of health care services, or concerns a privilege of a health care provider concerning the individual; or concerns a privilege of a health care provider who provided information from the individual who is the subject of the information.

(c) PRIVILEGES.—Nothing in this subtitle shall be intended to preempt or modify State common or statutory law to the extent such law concerns a privilege of a witness or person in a proceeding in which the individual is a party; or concerns a privilege of the provider of health care services, or concerns a privilege of a health care provider concerning the individual; or concerns a privilege of a health care provider who provided information from the individual who is the subject of the information.

(d) LIMITATION.—No action may be commenced under this subtitle more than 3 years after the date on which the violation was or should reasonably have been discovered.

Subpart C—Enhanced Penalties for Health Care Fraud

SEC. 4201. ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 1996, the Secretary of Health and Human Services (in this subtitle referred to as the "Secretary"), acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States;

(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States;

(C) to facilitate the enforcement of the provisions of sections 11201 through 11208 of the Social Security Act (42 U.S.C. 1320a-7, 1320a-7a, and 1320a-7b) and other statutes applicable to health care fraud and abuse, and

(D) to provide for the modification and establishment of safe harbors and to issue interpretative rulings and special fraud alerts.

(2) REGULATIONS.—The Secretary and the Attorney General shall by regulation establish standards to carry out the program under paragraph (1).

(b) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established an account to be known as the "Health Care Fraud and Abuse Control Account" (in this section referred to as the "Anti-Fraud Account").

(B) TRANSFER OF AMOUNTS.—The Secretary of the Treasury shall transfer to the Anti-Fraud Account an amount equal to the sum of the following:

(1) Criminal fines imposed in cases involving a Federal health care offense (as defined in paragraph (1) of section 11202).

(2) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

(3) Penalties and damages imposed under the False Claims Act (31 U.S.C. 3729 et seq.) (except as otherwise provided by law), in cases involving claims related to the provision of health care services, and other than funds awarded to a relator or for restitution.

(C) FOR PURPOSES OF THIS PARAGRAPH, THE TERM "FEDERAL HEALTH CARE OFFENSE" MEANS A VIOLATION OF, OR A CRIMINAL CONVICTION FOR—
section (h) the following new subsection:

(4) USE OF FUNDS BY INSPECTOR GENERAL.—In subsection (b) of section 1128A of the Social Security Act (42 U.S.C. 1320a±7a(a)), in the matter preceding paragraph (2), by striking `or a health care provider' and inserting `and a health care provider' and—

(i) the Social Security Act (42 U.S.C. 1320a±7);

(ii) sections 277, 279, 664, 666, 1001, 1027, 1341, 1343, and 1345 of title 18, United States Code, if the violation or conspiracy relates to health care fraud; and

(iii) sections 501 or 511 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1051 and 1052), if the violation or conspiracy relates to health care fraud.

(2) USE OF FUNDS.—(A) GENERAL.—Amounts in the Anti-Fraud Account shall be available without appropriation and until expended as determined jointly by the Secretary and the Attorney General of the United States in carrying out the health care fraud and abuse control program established under subsection (a) (including the administration of the program), and may be used to cover costs incurred in operating the program, including costs (including equipment, salaries and benefits, and travel and training) of—

(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

(ii) investigations;

(iii) health care and performance audits of health care programs and operations;

(iv) inspections and other evaluations; and

(v) provider and consumer education regarding compliance with the provisions of this subtitle.

(4) USE OF FUNDS BY INSPECTOR GENERAL.—The Inspector General is authorized to receive and use reimbursement for the costs of conducting investigations, when such restitution is ordered by a court, voluntarily agreed to by the payer, or otherwise.

(2) USE OF FUNDS.Ð

SEC. 4302. APPLICATION OF FEDERAL HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO ALL FRAUD AND ABUSE AGAINST THE HEALTH PLAN.

(a) APPLICATION OF CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a±7a) is amended as follows:

(1) in subsection (a)(1), by inserting `or' after subsection (a)(1), and striking `or' after subsection (a)(1); and

(2) in paragraph (1), by striking `or' and inserting `under a health plan' after `title XIX'.

(3) in section (i)—

(A) in paragraph (1), by striking `or' and inserting `under a health plan' before the period at the end, and

(B) in paragraph (5), by inserting `under a health plan' after `XXI'.

(b) CONFORMING AMENDMENT.—Section 1128A of the Social Security Act (42 U.S.C. 1320a±7a) is amended by deleting at the end the following new section:

(4) HEALTH PLAN DEFINED.—For purposes of sections 1128A and 1128B, the term health plan means the health plan or a health plan controlled by the defendant.

(4) USE OF FUNDS.Ð

SEC. 4303. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) General Purpose.—Not later than January 1, 1996, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which fines (which have been made) against health care providers, suppliers, or practitioners as required by regulations issued by the Secretary.

(b) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act (42 U.S.C. 1396r±2(d)) is amended by inserting `and section 423 of the Family Health Insurance Protection Act' after section 422 of the Health Care Quality Improvement Act of 1996.

SEC. 4304. HEALTH CARE FRAUD.

(a) Fines and Imprisonment for Health Care Fraud Violations.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

§ 1347. Health care fraud.

(1) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

(A) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

(B) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned for not more than 10 years, or both.

(2) For purposes of this section, the term health plan means the health plan involved in the scheme or artifice.

(3) SUBTITLE D—Health Care Malpractice Reform

SEC. 4305. FEDERAL TORT REFORM.

(a) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in section 4302, this subtitle shall apply with respect to any medical malpractice liability action brought in any State or Federal court, except that this subtitle shall not apply to a claim or action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act (42 U.S.C. 300a±1 et seq.) applies to the vaccine-related injury or death.

(2) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this subtitle shall be construed to—

(A) waive any defense of sovereign immunity asserted by any State under any provision of the Foreign Sovereign Immunities Act of 1976;

(B) affect the right of any court to transfer venue, or to dismiss a claim brought by a foreign nation or to a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenience of forum;

(C) affect the applicability of any provision of the Federal Tort Claims Act (28 U.S.C. 1391).
lieu of any other provision of Federal or State law, and an contractual agreement made by or on behalf of the parties prior to the commencement of the medical malpractice action.

(b) SPECIFICATION OF MECHANISM BY STATE.—Each State shall—

(1) maintain or adopt at least 1 of the alternative dispute resolution methods satisfying the requirements specified under subsection (c) and (d) for the resolution of medical malpractice claims; and

(2) clearly disclose to enrollees (and potential enrollees) of health plans the availability and processes for consumer grievances, including a description of the alternative dispute resolution method or methods adopted under this subsection.

(c) SPECIFICATION OF PERMISSIBLE ALTERNATIVE DISPUTE RESOLUTION METHODS.—(1) IN GENERAL.—The Secretary shall, by rule, develop alternative dispute resolution methods, to be used by States in resolving medical malpractice claims under subsection (a). Such methods shall include at least the following:

(A) ADMISSION.—The use of arbitration, a nonjury adversarial dispute resolution process which may, subject to subsection (d), result in a final decision as to facts, law, liability, or amount.

(B) CLAIMANT-REQUESTED BINDING ARBITRATION.—For claims involving a sum of money that falls below a threshold amount set by the Secretary, the use of arbitration subject to subsection (d). Such binding arbitration shall be at the sole discretion of the claimant.

(C) MEDIATION.—The use of mediation, a settlement process coordinated by a neutral third party without the ultimate rendering of a formal opinion as to factual or legal findings.

(D) EARLY NEUTRAL EVALUATION.—The use of early neutral evaluation, in which the parties make a presentation to a neutral attorney or other neutral evaluator for an assessment of the merits, to encourage settlement. If the parties do not settle as a result of assessment and proceed to trial, the neutral evaluator's opinion shall be kept confidential.

(e) STANDARDS FOR ESTABLISHING METHODS.—In developing alternative dispute resolution methods under paragraph (1), the Secretary shall assure that the methods promote the resolution of medical malpractice claims in a manner that is affordable, timely, consistent and fair, and reasonably convenient.

(f) WAIVER AUTHORITY.—Upon application of a State, the Secretary may grant the State the authority to fulfill the requirement of subsection (b) by adopting a mechanism other than a mechanism established by the Secretary pursuant to this subsection, except that such mechanism must meet the standards set forth in paragraph (2).

(g) FURTHER REDRESS.—Except with respect to the claimant-requested binding arbitration, held forth in subsection (c)(1)(B), and notwithstanding any other provision of a law or contractual agreement, a plan enrollee dissatisfied with the determination reached as a result of an alternative dispute resolution method applied under this section may, after the final resolution of the enrollee's claim under the mechanism, initiate or resume a cause of action in the State in which the action is brought or, in a case brought in Federal court, in the State in which the health care services that caused the claimant loss occurred (and that is the subject of the action were provided) for the purposes of carrying out the activities described in subsection (b).

(h) ACTIVITIES DESCRIBED.—A State shall use amounts paid pursuant to subsection (a) to carry out activities to ensure the safety and quality of health care services provided in the State, including—

(1) licensing or certifying health care professionals and health care providers in the State; and

(2) implementing health care quality assurance and quality improvement programs;

(3) carrying out programs to reduce malpractice-related costs for providers volunteering to provide services in medically underserved areas; and

(4) providing resources for additional investigation and disciplinary activities by the State licensing board.

(i) MAINTENANCE OF EFFORT.—A State shall use any amounts paid pursuant to subsection (a) to supplement or replace amounts spent by the State for the activities described in subsection (b).

TITLE V—BUDGET NEUTRALITY

SEC. 5001. ASSURANCE OF BUDGET NEUTRALITY.

Notwithstanding any other provision of this Act, no provision of, or amendment made by, this Act shall take effect until legislation is enacted which by its terms specifically provides for the Federal budget neutrality of this Act.

Mr. ROCKEFELLER. Mr. President, I am pleased to join the new Senate minority leader, Tom Daschle, along with Senator Kennedy, Reid, Mikulski, and Dodd in sponsoring a health care bill that would begin to give millions of Americans improved health security.

While it should not come as a surprise to any of my colleagues that my preference would be to give all Americans guaranteed health care security, this bill includes important steps that would provide health security to some Americans through insurance reforms and, importantly, prioritizes health coverage for children and temporary assistance for workers in between jobs. S. 7 includes the essential building blocks for building a secure health care system.

Moving ahead on health care reform was identified by Senate Republicans as one of their top seven legislative priorities for the 104th Congress prior to last November's election. Each and every major proposal included in every serious health care reform proposal introduced by both Democrats and Republicans over the past 2 years. I believe this bill reflects the consensus that emerged last year on where and how to get started on reforming our health care system.

This past November voters did not tell Congress to put health care reform on the back burner. An election night survey found that health reform was identified by voters as a top priority issue for this Congress. According to the Kaiser Harvard survey, "health care was number one for voters in deciding who to vote for in the Congressional election, ahead of crime, and taxes." Fifty-six percent of voters said the top priority would be to give all Americans through insurance reforms and, importantly, prioritizes health coverage for children and temporary assistance for workers in between jobs. S. 7 includes the essential building blocks for building a secure health care system.
Mr. President, special interests and election year politics managed to greatly distort last year’s debate on health care reform. As a result, many Americans are confused about the most extreme reforms. But voters remain overwhelmingly in favor of moving ahead on health care. Only 25 percent of voters said Congress should leave our health care system alone.

If any colleagues on both sides of the aisle are truly interested in making a difference in the lives of middle-class Americans, if they are really interested in restoring peace of mind of millions of hard-working Americans, health reform is the way to do that.

Millions of middle-class working families would benefit from the insurance portability provisions in this bill that would allow them to change health insurance plans when they change jobs or if they are having babies, or are looking for a new pre-existing condition exclusion. For people with lapses in their insurance coverage, they would only to be a subject to a one-time 6 month pre-existing condition exclusion period as long as they have continuous health care coverage. For workers in between jobs, unable to afford health care, temporary health coverage would be available up to a maximum of 6 months. This would give millions of working families some piece of mind that they will not be forced to delay getting necessary medical care or being financially wiped out by even a minor injury or illness as they search for a new job.

This bill would ban insurance companies from canceling policies or hiking premiums when someone gets sick or injured and incurs large medical bills. Under current insurance practices, young and healthy people often get deep premium discounts. Discounts that quickly disappear over time or when someone’s family member gets sick. There are also large differences in premium rates based on a person’s age, sex, occupation, even based on a person’s zip code. This bill would begin to set limits on how much premiums can differ based on these factors.

To minimize large swings in premiums during implementation of insurance rating reforms, this bill carefully and slowly phases-in its reforms. The prohibition on medical underwriting—meaning charges people different premiums solely based on their health status—is phased-in over 3 years. At the same time, age bands are phased-in that would significantly narrow what insurance companies could charge people solely based on their age. All States have moved ahead on small group insurance reforms but national uniformity is important so that insurance is portable for consumers across state lines and also to ease compliance by insurance companies that do business in more than one State. Forty percent of States have even adopted some version of community rating or modified community rating laws. While there has been some serious concerns raised about some erosion of insurance coverage that occurred when the State of New York implemented community rating, it is very important to note that New York’s rating reforms, this bill carefully and slowly phases-in its reforms.

Mr. President, I would like to emphasize to my colleagues that while coverage in the small group market in New York was estimated to have declined by 12 percent when community rating was implemented, the exact same percentage of people—12 percent—lost their health coverage the year prior to implementation of New York’s rating reforms. Other States, such as Maine, New Jersey, and Vermont are experiencing net increases in coverage and other positive benefits from private insurance reform, such as a greater choice of products for small business owners. This would give millions of working family’s children the security of insurance under this legislation.

Last year, a study commissioned by the Catholic Health Association, estimated that about 11 million people could gain coverage through insurance reforms. This mostly includes people who currently are locked out of the insurance market because of their medical history.

The reforms outlined in S. 7 would also provide predictability and stability to health premiums by limiting premium variability based on age, sex, health status, claims experience, occupation, and zip code. Cancer, a heart condition, or diabetes will no longer price working American families out of the insurance market.

Mr. President, I am especially pleased that this legislation emphasizes and prioritizes children. Looking out for America’s children is nothing new. This imperative has been recognized time and time again. A bipartisan majority of Pepper Commission members said 5 years ago that the first step in comprehensive reform should be to cover children and pregnant women. I also had the profound privilege of chairing the National Commission on Children that made a similar recommendation. I introduced a bill with Senator Hatch, 4 years ago, to suggest this very idea.

It is incredibly important that children get early and regular health care. There is nothing more heartbreaking and morbid about our country’s health care system than putting parents in the position of trying to figure out whether or not they can afford to take a sick child to see a doctor.

Mr. President, of the 204,000 West Virginians that do not have health insurance, 80 percent are estimated to have job-based coverage at little or no cost. About 64,000 West Virginia children—about 94 percent of the uninsured children in my home state—would qualify for health insurance under this legislation.

Mr. President, I would also like to take a second to remind my colleagues that job-based coverage for children has diminished significantly over the past decade and a half. Two thirds of children without insurance have at least one parent who works full-time while another 13 percent have a parent who works part-time. Having a job is just not an assurance of reliable health insurance coverage.

The overall percentage of children with job-based insurance has dropped from 64 percent in 1987 to 59 percent in 1992—a decrease of 5 percent in just 6 years. Had coverage stayed at 1987 rates—more than 3 million children would have job-based coverage today. If current trends continue, only about half of our children would be covered by employer-sponsored coverage by 2000. If not for legislation enacted in the 1980’s that expanded Medicaid coverage for poor children the number of uninsured children would be much, much higher today.

Mr. President, just 15 years ago, 40 percent of employers paid for dependent coverage in full. Five years ago, only about one-third of employers did. A decline in employer contributions means that many hardworking families are struggling to make ends meet. When they can’t afford the extra dollars themselves. This bill will help those families get health coverage for their children.

Not having health insurance reduces the number of times a child goes to the doctor. And not surprisingly, the frequency of doctor visits is directly correlated with a family’s income. It is the low-wage working family making between $10,000 and $20,000 a year, barely able to make ends meet, whose children go to see a doctor least often. These are families who are not poor enough to qualify for Medicaid but can’t afford private health insurance. Even routine pediatric care can consume 10 percent of a low wage working family’s annual income.

Last year, the Finance Committee, on which I serve, supported an amendment that would have accelerated and expanded coverage for children. Frankly, reforming our welfare system won’t work unless we can make sure families won’t be forced to quit their jobs in order to qualify for health benefits through the Medicaid program.

I am pleased that my colleague from rural South Dakota also included important rural health provisions in this legislation. Most of the provisions included in the rural health section are identical to measures included in a rural health amendment I authored along with Senator Daschle last August. Our rural health amendment was nearly unanimously agreed to when offered to pending health care reform legislation last year. Again, reflecting an overwhelming consensus in this area.

I am also extremely pleased that this legislation will provide long awaited tax equity for self-employed individuals. Prior to January 1, 1994, the self-employed were allowed to deduct 25 percent of self-employment taxes for health insurance premiums.
percent of the costs of insuring themselves and their families. Since expiration of this law last year, the self-employed are prohibited from deducting any of their insurance premiums. This bill would allow the self-employed to deduct 100 percent of their health insurance costs. Currently, incorporated businesses can deduct the entire cost of their health insurance policies. This was also a priority identified 5 years ago by the Pepper Commission and a measure that has always enjoyed broad bipartisan support.

Mr. President, this legislation includes other important measures that have enjoyed popular and broad, bipartisan support, such as administrative simplification, patient confidentiality, malpractice reforms, and demonstration funding for the development of purchasing groups and telemedicine grants. I also share the commitment earlier stated by Minority Leader DASCHLE that this legislation if enacted would not contribute to the Federal deficit. As a member of the Finance Committee, I am committed to working with a consensus for financing the coverage expansions for children, the temporarily unemployed, and tax equity for the self-employed.

I sincerely hope that the 104th Congress will truly be historic and be remembered for enacting serious and long overdue health reforms.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERRY, Mrs. MURRAY, Mr. DORGAN, Ms. MOSELEY-BRAUN, and Mr. ROBB):

S. 8. A bill to amend title IV of the Social Security Act to reduce teenage pregnancy, to encourage parental responsibility, and for other purposes; to the Committee on Finance.

TEEN PREGNANCY PREVENTION AND PARENTAL RESPONSIBILITY ACT

Mr. DASCHLE. 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. 8

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Teen Pregnancy Prevention and Parental Responsibility Act.

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Except as otherwise specifically provided, wherever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references in Act; table of contents.

TITLE I—ENDING THE CYCLE OF INTERGENERATIONAL DEPENDENCY

Sec. 101. Supervised living arrangements for minors.

Sec. 102. Reinforcing families.

Sec. 103. Requirement for completion of high school or other training for teenage parents.

Sec. 104. Drug treatment and counseling as part of the J OBS program.

TITLE II—PARENTAL RESPONSIBILITY

Sec. 201. Performance-based incentives.


Sec. 203. State laws concerning paternity establishment.

Sec. 204. State laws providing expedited procedures.

Sec. 205. Outreach for voluntary paternity establishment.

TITLE III—COMBATING TEENAGEN PREGNANCY

Sec. 301. Targeting youth at risk of teenage pregnancy.

Sec. 302. National Clearinghouse on Teenage Pregnancy.

TITLE IV—FINANCING

Sec. 401. Uniform alien eligibility criteria.

Sec. 402. State retention of amounts recovered.

Sec. 403. State laws concerning paternity establishment.

Sec. 404. Uniform alien eligibility criteria.

Sec. 405. State retention of amounts recovered.

"(i) the State agency determines that the physical or emotional health of such individual or any dependent child of the individual would be jeopardized if such individual and such dependent child lived in the same residence with such individual's own parent or legal guardian; or

"(iv) the State agency otherwise determines (in accordance with regulations issued by the Secretary) that the best interests of the dependent child to waive the requirement of subparagraph (A) with respect to such individual.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, the second year of the session shall be treated as a separate regular session of the State legislature.

SEC. 102. REINFORCING FAMILIES.

(a) IN GENERAL.—Title XX (42 U.S.C. 1397-1397n) is amended by adding at the end the following new section:

"SEC. 1008. ADULT-SUPERVISED GROUP HOMES.

"(a) ENTITLEMENT.—

"(1) IN GENERAL.—In addition to any payment under sections 2002 and 2007, beginning with fiscal year 1996, each State shall be entitled to funds under this section for each fiscal year for the establishment, operation, and support of adult-supervised group homes for custodial parents under the age of 29 and their children.

"(2) PAYMENT TO STATES.—

"(A) IN GENERAL.—Each State shall be entitled to payment under this section for each fiscal year in an amount equal to its allotment (determined in accordance with subsection (b)) for such fiscal year, to be used by such State for the purposes set forth in paragraph (1).

"(B) TRANSFERS OF FUNDS.—The Secretary shall make payments in accordance with section 3003(a) of title 2, United States Code, to each State from its allotment for use under this title.

"(C) USE OF FUNDS.—Payments to a State from its allotment for any fiscal year must be expended by the State in such fiscal year or in the succeeding fiscal year.

"(D) TECHNICAL ASSISTANCE.—A State may use a portion of the amount described in subparagraph (A) for the purpose of providing technical assistance to public or private entities if the State determines that such assistance is required in developing, implementing, or administering the program funded under this section.

"(3) ADULT-SUPERVISED GROUP HOME.—For purposes of this section, the term 'adult-supervised group home' means an entity that provides custodial parents under the age of 19 and their children with a supportive and reinforced living arrangement that would permit such parents to be released from welfare, work, or training and for such parents to be required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children. An adult-supervised group home

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shall apply to Indian tribes receiving funds under this subsection, the provisions of this section shall apply to the Secretary to establish, operate, and each subsequent fiscal year.

(3) Amount specified under paragraph (3), reduced by—

(B) the total amount allotted to those jurisdictions for that fiscal year under paragraph (3), as the allotment that the State receives under section 2003(b) for the fiscal year bears to the total amount specified for such fiscal year under section 2003(c).

(4) INDIAN TRIBE DEFINED.—For purposes of the limitation contained in paragraph (1), the term "Indian tribe" means (i) any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity which is recognized by the Federal Government as eligible for benefits under such part of title II of the Indian Reorganization Act of 1934 (25 U.S.C. 451 et seq.) as is applicable to such tribe; (ii) any Indian tribe approved under this subsection (based upon the attainment of a high school diploma or its equivalent on a full-time (as defined by the educational provider) basis); or (iii) a program solely by reason of subparagraph (C)(iii) to participate in training or retraining activities under such subclause if such parent fails to make good progress in successfully completing such educational activities or if it is determined that (a) the participation of the individual in such educational activities pursuant to an educational assessment that participation in such educational activities is inappropriate for such parent; or (b) the Secretary may waive the limitation contained in paragraph (1) upon the State's request for such a waiver if the Secretary determines that the requesting State describes extraordinary circumstances to justify the waiver and that permitting the waiver will contribute to the State's ability to carry out the purposes of this section.

(5) TREATMENT OF INDIAN TRIBES.—

(1) IN GENERAL.—An Indian tribe may apply to the Secretary to establish, operate, and support adult-supervised group homes receiving funds under this subsection to participate in the program (including an individual who would otherwise be exempt from participation in the program solely by reason of clauses (iii), (v), or (vii) of subparagraph (C)), the State agency shall—

(II) provide child care in accordance with subparagraph (A); and

(III) require such parent to participate in—

(aa) educational activities directed toward the attainment of a high school diploma or its equivalent on a full-time (as defined by the educational provider) basis; or

(bb) an alternative educational or training program (that has been approved by the Secretary) on a full-time (as defined by the provider) basis; and

(III) provide child care in accordance with section 402(a)(7)(B) with respect to—

(i) individuals who have not attained 19 years of age (or at the State's option, 21 years of age) who are receiving aid under this part shall be required to participate in a program of monies, penalties, consistent with subsection (j)."

(2) ELEMENTS OF PROGRAM.—Section 402 (U.S.C. 602) is amended by adding at the end the following new subsection:

"(jj) If a State opts to conduct a program of monetary incentives and penalties to encourage custodial parents and pregnant women who have not attained 19 years of age (or at the State's option, 21 years of age) to complete their high school (or equivalent) education and participate in parenting activities, the State shall amend its State plan—

(A) to specify the one or more political subdivisions (or other clearly defined geographic area or areas) in which the State will conduct the program, and

(B) to describe its program in detail.

(2) A program under this subsection—

(A) may, at the option of the State, require full-time participation by such custodial parents and pregnant women in secondary school or equivalent educational activities; or

(B) may provide additional monetary incentives for more than minimally acceptable performance of required educational activities; and

(C) shall provide monetary incentives for meeting or exceeding the minimum performance requirements in subsection (j) for better achievement of the objectives of the program.

(3) When a monetary incentive is payable because of less than minimally acceptable performance of required educational activities by a custodial parent, the incentive may be offset against any other monetary incentive that the parent is otherwise entitled to receive under this title.
shall be paid directly to such parent, regard-
less of whether the State agency makes pay-
ment of aid under the State plan directly to
such parent.

(4)(A) For purposes of this part, monetary
incidence of such amendments before the first 
subsection shall be considered aid to
families with dependent
children.

(B) For purposes of any other Federal or
state program based on need, any
monetary incentive paid under this sub-
section shall be considered income in deter-
maling a family's eligibility for or amount
of benefit for that program, and if it shall
be reduced by reason of a penalty under this
subsection, such other program shall treat
the family involved as if no such penalty has
been assessed.

(5) The State agency shall from time to
time provide such information with respect
to the operation of the program as the Sec-
retary may request.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided
in paragraph (2), the amendments made by
sections (a) and (b) shall be effective with re-
spect to calendar quarters beginning on or
after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State
that the Secretary of Health and Human
Services determines requires State legisla-
tion (other than legislation appropriating
funds) in order to meet the additional re-
quirements imposed by the amendments
made by this Act, the State shall not be re-
garded as failing to comply with the require-
ments of this Act if, on or before the first
day of the first calendar quarter beginning
after the close of the first regular session of
the State legislature that begins after the
date of enactment of this Act. For purposes
of this paragraph, in the case of a State that
has a 2-year legislative session, each year of
the session shall be treated as a separate reg-
ular session of the State legislature.

SEC. 104. DRUG TREATMENT AND COUNSELING

AS PART OF THE J OBS PROGRAM.

(a) IN GENERAL.—Section 420a(19)(42
U.S.C. 622(a)(19)) is amended—

(1) by striking “and” at the end of subpara-
graph (G);

(2) by inserting “and” at the end of subpara-
graph (H);

(3) by adding after subparagraph (H), the
following new subparagraph:

“(i) require such individual to participate in
substance abuse treatment; and

(ii) notwithstanding any other provision of
law, after providing an individual required
by the Secretary pursuant to this section.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided
in paragraph (2), the amendments made by
subsection (a) shall be effective with respect
to calendar quarters beginning on or after
October 1, 1995.

(2) SPECIAL RULE.—In the case of a State
that the Secretary of Health and Human
Services determines requires State legisla-
tion (other than legislation appropriating
funds) in order to meet the additional re-
quirements imposed by the amendments
made by this Act, the State shall not be re-
garded as failing to comply with the require-
ments of such amendments before the first
day of the first calendar quarter beginning
after the date of enactment of this Act. For purposes
of this paragraph, in the case of a State that
has a 2-year legislative session, each year of
the session shall be treated as a separate reg-
ular session of the State legislature.

TITLE II—PARENTAL RESPONSIBILITY

SEC. 201. PERFORMANCE-BASED INCENTIVES.

(a) INCENTIVE ADJUSTMENTS TO FEDERAL MATCHING RATE.—

(1) IN GENERAL.—Title IV (42 U.S.C. 601 et
sec.) is amended by inserting after section
458 the following new section:

“INCENTIVE ADJUSTMENTS TO MATCHING RATE
FOR STATEWIDE PATERNITY ESTABLISHMENT
SEC. 459A. (a) INCENTIVE ADJUSTMENT.

(1) IN GENERAL.—To encourage and
reward State paternity establishment ef-
fords, the Federal matching rate for pay-
ments to a State under section 456(a)(1)(A),
for each fiscal year beginning on or after
October 1, 1997, shall be increased by a factor
reflecting the incentive adjustment (if any)
determined in accordance with paragraph (2)
with respect to the Statewide paternity es-
tablissement percentage.

(2) STANDARDS.—The Secretary shall es-
tablissement in regulations:

(A) the amounts of accomplishment, and
rates of improvement as alternatives to such
levels, with respect to the Statewide pater-
nity establishment percentage which States
must attain to qualify for an incentive ad-
justment under this section; and

(B) the amounts of incentive adjustment
that shall be awarded to States achieving
specified accomplishment or improvement
levels with respect to Statewide paternity establissement percentages, which amounts
shall be determined as the incentive addi-
tional matching rate percentage, with respect
to the State's Statewide paternity establissement percentage.

(3) DETERMINATION OF INCENTIVE ADJUST-
MENT.—The Secretary shall, pursuant to reg-
ulations, determine the amount (if any) of
incentive adjustment due each State on the
basis of the levels of accomplishment (and
rates of improvement) with respect to per-
formance indicators specified by the Sec-
retary pursuant to this section.

(b) FISCAL YEAR BASED INCENTIVE ADJUST-
MENT.—The total percentage point in-
crease determined pursuant to this section
with respect to a State in a fiscal year shall
be determined by adding up to 5 percent-
age points, in connection with the State's Statewide paternity establissement percent-
age.

(c) DETERMINATION OF INCENTIVE ADJUST-
MENT (I N GENERAL).—Except as provided in
paragraph (2), the amendments made by sub-
section (a) shall be effective with respect to
fiscal years beginning on or after October 1, 1995.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided
in paragraph (2), the amendments made by
sub-
section (a) shall be effective with respect to
fiscal years beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State
that the Secretary of Health and Human
Services determines requires State legisla-
tion (other than legislation appropriating
funds) in order to meet the additional re-
quirements imposed by the amendments
made by this Act, the State shall not be re-
garded as failing to comply with the require-
mements of such amendments before the first
day of the first calendar quarter following the
date of enactment of this Act. For purposes
of this paragraph, in the case of a State that
has a 2-year legislative session, each year of
the session shall be treated as a separate reg-
ular session of the State legislature.

SEC. 202. FEDERAL FINANCIAL PARTICIPATION FOR
ALL PATERNITY ESTABLISHMENT SERVICES.—

(1) IN GENERAL.—Section 455(a)(32) (42 U.S.C. 655(a)(32)) is amended by adding at the end the following:

“INCENTIVE ADJUSTMENTS TO MATCHING RATE.
SEC. 459A. (a) INCENTIVE ADJUSTMENT.

(1) IN GENERAL.—To encourage and
reward State paternity establishment ef-
fords, the Federal matching rate for pay-
ments to a State under section 456(a)(1)(A),
for each fiscal year beginning on or after
October 1, 1997, shall be increased by a factor
reflecting the incentive adjustment (if any)
determined in accordance with paragraph (2)
with respect to the Statewide paternity establissement percentage.

(2) STANDARDS.—The Secretary shall es-
tablissement in regulations:

(A) the amounts of accomplishment, and
rates of improvement as alternatives to such
levels, with respect to the Statewide pater-
nity establishment percentage which States
must attain to qualify for an incentive ad-
justment under this section; and

(B) the amounts of incentive adjustment
that shall be awarded to States achieving
specified accomplishment or improvement
levels with respect to Statewide paternity establissement percentages, which amounts
shall be determined as the incentive addi-
tional matching rate percentage, with respect
to the State's Statewide paternity establissement percentage.

(3) DETERMINATION OF INCENTIVE ADJUST-
MENT.—The Secretary shall, pursuant to reg-
ulations, determine the amount (if any) of
incentive adjustment due each State on the
basis of the levels of accomplishment (and
rates of improvement) with respect to per-
formance indicators specified by the Sec-
retary pursuant to this section.

(4) FISCAL YEAR BASED INCENTIVE ADJUST-
MENT.—The total percentage point in-
crease determined pursuant to this section
with respect to a State in a fiscal year shall
be determined by adding up to 5 percent-
age points, in connection with the State's Statewide paternity establissement percent-
age.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided
in paragraph (2), the amendments made by sub-
section (a) shall be effective with respect to
fiscal years beginning on or after October 1, 1995.

(f) SPECIAL RULE.—In the case of a State
that the Secretary of Health and Human
Services determines requires State legisla-
tion (other than legislation appropriating
funds) in order to meet the additional re-
quirements imposed by the amendments
made by this Act, the State shall not be re-
garded as failing to comply with the require-
mements of such amendments before the first
day of the first calendar quarter following the
close of the first regular session of the State legislature that begins after the
date of enactment of this Act. For purposes
of this paragraph, in the case of a State that
has a 2-year legislative session, each year of
the session shall be treated as a separate reg-
ular session of the State legislature.

SEC. 203. STATE LAWS CONCERNING PATERNITY
ESTABLISHMENT.

(a) STATE LAWS REQUIRED.—Section
466a(15) (42 U.S.C. 666a(15)) is amended—

(1) by striking “or” and inserting “(1) PROCEDURE
CONCERNING PATERNITY ESTABLISHMENT
ESTABLISHMENT.”;

(2) in subparagraph (A), by striking “(A)" and inserting “(A) ESTABLISHMENT PROCESS AVAILABLE FROM BE-
FORE BIRTH UNTIL AGE 18.”;

(3) in subparagrapas (A) and (B), by striking “(A)" and inserting “(B) PROCEDURES CONCERNING GENETIC TESTING.

(i)";

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided
in paragraph (2), the amendments made by
sub-
section (a) shall be effective with respect to
fiscal years beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State
that the Secretary of Health and Human
Services determines requires State legisla-
tion (other than legislation appropriating
funds) in order to meet the additional re-
quirements imposed by the amendments
made by this Act, the State shall not be re-
garded as failing to comply with the require-
mments of such amendments before the first
day of the first calendar quarter following the
close of the first regular session of the State legislature that begins after the
date of enactment of this Act. For purposes
of this paragraph, in the case of a State that
has a 2-year legislative session, each year of
the session shall be treated as a separate reg-
ular session of the State legislature.
(i) providing that any objection to genetic testing results must be made in writing not later than a specified number of days before any hearing at which such results may be introduced into evidence (or, at the option of the putative father, prior to collection of blood or genetic testing samples); and

(ii) providing that, if no objection is made, the test results are admissible as evidence without requiring third-party foundation testimony, and constitute prima facie evidence of paternity. 

(7) by adding after subparagraph (H) the following new paragraph (I):

``(I) TEMPORARY SUPPORT ORDER BASED ON PROBABLE PATERNITY IN CONTESTED CASES.—Procedures which require that a temporary order be issued by a party, requiring the provision of child support pending an administrative or judicial determination of paternity, where there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).''

(8) by adding after subparagraph (J) the following new subparagraphs:

``(cc) to obtain such samples upon request of both parties involved;''.

(9) by adding after subparagraph (K) the following new subparagraphs:

``(dd) to determine the best interests of the child;''.

(10) by adding after subparagraph (L) the following new subparagraphs:

``(II) in the case of hospitals providing maternity services—

(aa) to have facilities for obtaining blood or other genetic samples from the mother, putative father, and child for genetic testing;

(bb) to inform the mother and putative father of the availability of such testing (at their expense); and

(cc) to obtain such samples upon request of both individuals;''

(5) by striking subparagraphs (D) and (E) and inserting:

``(D) LEGAL STATUS OF ACKNOWLEDGMENT.—Procedures under which—

(i) a voluntary acknowledgment of paternity creates, at State option, either—

(I) a conclusive presumption of paternity, or

(II) a rebuttable presumption of paternity, which requires the party (other than the putative father) to establish, by clear and convincing evidence, which it has a burden of proof, that the putative father is not the father of the child.

(ii) requiring that the State admit into evidence, for purposes of establishing paternity, results of any genetic test that is—

(aa) to be competent as evidence of paternity, and

(bb) to be admissible as evidence of paternity, as reliable evidence of paternity, and

(cc) to be admissible as evidence of paternity, including that the procedures specified in subsection (f) for establishing paternity and for establishing, modifying, and enforcing support obligations; and

(2) by adding after subsection (e) the following new paragraph (f):

``(f) EXPEDITED PROCEDURES.—(1) ADMINISTRATIVE ACTION BY STATE AGENCY.—Procedures which give the State agency the authority (and recognize and enforce the authority of State agencies of other States), without the necessity of obtaining an order from any other judicial or administrative tribunal (but subject to due process safeguards, including specified requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal), to take the following actions relating to establishment or enforcement of orders:

(A) ESTABLISH AND MODIFY SUPPORT ORDER.—To establish and modify the amount of support awards in all cases in which services are being provided under this part.

(B) GENETIC TESTING.—To order genetic testing for the purpose of paternity establishment as provided in section 466(a)(5).

(C) DEFAULT ORDERS.—To enter a default order, upon a showing of service of process and any additional showing required by the State law—

(i) establishing paternity, in the case of any putative father who refuses to submit to genetic testing; and

(ii) establishing or modifying a support obligation, in the case of a parent (or other obligee) who fails to respond to notice to appear at a proceeding for such purpose.

(D) SUBPOENAS.—To subpoena and financial information needed to establish, modify, or enforce an order, and to sanction failure to respond to any such subpoena.

(E) ACCESS TO PERSONAL AND FINANCIAL INFORMATION.—To obtain access, subject to safeguards on privacy and security information, to the following records (including access, in the case of records maintained in automated data bases):—

(i) Records of other State and local government agencies, including—

(aa) vital statistical records (including records of marriage, birth, and divorce);

(bb) State and local tax and revenue records (including information on residence address, employer, income and assets); and

(cc) records concerning real and personal property; and

(ii) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

(F) SOCIAL SECURITY RECORDS.—(1) Overview—

(i) Records of persons who are entitled to Social Security benefits, including—

(aa) records of individuals entitled to retirement benefits; and

(bb) records of individuals entitled to survivors’ benefits.

(ii) records of individuals entitled to unemployment compensation, and other benefits;

(G) CHANGE IN PAYEE.—In cases where support is payable to an assignee under section 402(a)(26), 471(a)(17), or 1912.

(H) SECURE RECORDS TO SATISFY ARRANGEMENTS.—For the purpose of securing overdue support—

(i) to intercept and seize any periodic or lump-sum payment to the obligor by or through a State or local government agency, including

(aa) unemployment compensation, workers’ compensation, and other benefits;
``(ii) judgments and settlements in cases under the jurisdiction of the State or local government; and
``(iii) lottery winnings;
``(ii) to attach and seize assets of the obligor or obligor's property; 
``(iii) to public and private retirement funds in appropriate cases, as determined by the Secretary; and
``(iv) to proceed in accordance with subsection (a)(4) and, in appropriate cases, to force sale of property and distribution of proceeds.

``(E) INCREASE MONTHLY PAYMENTS. — For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages (subject to such conditions or restrictions as the State may provide).
``(F) SUSPENSION OF DRIVERS' LICENSES. — To suspend drivers' licenses of individuals owing past-due support, in accordance with subsection (a)(12).
``(2) SUBSTANTIVE AND PROCEDURAL RULES. — The expedited procedures required under subsection (a)(2) shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:
``(A) LOCATOR INFORMATION; PRESUMPTIONS CONCERNING NOTICE. — Procedures under which:
``(i) the parties to any paternity or child support proceedings are required (subject to privacy safeguards) to file with the tribunal before entry of an order, and to update as appropriate, information on location and identity (including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer); and
``(ii) in any subsequent child support enforcement action between the same parties, the tribunal will be authorized, upon sufficient showing that a diligent effort has been made to ascertain such a party's current location, to deem due process requirements for notice and service of process to be met, with respect to such party, by delivery to the most recent residential or employer address so filed pursuant to clause (i).
``(B) STATEWIDE JURISDICTION. — Procedures under which—
``(i) the State agency and any administrative or judicial tribunal with authority to hear cases of paternity or child support cases exercise statewide jurisdiction over the parties, and orders issued in such cases have statewide effect; and
``(ii) in the case of a State in which orders in such cases are issued by local jurisdictions, a case may be transferred between jurisdictions in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.
``(C) EXEMPTIONS FROM STATE LAW REQUIREMENTS. — Section 466(d) (42 U.S.C. 666(d)) is amended—
``(1) by striking ``(d) I'' and inserting ``(d) EXEMPTIONS FROM REQUIREMENTS.—(1) IN GENERAL. — Subject to paragraph (2), I''; and
``(2) by adding at the end the following new paragraph:
``(2) NONEXEMPTION REQUIREMENTS. — The Secretary shall not grant an exemption from the requirements of—
``(A) subsection (a)(5) concerning procedures for establishing paternity establishment; 
``(B) subsection (a)(10) concerning modification of orders; 
``(C) subsection (f) concerning expedited procedures for establishing paternity in paragraph (1)(A) thereof (concerning establishment or modification of support amount)."
``(D) EFFECTIVE DATES.—
``(1) IN GENERAL. — Except as provided in paragraph (2), the amendments made by subsections (a), (b), and (c) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.
``(2) SPECIFIC DATES. — In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of subparagraphs before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 205. OUTREACH FOR VOLUNTARY PATERnty ESTABLISHMENT.
``(a) STATE PLAN REQUIREMENT.—
``(1) IN GENERAL. — Section 459(a) (42 U.S.C. 659(a)) is amended—
``(A) by inserting ``(A)'' after ``(123)'';
``(B) by adding after subparagraph (A), as so redesignated, the following new subparagraph:
``(ii) provide that the State will regularly and frequently publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—
``(I) in the case of a State in which orders are issued by local jurisdictions, information of written materials at health care facilities (including hospitals and clinics), and other locations such as schools;
``(II) may include prenatal programs to educate expectant couples on individual and joint rights and responsibilities with respect to paternity (and may require all expectant recipients of assistance under part A to participate in such prenatal programs, as an element of cooperation with efforts to establish paternity and child support);
``(iii) may include, with respect to each child discharged from a hospital after birth for whom paternity or child support has not been established, reasonable follow up efforts (including at least one contact of each parent whose whereabouts are known, except where there is reason to believe such follow up efforts would put mother or child at risk), providing—
``(I) in the case of a child for whom paternity has not been established, information on the benefits of procedures for establishing paternity; and
``(II) in the case of a child for whom paternity has been established but child support has not been established, information on the benefits of and procedures for establishing a child support order, and an application for child support services; and
``(2) ENHANCED MATCHING. — Section 455(a)(1)(C) (42 U.S.C. 655(a)(1)(C)) is amended—
``(A) by inserting ``(I)'' before ``laboratory costs'', and
``(B) by deleting the semicolon and (ii) costs of outreach programs designed to encourage voluntary acknowledgment of paternity''.
``(E) EFFECTIVE DATES.—
``(1) IN GENERAL. — The amendments made by paragraph (1) shall become effective October 1, 1996.
``(2) ENHANCED MATCH.—The amendments made by paragraph (2) shall be effective with respect to calendar quarters beginning on and after October 1, 1995.
``(3) STATE OUTREACH AS PART OF VOLUNTARY PATERnty ESTABLISHMENT.
``(a) IN GENERAL. — Section 456a (42 U.S.C. 666(a)) is amended, by as amended by section 303(a)(4), is further amended—
``(A) by striking and at the end of clause (ii); and
``(B) by inserting after clause (iii) the following new clause:
``(iv) to impose liens in accordance with other state laws; and
``(v) to provide for the assessment to pay unresolved child support through a variety of means, which—
``(I) in the case of a State in which orders are issued by local jurisdictions, information of written materials at health care facilities (including hospitals and clinics), and other locations such as schools;
``(II) include prenatal programs to educate expectant couples on individual and joint rights and responsibilities with respect to paternity (and may require all expectant recipients of assistance under part A to participate in such prenatal programs, as an element of cooperation with efforts to establish paternity and child support);
``(iii) may include, with respect to each child discharged from a hospital after birth for whom paternity or child support has not been established, reasonable follow up efforts (including at least one contact of each parent whose whereabouts are known, except where there is reason to believe such follow up efforts would put mother or child at risk), providing—
``(I) in the case of a child for whom paternity has not been established, information on the benefits of procedures for establishing paternity; and
``(II) in the case of a child for whom paternity has been established but child support has not been established, information on the benefits of and procedures for establishing a child support order, and an application for child support services; and
``(4) EFFECTIVE DATE.—
``(a) IN GENERAL. — Except as provided in subparagraph (b), the amendments made by paragraph (1) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.
``(b) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of subparagraph (a) if the State legislature that begins after the date of enactment of this Act. For purposes of paragraph (1) of this subsection, the date of enactment of this Act shall be treated as a separate regular session of the State legislature.
``(B) ENHANCED MATCH PROGRAM. —
``(1) IN GENERAL. — The Department of Health and Human Services, the Public Health Service, and the Department of Education shall cooperate to develop and implement a substantial outreach program and media campaign to—
``(A) reinforce the importance of paternity establishment; and
``(B) promote the message that parenting is a joint right and responsibility.
``(2) AUTHORIZATION OF APPROPRIATIONS.—
``There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

TITLe III—COMBATING TEENAGE PREGNANCY

SEC. 301. TARGETING YOUTH AT RISK OF TEEN-AGe PREGNANCY.
``(a) IN GENERAL. — Section 402 (42 U.S.C. 602), as amended by section 103(b)(2), is further amended by adding at the end the following new subsection:
``(kk)(1) Each State agency, may, to the extent it determines resources are available, provide for the operation of projects to reduce teenage pregnancy. Such projects shall be operated by eligible entities that have submitted applications described in paragraph (2) that have been approved in accordance with paragraph (4).
``(2) For purposes of this subsection, the term 'eligible entity' includes State agencies, local agencies, public supported organizations, private nonprofit organizations, and consortia of such entities.
``(3) An application described in this paragraph shall—
``(A) describe the project;
``(B) include an endorsement of the project by the chief elected official of the jurisdiction in which the project is operated; and
``(C) demonstrate strong local commitment and local involvement in the planning and implementation of the project; and
be submitted in such manner and containing such information as the Secretary may require.

(2) The Secretary shall limit the number of applications approved under this paragraph to ensure that payments under section 403(a) to Indian tribes with approved applications are in payments of less than a minimum payment amount (to be determined by the Secretary).

(3) For purposes of this subsection, the term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity which is recognized as eligible for benefits under section 166 of title 25, or any tribe for the immediately succeeding fiscal year.''.

(4)(A) The Secretary shall conduct a study in accordance with subparagraph (B) to determine the relative effectiveness of the different approaches for preventing teenage pregnancy utilized in the projects conducted under this subsection.

(B) In conducting the study under this subsection, the Secretary shall choose a random sample of participants in the projects conducted in 5 States chosen by the Secretary (as determined by the Secretary) to test the effectiveness of the projects conducted in those States, and shall, not later than January 1, of any fiscal year, the limitation determined under this paragraph with respect to the State for the immediately succeeding fiscal year shall be increased by the amount of such excess.

(C) M EDICAIDÐ(i) Section 1903(v)(1) (42 U.S.C. 1396b(v)(1)) is amended by striking ``paragraph (1)(B)'' and inserting ``paragraph (1)(B)'' and inserting ``(ii) a qualified alien (as defined in section 161A of the Immigration and Nationality Act or any other provision of law),''.

(ii) Section 1903(v)(2) (42 U.S.C. 1396b(v)(2)) is amended by striking ``either'' and inserting ``either'' and inserting the following:

``(A) a citizen or national of the United States, or

(B) a qualified alien (as defined in section 1101(a)(10)), if such alien is not disqualified from receiving aid under a State plan approved under this part by or pursuant to section 1101(a)(10)).''.

(D) The Secretary shall establish a national center for the collection and provision of information that relates to adolescent pregnancy prevention programs and in administering the projects under such section; or

(ii) the limitation determined under subparagraph (B) with respect to the Indian tribe for the fiscal year.

 SEC. 302. NATIONAL CLEARSCHOOLING ON TEENAGE PREGNANCY PREVENTION PROGRAMS.

(a) ESTABLISHMENT.—The Secretary of Education, the Secretary of Health and Human Services, and the Chief Executive Officer of the Corporation for National Community Service shall establish a national center for the collection and provision of information that relates to adolescent pregnancy prevention programs as the "National Clearschooling on Teenage Pregnancy Prevention Programs".

(b) FUNCTIONS.—The national center established under subsection (a) shall serve as a national information and data clearinghouse, and as a material development source for adolescent pregnancy prevention programs. Such center shall—

(1) develop and maintain a system for disseminating information on all types of adolescent pregnancy prevention programs and on the state of adolescent pregnancy prevention program development, including information concerning the most effective model programs;

(2) identify model programs representing the various types of adolescent pregnancy prevention programs;

(3) develop networks of adolescent pregnancy prevention programs for the purpose of sharing and disseminating information; and

(4) provide technical assistance materials to assist other entities in establishing and improving adolescent pregnancy prevention programs; and

(5) conduct such other activities as the responsible Federal officials find will assist in developing and carrying out programs or activities to reduce adolescent pregnancy.

TITLE IV—FINANCING

SEC. 401. UNIFORM ALIEN ELIGIBILITY CRITERIA FOR PUBLIC ASSISTANCE PROGRAMS.

(a) FEDERAL AND FEDERALALLY-ASSISTED PROGRAMS.—

(i) PROGRAM ELIGIBILITY CRITERIA.—

(1) PROGRAM ELIGIBILITY CRITERIA.—

(A) AID TO FAMILIES WITH DEPENDENT CHILDREN.—Section 402(a)(33) (42 U.S.C. 602(a)(33)) is amended—

(i) by striking ''paragraph (1)'' and inserting ``either'' and inserting the following:

``(A) a citizen or national of the United States, or

(B) a qualified alien (as defined in section 1101(a)(10)), if such alien is not disqualified from receiving aid under a State plan approved under this part by or pursuant to section 1101(a)(10)).''.

(ii) A qualified alien (as defined in section 161A of the Immigration and Nationality Act or any other provision of law);''.

(B) SUPPLEMENTAL SECURITY INCOME.—Section 1616(a)(3)(B)(i) (42 U.S.C. 1382a(a)(3)(B)(i)) is amended as read as follows:

``(B)(i) is a resident of the United States, or

(ii) a qualified alien (as defined in section 1101(a)(10)), or

(C) MEDICARE.—Section 1903(v)(1) (42 U.S.C. 1395(v)(1)) is amended as read as follows:

``(v)(1) Notwithstanding the preceding provisions of this section—

(A) no payment may be made to a State under this section for medical assistance furnished to an individual who is disqualified from receiving such assistance by or pursuant to section 1101(a)(10)), or

(B) except as provided in paragraph (2), no such payment may be made for medical assistance furnished to an individual who is not—

(i) a citizen or national of the United States, or

(ii) a qualified alien (as defined in section 1101(a)(10)),''.

(ii) Section 1903(v)(2) (42 U.S.C. 1395(v)(2)) is amended—

(i) by striking paragraph (1)'' and inserting paragraph (1)'' and inserting the following:

``(B) a qualified alien (as defined in section 1101(a)(10)),''.

(ii) by inserting paragraph (1)'' and inserting the following:

``(B) a qualified alien (as defined in section 1101(a)(10)),''.

(iii) by inserting paragraph (1)'' and inserting the following:

``(B) a qualified alien (as defined in section 1101(a)(10)),''.
(iii) Section 1602(a) (42 U.S.C. 1366(a)) is amended in the last sentence by striking "alien" and all that follows through the period and inserting "individual who is not (A) a citizen or national of the United States, or (B) as defined in paragraph 110(a)(10) only in accordance with section 1903(v)."

(iv) Section 1902(b)(3) (42 U.S.C. 1396(b)(3)) is amended by inserting "or national" after "citizen".

(2) QUALIFIED ALIEN DEFINED.—Section 1101(a) (42 U.S.C. 1301(a)) is amended by adding at the end the following new paragraph:

"(10) The term `qualified alien' means an alien—

(A) who is lawfully admitted for permanent residence within the meaning of section 101(a)(20) of the Immigration and Nationality Act;

(B) who is admitted as a refugee pursuant to section 208 of such Act;

(C) who is granted asylum pursuant to section 204 of such Act;

(D) whose deportation is withheld pursuant to section 240 of such Act;

(E) whose deportation is suspended pursuant to section 241 of such Act;

(F) who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980;

(G) who is admitted as a lawful permanent resident under section 245(a) of such Act;

(H) who is within a class of aliens lawfully present within the United States pursuant to any other provision of such Act, if—

(i) the Secretary of Homeland Security determines that the continued presence of such class of aliens serves a humanitarian or other compelling public interest, and

(ii) the Secretary of Health and Human Services determines that such interest would be further served by treating each alien within such class as a `qualified alien' for purposes of this section as a result of the continued presence of such class of aliens under section 1101(a)(10) of the Immigration and Nationality Act;

(I) who is the spouse or unmarried child under 21 years of age of a citizen or national of the United States, or a parent of such a citizen if the citizen is 21 years of age or older, and with respect to whom an application for adjustment to lawful permanent residence is pending, such status not having changed; or

(3) CONFORMING AMENDMENT.—Section 1101(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1301(a)(10)) is amended by inserting "qualified alien' within the meaning of section 1101(a)(10) of the Social Security Act" before the semicolon at the end.

(4) EFFECTIVE DATE.—(1) The amendments made by subsection (a) are effective with respect to benefits payable on the basis of any application filed after the date of enactment of this Act.

(2) Subsection (b) is effective upon the date of enactment of this Act.

SEC. 402. STATE RETENTION OF AMOUNTS RECOVERED.

Section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended in the proviso of the first sentence by striking "1995" each place such term appears and inserting "2004".

Mr. ROCKEFELLER. Mr. President, for years, as Governor of West Virginia and as a U.S. Senator, I have advocated changes to our welfare system so that it promotes work and responsibility. I am proud to continue these efforts by joining Senator DASCHLE and other colleagues in sponsoring S. 8, the Teen Pregnancy Prevention and Parent Responsibility Act.

This legislation is an essential step that will enhance the Family Support Act of 1988 in reforming our welfare system. It emphasizes parental responsibility and makes real reforms designed to address the issues of teen pregnancy. As noted in the final report of the bipartisan National Commission on Children, America's young people are currently facing serious problems and our Nation's children are often lack the maturity, economic means, and parenting skills to care for themselves and their children.

For West Virginia, this issue is of major importance. According to the 1993 West Virginia Kids Count, births to unmarried teens has increased by 60 percent between 1980 and 1991 in my State. The percentage of births to unwed teen parents is tragically a predictor of economic hardship for both mother and child. This trend must be reversed for the sake of teens, children, and our future.

This bill boldly confronts this concern by requiring unwed mothers under the age of 18 to live with an adult family member or in a supervised group home in order to receive Federal Aid to Families with Dependent Children [AFDC]. Unwed teen mothers would also be required to stay in school and complete their high school education in order to receive benefits. If substance abuse is a problem, unwed teen mothers would have to seek counseling. These are major changes designed to help both unwed teen mothers and their children. It is an effort to try and ensure that a caring adult is involved with both teen parent and infant. Also, it is one of the toughest initiatives yet to ensure that teenage mothers stay in school and get the education they will need to avoid a lifetime of dependency.

There is broad consensus about the need for welfare reform from a program that can inadvertently trap families in a lifetime of dependency into a transitional assistance program that fosters work and responsibility. But there are major questions about how to achieve this goal. As we debate a series of welfare reform proposals, I will judge each proposal by the fundamental question of how each change will affect both the poor parent and the child. Welfare reform should not punish vulnerable children or their parents. Reform should encourage self-sufficiency in firm but fair ways. Senator DASCHLE's legislation tests this with flying colors. It will help both unwed teen parents and child by ensuring the involvement of an adult, and by keeping teens in school.

Obviously, more work must be done to reform our overall welfare system since the Department of Health and Human estimates that teen parents are less than 10 percent of all families on welfare. But this legislation is a sensible first step focusing on unwed teen parents and it will hopefully help break a cycle of dependency early.

In addition to the eligibility requirements for unwed teen parents to receive AFDC, the bill gives States and communities funding to invest in programs to prevent teen pregnancy.

The legislation is paid for in responsible ways including provision to strengthen child support enforcement, another key way to promote parental responsibility among absent fathers.

Teenage pregnancy is a complicated issue for which there are no simple solutions or quick answers. But I believe that the Teenage Pregnancy Prevention and Parent Responsibility Act lays out needed change in Federal policy. Current Federal policy enables teen parents on welfare to establish their own independent household by offering them Federal assistance, but this legislation dramatically changes the rules and incentives. It sends a fundamental message to unwed teen parents to stay in school and seek help from caring adults and preferably their families. While this bill is not a silver bullet, it is a serious, substantive effort to ensure that Federal policy reflects American values for families and children.

By Mr. DASCHLE (for himself, Mr. EXON, Ms. MIKULSKI, Mr. BREAUD, Mr. ROBB, Mr. KERRY, Mr. PELL, and Ms. MOSELEY-BRAUN):

S. 9. A bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1996 through 2003 that would balance the budget by fiscal year 2003, to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

BUDGET RESOLUTION FOR FISCAL YEARS 1996 THROUGH 2003

Mr. DASCHLE. 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. 9

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


Not later than the end of the 1st session of the 104th Congress, the Senate and the House of Representatives shall—

(1) adopt a concurrent resolution on the budget for fiscal years 1996 through 2003; and

(2) enact all the necessary authorizing and appropriations legislation, that would balance the Federal budget by the beginning of fiscal year 2003.

By Mr. DASCHLE (for himself, Mr. GLENN, Mr. LEVIN, Ms. MIKULSKI, Mr. BREAUD, Mr.
Congress assembled, and to reform the Federal election laws applicable to the Congress; to the Committee on Governmental Affairs.

COMPREHENSIVE CONGRESSIONAL REFORM ACT

Mr. DASCHLE. 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. 10

Bill 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 "Comprehensive Congressional Reform Act of 1995 dispatching recommendations that they are treated in a consistent manner regardless of their place of assignment within the Congress.

(a) The extension of employee rights and protections should be accomplished in a manner that is consistent with the responsibilities and duties of the House of Representatives and the Senate under the Constitution.

(b) PURPOSES.—The purposes of this Act are to ensure protection from discrimination, extend existing coverage, and establish prompt, fair, and independent dispute resolution and enforcement procedures, for rights and protections established by:

(1) title VII of the Civil Rights Act of 1964; (2) the Equal Pay Act of 1963; (3) the Age Discrimination in Employment Act of 1967; (4) the Americans with Disabilities Act of 1990; (5) the Rehabilitation Act of 1973; (6) the Family and Medical Leave Act of 1993; (7) the Occupational Safety and Health Act of 1970; and (8) chapter 71 of title 5, United States Code (commonly known as "Fernald Service Labor-Manpower Relations Statute").

(c) The Employee Polygraph Protection Act of 1988.

(10) The Worker Adjustment and Retraining Notification Act.

(11) Chapter 9, title 38, United States Code (relating to veterans' employment and reemployment).

SEC. 100. FINDINGS AND PURPOSES.

(f) The Congress should likewise establish prompt, fair, and independent processes to resolve disputes and to enforce employee rights and protections, building on and expanding employee protections established by:

(1) B OARD. —The term "Board" means the Board of Directors of the Office of Congressional Fair Employment Practices appointed under section 202.

(2) CALENDAR DAY OF CONTINUOUS SESSION.—The term "calendar day of continuous session" means a calendar day other than one on which either House is not in session because of an adjournment of more than three days to a later date.

(3) CHAIR. —The term "Chair" means the Chair of the Board of Directors of the Office of Congressional Fair Employment Practices appointed under section 202(b).

(4) COVERED EMPLOYEE.—The term "covered employee" means any employee of—

(A) the House of Representatives; (B) the Senate; (C) the Architect of the Capitol; (D) the Congressional Budget Office; (E) the Office of Technology Assessment; or (F) the Office of Congressional Fair Employment Practices.

(5) DIRECTOR. —The term "Director" means the Director of the Office of Congressional Fair Employment Practices appointed under section 203(a).

(6) EMPLOYEE OF THE ARCHITECT OF THE CAPITOL.—The term "employee of the Architect of the Capitol", means—

(A) any employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants; (B) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; (C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment; (D) any employee of Congressional Fair Employment Practices, the Office of the Architect of the Capitol, the Office of Technology Assessment, the Office of the Clerk of the House of Representatives, or the Office of the Architect of the Capitol; (E) any employee of the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of Technology Assessment, or the Office of Congressional Fair Employment Practices; (F) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and (G) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(7) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term "employee of the House of Representatives" means—

(A) any employee of the House of Representatives, including a Member of the House of Representatives, any individual designated by the House of Representatives, or any employment position in a legislative service organization or other entity that is paid through funds derived from the clerk—hiring authority of the House of Representatives, including any such individual employed by the Capitol Police, the Capitol Guide Service, or the Office of the Attending Physician, but not including an individual employed by the Congressional Budget Office or the Architect of the Capitol.

(B) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and (C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(9) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate, including any such individual employed by the Capitol Police, the Capitol Guide Service, or the Office of the Attending Physician, but not including an individual employed by the Architect of the Capitol; (B) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and (C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(10) EMPLOYING OFFICE.—The term "employed office" means the personal office of a Member of the House of Representatives or a Senator or any other office under the authority of a head of an employing office.

(11) GENERAL COUNSEL.—The term "General Counsel" means the General Counsel of the Office of Congressional Fair Employment Practices appointed under section 203(c).

(12) HEAD OF AN EMPLOYING OFFICE.—The term "head of an employing office" means—

(A) the Member of Congress or the officer or employee or board or other entity of the Congress that has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or an employee of the Senate; and (B) the Architect of the Capitol, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Board of the Office of Congressional Fair Employment Practices.

For purposes of the minority staff of a committee, the ranking minority member shall be the head of the employing office.

(13) OFFICE.—The term "Office" means the Office of the Architect of the Capitol, the Office of Congressional Fair Employment Practices established under section 201.
TITLE I—EXTENSION OF RIGHTS AND PROTECTIONS, AND ASSOCIATED PROCEDURES

SEC. 101. RIGHTS AND PROTECTIONS UNDER LAWS AGAINST EMPLOYMENT DISCRIMINATION.

(a) DISCRIMINATORY PRACTICES PROHIBITED.—

(1) IN GENERAL.—All personnel actions affecting the status or conditions of employment shall be conducted in accordance with the terms of this section, be made free from any discrimination based on—

(A) race, color, religion, sex, or national origin;

(B) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(C) handicap or disability, within the meaning of section 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101, 12112, 12114).

(2) PROHIBITION OF INTERIM OR RETRASIAL.—Any intimidation of, or reprisal against, any covered employee because of the exercise of a right under section 107 or 109 with respect to rights and protections under this Act constitutes an unlawful employment practice, which may be remedied in the same manner as is a violation of paragraph (1).

(b) AVAILABLE RELIEF.—

(1) CIVIL RIGHTS.—The relief for a violation of subsection (a)(1)(A) shall be such relief as would be available in cases involving nonpublic parties; and including such compensatory damages (not exceeding backpay and any other monitory award) as the court may deem just in light of the particular circumstances.

(2) AGE DISCRIMINATION.—The relief for a violation of subsection (a)(1)(B) shall be such relief as would be available in cases involving nonpublic parties; and including such compensatory damages (not exceeding backpay, frontpay, and other monitory award) as the court may deem just in light of the particular circumstances.

(3) DISABILITIES DISCRIMINATION.—The relief for a violation of subsection (a)(1)(C) shall be such relief as would be available in cases involving nonpublic parties; and including such compensatory damages (not exceeding backpay, frontpay, reinstatement, and other monitory award) as the court may deem just in light of the particular circumstances.

(c) EXCLUSIVE PROCEDURES.—No covered employee shall have recourse to any other administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 105 for the General Accounting Office and the Library of Congress shall be entitled to relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1994, the Board shall promulgate such rules as it shall deem necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except as otherwise provided in the rules. The rules may be implemented in a different rule than would better serve the purposes of such statutory provisions and of this Act.

(3) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 101(4)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)(A)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "and", and by adding after clause (iii) the following:

(iv) including the General Accounting Office and the Library of Congress;

(2) CIVIL SERVICE EMPLOYEES.—Section 638(1)(A) of title 5, United States Code, is amended by adding at the end the following:

(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS;

(3) EFFECTIVE DATE.—Subsection (a) through (d) shall be effective on the effective date of the rules issued under subsection (d) or 1 year after the date of enactment of this Act, whichever is earlier.


(b) AVAILABLE RELIEF.—The relief for a violation of this section shall consist of such relief as would be available in cases involving nonpublic parties and including such compensatory damages (not exceeding backpay, frontpay, and other monitory award) as the court may deem just in light of the particular circumstances.

(c) EXCLUSIVE PROCEDURES.—No covered employee shall have recourse to any other administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 105 for the General Accounting Office and the Library of Congress shall be entitled to relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1994, the Board shall promulgate such rules as it shall deem necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except as otherwise provided in the rules. The rules may be implemented in a different rule than would better serve the purposes of such statutory provisions and of this Act.

(3) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 101(4)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)(A)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "and", and by adding after clause (iii) the following:

(iv) including the General Accounting Office and the Library of Congress;

(2) CIVIL SERVICE EMPLOYEES.—Section 638(1)(A) of title 5, United States Code, is amended by adding at the end the following:

(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS;

(3) EFFECTIVE DATE.—Subsection (a) through (d) shall be effective on the effective date of the rules issued under subsection (d) or 1 year after the date of enactment of this Act, whichever is earlier.

SEC. 103. RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT.

(a) FAIR LABOR STANDARDS.—

(1) IN GENERAL.—Subject to the limitations in section 13a(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)), the rights and protections established under sections 13(a) and 14(a) of such Act (29 U.S.C. 207(a)) and section 15(a)(3) of such Act (29 U.S.C. 215(a)(3)) shall apply, in accordance with this section, with respect to covered employees.

(b) DEFINITIONS.—For purposes of the application described in paragraph (1)—

(A) the term "eligible employee" means—

(i) any employee of the House of Representatives who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office of the House of Representatives; and

(ii) any employee of the Senate who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office of the Senate;

(B) the term "employer" means any employing office;

(C) the term "employee" means any employee who volunteers to perform services under the purposes of this section, the term "employing office" means—

(i) the General Accounting Office, the Library of Congress, the Architect of the Capitol, the Congressional Budget Office, the Government Accountability Office, the Government Printing Office, and the Secretaries of the Departments of State, Commerce, Transportation, and Education; and

(ii) any other office, agency, or instrumentality of the Government in the United States, the General Accounting Office, and the Library of Congress.

(2) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 101(4)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)(A)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "and", and by adding after clause (iii) the following:

(iv) including the General Accounting Office and the Library of Congress;

(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS;

(3) EFFECTIVE DATE.—Subsection (a) through (d) shall be effective on the effective date of the rules issued under subsection (d) or 1 year after the date of enactment of this Act, whichever is earlier.
(b) A VAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded by subsection (a), except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—Not later than January 3, 1997, the Board shall issue rules pursuant to section 204 on the manner and extent to which the requirements of this Act shall apply to covered employees and employing offices. In issuing such regulations, the Board shall, to the greatest extent practicable, be consistent with the provisions and purposes of this Act and any regulations, issued by the Secretary of Labor under such Act, and the purposes of this Act.

(e) EFFECTIVE DATE.—Subsections (a) and (b) shall be effective on the effective date of the rules issued under subsection (c) or on July 1, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

SEC. 105. RIGHTS AND PROTECTIONS UNDER WORKER ADJUSTMENT AND RETRAINING ACT.

(a) WORKER ADJUSTMENT AND RETRAINING RIGHTS.—

(1) IN GENERAL.—The rights and protections of the Worker Adjustment and Retraining Notification Act of 1988 (29 U.S.C. 2101 et seq.) shall apply, in accordance with this section, with respect to covered employees and employing offices.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 5 of the Worker Adjustment and Retraining Notification Act of 1988 (29 U.S.C. 2104(a)).

(c) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for any violation of or to enforce any rights and protections provided by this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue any rules necessary to implement the rights and protections under this section.

(2) DEFINITION.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress.

(3) COVERAGE.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 4323(c)(1) of title 38, United States Code.

(c) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for practices prohibited under this section except as provided in section 107 and section 4318(c) of title 38, United States Code.

(d) RULES TO IMPLEMENT SECTION.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue any rules necessary to implement the rights and protections under this section.

(2) DEFINITION.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress.

(3) COVERAGE.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress.

(e) CLARIFICATION OF APPLICATION TO THE GOVERNMENT PRINTING OFFICE.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)(A)) is amended—

(1) in clause (iii), by striking "legislative" or "or", and

(2) by striking "or" at the end of clause (iv),

(3) by striking the semicolon at the end of clause (v) and inserting ", or", and

(4) by adding after clause (v) the following:

"(vi) the Government Printing Office;"

(f) EFFECTIVE DATES.—Subsections (a) through (c) shall be effective on the effective date of the rules issued under subsection (d) or on July 1, 1997, whichever is earlier.

SEC. 106. RIGHTS AND PROTECTIONS UNDER EMPLOYEE POLYGRAPH PROTECTION ACT.

(a) POLYGRAPH PROTECTION RIGHTS.—

(1) IN GENERAL.—The rights and protections of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.) shall apply, in accordance with this section, with respect to covered employees.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except as the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(3) IRREGULAR WORK SCHEDULES.—As part of any rules issued under subsection (d), the Board shall, to the greatest extent practicable, be consistent with the provisions and purposes of the Worker Adjustment and Retraining Act should apply.

(b) RULES TO IMPLEMENT SECTION.—Not later than January 3, 1997, the Board shall promulgate under paragraph (1) of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress. The term "employing office" shall include the General Accounting Office and the Library of Congress.

(c) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for practices prohibited under this section except as provided in section 107 and section 5 of the Worker Adjustment and Retraining Notice Act of 1988 (29 U.S.C. 2104(a)).

(d) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 4323(c)(1) of title 38, United States Code.

(e) CLARIFICATION OF APPLICATION TO THE GOVERNMENT PRINTING OFFICE.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)(A)) is amended—

(1) in clause (iii), by striking "legislative" or "or", and

(2) by striking "or" at the end of clause (iv),

(3) by striking the semicolon at the end of clause (v) and inserting ", or", and

(4) by adding after clause (v) the following:

"(vi) the Government Printing Office;"

(f) EFFECTIVE DATES.—Subsections (a) through (c) shall be effective on the effective date of the rules issued under subsection (d) or on July 1, 1997, whichever is earlier.

SEC. 107. PROCEDURES FOR REMEDY OF EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, AND FAIR LABOR STANDARDS VIOLATIONS.

The exclusive procedures for remedy of violations of sections 101, 102, 103, 104, 105, and 106 may be granted relief under this section.

(1) COUNSELING.—Any covered employee alleging a violation of section 101, 102, 103, 104, 105, or 106 may request counseling by the Office pursuant to section 301(d) of the end of the period of mediation, but not sooner than

(2) A VAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 4323(c)(1) of title 38, United States Code.

(3) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for any violation of or to enforce any rights and protections provided by this section except as provided in section 107.

SEC. 108. RIGHTS AND PROTECTIONS UNDER CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.—

(1) IN GENERAL.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of sections 431(a) and 431(b) of title 38, United States Code, against an eligible employee;
SEC. 109. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS.

(a)Entities Subject to This Section.—The requirements of this section shall apply to—

(1) each office of the Senate;
(2) each office of the House of Representatives;
(3) each joint committee of the Congress;
(4) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);
(5) the Capitol Guide Service;
(6) the Capitol Police;
(7) the Congressional Budget Office;
(8) the Office of Technology Assessment;
and
(9) the Office of Congressional Fair Employment Practices.

(b) Discrimination in Public Services.—

(1) Rights and Protections.—The rights and protections against discrimination in the provision of public services established under sections 201 through 230, 302, 303, 309, 12182-12183, 12189, 12203(a), 12203(b) shall apply, pursuant to the terms of this section, to the entities listed in subsection (a).

(2) Coverage.—The rights and protections of paragraph (1) shall apply, pursuant to the terms of this section, to any qualified individual with a disability (as defined in section 101(d)) who is a qualified person with a disability who is a visitor, guest, or patron of an instrumental- ity listed in subsection (a) may file a charge with the General Counsel for review, the General Counsel shall investigate the charge.

(2) Mediation.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of section 101(d) of this Act has occurred and that mediation may be helpful in resolving the dispute, the General Counsel may mediate the dispute. Either party (or both) may have participated in mediation and may have participated in mediation, and the General Counsel may accept or reject the mediation proposal.

(3) Complaint, Hearing, Board Review.—If mediation under paragraph (2) has not occurred, the General Counsel may accept or reject the mediation proposal. The complaint and the mediation proposal shall be submitted to the Board for review, which may either—

(1) dismiss the complaint and mediation proposal for lack of jurisdiction; or
(2) grant the complaint and mediation proposal for lack of jurisdiction to the Board.

The complaint and the mediation proposal shall be submitted to the Board for review, which may either—

(1) dismiss the complaint and mediation proposal for lack of jurisdiction; or
(2) grant the complaint and mediation proposal for lack of jurisdiction to the Board.

(4) Judicial Review.—The charging individual or the entity or entities respondent to the complaint, if aggrieved by a final decision of the Board pursuant to paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit pursuant to section 304.

(5) Exclusive Procedures.—No person may commence an administrative or judicial proceeding to seek a remedy for violation of the rights and protections under this section except as provided in this subsection.

(6) Rules To Implement Section.—

(1) In General.—Not later than January 3, 1996, the Board shall, pursuant to section 304, issue rules necessary to implement the rights and protections under this section.

(2) Agency Regulations.—The rules promulgated under subsection (a) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (a) and (c) except to the extent that the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(3) Effective Dates.—Subsections (b), (c), and (d) shall be effective on the effective date of the regulations under this subsection (a) or on July 1, 1996, whichever is earlier.

(4) Inspection; Report to Congress.—

(1) Inspection.—On a regular basis, and at least once every Congress, the General Counsel shall inspect the facilities of Congress and of congressional instrumentalities listed in subsection (a) to ensure compliance with subsection (a).

(2) Report.—On the basis of these inspections, the General Counsel shall, at least once every Congress, prepare and submit to the General Accounting Office a report regarding the extent to which the provisions of this section have been implemented by the Congress.

(3) Definitions.—For purposes of the application of this Act, the term “public entity” means any entity listed in subsection (a).

(4) Entitlement of the General Counsel.—For purposes of this section and in the manner provided in section 305 of the Americans with Disabilities Act of 1990, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a) and (b) of section 305 of the Americans with Disabilities Act of 1990, to the extent that the authorities are made applicable by section 308 of the Americans with Disabilities Act of 1990, as amended by section 101(d), is amended by adding the following new paragraph:

(1) Remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall be available to any individual with a disability who is a qualified person with a disability who is a visitor, guest, or patron of an instrumental- ity listed in subsection (a) may file a charge with the General Counsel for review, the General Counsel shall investigate the charge.

(2) Mediation.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of section 101(d) of this Act has occurred and that mediation may be helpful in resolving the dispute, the General Counsel may mediate the dispute. Either party (or both) may have participated in mediation and may have participated in mediation, and the General Counsel may accept or reject the mediation proposal.

(3) Complaint, Hearing, Board Review.—If mediation under paragraph (2) has not occurred, the General Counsel may accept or reject the mediation proposal. The complaint and the mediation proposal shall be submitted to the Board for review, which may either—

(1) dismiss the complaint and mediation proposal for lack of jurisdiction; or
(2) grant the complaint and mediation proposal for lack of jurisdiction to the Board.

(4) Judicial Review.—The charging individual or the entity or entities respondent to the complaint, if aggrieved by a final decision of the Board pursuant to paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 304.

(5) Exclusive Procedures.—No person may commence an administrative or judicial proceeding to seek a remedy for violation of the rights and protections under this section except as provided in this subsection.

(6) Rules To Implement Section.—

(1) In General.—Not later than January 3, 1996, the Board shall, pursuant to section 304, issue rules necessary to implement the rights and protections under this section.

(2) Agency Regulations.—The rules promulgated under subsection (a) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (a) and (c) except to the extent that the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(3) Effective Dates.—Subsections (b), (c), and (d) shall be effective on the effective date of the regulations under this subsection (a) or on July 1, 1996, whichever is earlier.

(4) Inspection; Report to Congress.—

(1) Inspection.—On a regular basis, and at least once every Congress, the General Counsel shall inspect the facilities of Congress and of congressional instrumentalities listed in subsection (a) to ensure compliance with subsection (a).

(2) Report.—On the basis of these inspections, the General Counsel shall, at least once every Congress, prepare and submit to the General Accounting Office a report regarding the extent to which the provisions of this section have been implemented by the Congress.

(3) Definitions.—For purposes of the application of this Act, the term “public entity” means any entity listed in subsection (a).

(4) Entitlement of the General Counsel.—For purposes of this section and in the manner provided in section 305 of the Americans with Disabilities Act of 1990, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a) and (b) of section 305 of the Americans with Disabilities Act of 1990, to the extent that the authorities are made applicable by section 308 of the Americans with Disabilities Act of 1990, as amended by section 101(d), is amended by adding the following new paragraph:

(1) Remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall be available to any individual with a disability who is a qualified person with a disability who is a visitor, guest, or patron of an instrumental-
Counsel may name the Architect of the Capitol as defendant but shall not indicate a lack of responsibility for violations caused nor responsible for correcting a violation. Where notification may not be issued to an employer, the Architect of the Capitol in the citation or notification as an additional respondent.

(b) Appropriate Employment—Notification or notice may be issued to an employer that is neither responsible for having caused nor responsible for correcting a violation. Appropriation of insufficient funds shall not be a basis of responsibility nor for having caused or for correcting a violation. Where notification or notice requires action by the Architect of the Capitol, the General Counsel shall determine whether the Architect of the Capitol is responsible for having caused or failing to correct a violation. Where notification or notice requires action by the Architect of the Capitol, the General Counsel shall conduct a thorough investigation of the complaint and shall submit a report pursuant to section 303, subject to review by the Board pursuant to section 304.

(3) Initial Review; Authorities of the Board.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities granted to the Occupational Safety and Health Review Commission in section 10(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c)) and to the Secretary of Labor (with respect to affirming or modifying abatement requirements), to hear objections and requests with respect to citations and notifications. The Board may refer disputed issues under this paragraph to a hearing officer pursuant to section 303, subject to review by the Board pursuant to section 304.

(4)Variances Procedures.—For the purposes of this section and except as otherwise provided by this section, the Board shall exercise the authorities granted to the Secretary of Labor in section 6(b)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6)) to act on any request by an employer applying for a temporary order granting an exemption from a standard. The Board may refer the matter to a hearing officer pursuant to section 303, subject to review by the Board pursuant to section 304.

(5) Judicial Review.—The General Counsel, or an employing office that is a respondent to a complaint and is aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition or review with the United States Court of Appeals for the Federal Circuit pursuant to section 305.

(6) Procedures Regarding Claims of Intimidation or Retaliation; Authorities of General Counsel.—(a) Charge Filed with General Counsel.—Any employee believes that he has been discharged or otherwise discriminated against in violation of section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c)) as made applicable by this section, may, within 30 days after such violation occurs, file a charge with the Office alleging such discrimination. The General Counsel shall investigate such charge.

(b) Mediation.—Not later than January 1, 1996, the Board shall, pursuant to section 304, issue rules necessary to implement the rights and protections under this section.

(7) Agency Regulations.—The rules promulgated under paragraph (1) shall be the same as standards and other substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except that the extent to which the General Counsel may det the extent to which the General Counsel may determine good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(c) Affirmative Action.—Subsections (a) through (c) shall be effective on the effective date of the rules issued under section (a) or on January 3, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

(d) Inspections; Report to Congress; Initial Study.—(1) Inspections.—On a regular basis, and at least once every Congress, the General Counsel shall inspect the facilities of the House of Representatives, the Senate, the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, and the Office of Congressional Fair Employment Practices to ensure compliance with section (a).

(2) Report.—On the basis of these inspections, the General Counsel shall, at least once every Congress, prepare and submit to the General Accounting Office and the Library of Congress a report setting forth any necessary corrective actions; the estimated cost and time needed for abatement; and any risks to employee health and safety associated with each violation, and the estimated costs of coming into compliance.

(e) Petition; Study and Corrective Action.—The period from the date of enactment of this Act until January 3, 1997, shall be available to employers to identify any violations of subsection (a), to determine the costs of coming into compliance, and to take any necessary corrective action to cure any violations. The Office shall assist employers by furnishing assistance and other technical assistance at their request. By January 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (3) and shall submit a report to Congress.

(3)Variances to Implement Section.—If in general.—Not later than July 1, 1996, the Board shall, pursuant to section 204, issue rules necessary to implement the rights and protections under this section.

(4)Relief.—Only a covered employee who has filed a charge with the General Counsel under this paragraph may be granted relief under this section.

(5)Adjudicatory Procedures.—No covered employee or representative of such employee may commence any administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in this subsection.

(d) Rules to Implement Section.—(1) In general.—Not later than July 1, 1996, the Board shall, pursuant to section 204, issue rules necessary to implement the rights and protections under this section.

(2) Agency Regulations.—The rules promulgated under paragraph (1) shall be the same as standards and other substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except that the extent to which the General Counsel may determine good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(e) Regulations.—Subsections (a) through (c) shall be effective on the effective date of the rules issued under section (d) or on January 1, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

(f) Inspections; Report to Congress; Initial Study.—(1) Inspections.—On a regular basis, and at least once every Congress, the General Counsel shall inspect the facilities of the House of Representatives, the Senate, the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, and the Office of Congressional Fair Employment Practices to ensure compliance with section (a).

(2) Report.—On the basis of these inspections, the General Counsel shall, at least once every Congress, prepare and submit to the General Accounting Office and the Library of Congress a report setting forth any necessary corrective actions; the estimated cost and time needed for abatement; and any risks to employee health and safety associated with each violation, and the estimated costs of coming into compliance.

(g) Petition; Study and Corrective Action.—The period from the date of enactment of this Act until January 3, 1997, shall be available to employers to identify any violations of subsection (a), to determine the costs of coming into compliance, and to take any necessary corrective action to cure any violations. The Office shall assist employers by furnishing assistance and other technical assistance at their request. By January 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (3) and shall submit a report to Congress.

(h) Rules to Implement Section.—If in general.—Not later than July 1, 1996, the Board shall, pursuant to section 204, issue rules necessary to implement the rights and protections under this section.
section except as provided in this subsection.
(c) Rules To Implement Section.—
(1) In General.—Not later than January 3, 1996, effective to the offices listed in subsection (d)(2), the Board shall pursuant to section 204, issue rules necessary to implement the rights and protections under this section.
(2) Agency Regulations.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except to the extent that as the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.
(d) Rulemaking Regarding Application to Certain Offices and Instrumentalities of Congress.—
(1) Rules Required.—Not later than July 1, 1996, the Board shall issue rules pursuant to section 204 on the manner and extent to which the requirements and exemptions of chapters 71 of title 5, United States Code, should apply to covered employees who are employed in the offices listed in paragraph (2). In issuing such regulations, the Board shall, to the extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5, United States Code, and regulations issued by the General Labor Relations Authority under such chapter, and the purposes of this Act, and shall also consider—
(a) the possibility of any conflict of interest or appearance of a conflict of interest;
(b) national security; and
(c) Congress’s constitutional responsibilities.
(2) Offices Referred To.—The offices referred to in paragraph (1) are—
(A) the personal office of any Member of the House of Representatives or of any Senator;
(B) a standing, select, special, permanent, temporary, or other committee of the Senate or of the House of Representatives, or a joint committee of Congress;
(C) the Office of the Vice President (as President of the Senate), the Office of the President of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Conference of the Majority of the Senate, and the Conference of the Minority of the Senate, the Office of the Secretary of the Senate, the Office of the Chief Deputy Majority Whip, the Office of the Chief Deputy Minority Whip, and the Office of the Secretary of the Senate, the Office of the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, and Official Reporters; Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment.
(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Chief Deputy Minority Whips, the Offices of the Chief Deputy Majority Whips and the following of the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information.
(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the Speaker of the House of Representatives, the Office of the Parliamentarian of the House of Representatives;
(F) the offices of any caucus or party organization;
(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Congressional Fair Employment Practice.
(e) Effective Date.—
(1) In General.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective on the effective date of the rules issued under subsection (c), or on July 1, 1996, whichever is earlier.
(2) Certain Offices.—With respect to the offices listed in subsection (d)(2), to the covered employees, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of rules issued under subsection (d) and approved under section 204(d)(2).
(a) In General.—The Board shall undertake a study of—
(1) the application of the laws listed in subsection (b) to—
(A) the General Accounting Office;
(B) the Government Printing Office;
(C) the Library of Congress; and
(D) the following entities within the legislative branch of the Government not covered by all of the sections of this title; and
(2) the regulations and procedures used by the congressional instrumentalities and other entities referred to in paragraph (1) to enforce such laws to themselves and their employees.
(b) Applicable Statutes.—The study under this section shall consider the application of the following laws:
(8) Chapter 71 of title 5, United States Code.
(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).
(12) Chapter 43 of title 38, United States Code (granting to veterans’ employment and reemployment).
(c) Contents of Study and Recommendations.—The study under this section shall evaluate whether the rights, protections, and procedures applicable to the congressional instrumentalities and other entities referred to in subsection (a) and their employees are at least as comprehensive and effective as those required by this title and title III, and shall include recommendations for any improvements in such regulations and procedures and any new legislation.
(d) Inspection of Facilities.—In preparation of the study under this section, the General Counsel shall inspect the facilities of the General Accounting Office, the Government Printing Office, congressional instrumentalities, and other entities referred to in subsection (a) to determine the extent of compliance with the requirements referred to in paragraphs (3), (6), and (7) of subsection (b). The study shall describe the results of the inspection, including any steps necessary to correct any violations of these requirements, and assessing the extent of compliance with any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.
The Secretary of Labor, the Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Office, detail to the Office such personnel as may be necessary to assist the Office in carrying out its duties under this section.

(e) DEADLINE AND DELIVERY OF STUDY.—Not later than 180 days after the Board shall prepare and complete the study and recommendations required under this section and shall submit the study and recommendations to the committees of the House of Representatives and the Senate,

(3) DISQUALIFICATIONS.—No individual shall be eligible to serve on the Board who—

(i) is or has been employed by, a covered employee of, or otherwise an employee of, an instrumentality or other entity considered by the study or the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the committees of the House of Representatives and the Senate.

(4) APPOINTMENTS TO FILL VACANCIES ON THE BOARD.—Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment for the vacant position.

(f) TERMS OF OFFICE FOR BOARD MEMBERS.—

(i) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term of appointment of each member of the Board shall be 6 years. No member shall be appointed to more than 2 consecutive 6-year terms of office.

(ii) TWO MEMBERS THROUGH JANUARY 3, 1998.—The terms of the members originally appointed pursuant to subsection (b)(1) shall terminate at noon on January 3, 1998.

(iii) TWO MEMBERS THROUGH JANUARY 3, 2000.—The terms of the members originally appointed pursuant to subsection (b)(2) shall terminate at noon on January 3, 2000.

(iv) TWO MEMBERS THROUGH JANUARY 3, 2002.—The terms of the members originally appointed pursuant to subsection (b)(3) shall terminate at noon on January 3, 2002.

(v) TERMS FOR MID-TERM APPOINTMENTS TO THE BOARD.—An individual appointed to fill a vacancy occurring before the expiration of a term of office shall be appointed for the unexpired part of the term. However, if the unexpired part of a term is less than one year, the individual may be appointed for a 6-year term plus the unexpired part of the term.

(vi) SERVICE AFTER EXPIRATION OF TERM.—A member may continue to serve after the expiration of his or her term until his successor has taken office, except that he or she may not continue to serve for more than 1 year after the date on which his or her term expired.

(vii) REMOVAL OF BOARD MEMBERS.—

(A) IN GENERAL.—The Speaker of the House of Representatives and the President pro tempore of the Senate, acting in accordance with the recommendation of any 3 of the 4 Majority Leaders and Minority Leaders of the two Houses of Congress, may remove any member from the Board for cause.

(B) CAUSATION.—For cause shall include—

(1) In general.—Selection and appointment of members shall be without regard to political affiliation and solely on the basis of fitness for the duties of the Office.

(2) SPECIFIC QUALIFICATIONS.—Members shall have training or experience in the application of the rights, protections, and remedies under one or more of the statutes made applicable by sections 101 through 107.

(3) DISQUALIFICATIONS.—No individual shall be eligible to serve on the Board who—

(A) is a covered employee of an instrumentality or other entity of the legislative branch; or

(B) is otherwise employed in, lobbying of the Executive Branch, or is otherwise engaged in activities prohibited by the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate.

(h) RESIDENCE OF CHAIR.—The Chair shall reside at all sessions of the Board and shall fulfill the responsibilities of the Chair as specified in the rules of the Board.

(i) COMPENSATION OF MEMBERS.—Each member of the Board shall be compensated at a rate equal to the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (and travel time) during which such member is engaged in the performance of the duties of the Board.

(j) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(m) CONGRESSIONAL OVERSIGHT.—The Board and the Office shall be subject to oversight by the Committee on Rules and Administration, and the Committee on Governmental Affairs of the Senate and the Committee on House Administration of the House of Representatives.

An individual appointed to fill a vacancy occurring before the expiration of a term of office shall be appointed for the unexpired part of the term. However, if the unexpired part of a term is less than one year, the individual may be appointed for a 6-year term plus the unexpired part of the term.

(vi) SERVICE AFTER EXPIRATION OF TERM.—A member may continue to serve after the expiration of his or her term until his successor has taken office, except that he or she may not continue to serve for more than 1 year after the date on which his or her term expired.

(g) REMOVAL OF BOARD MEMBERS.—

(i) IN GENERAL.—The Speaker of the House of Representatives and the President pro tempore of the Senate, acting in accordance with the recommendation of any 3 of the 4 Majority Leaders and Minority Leaders of the two Houses of Congress, may remove any member from the Board for cause.

(C) neglect of duty;

(D) malfeasance in office;

(E) a felony or conduct involving moral turpitude;

(F) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (c)(3).

(2) STATEMENT OF REASONS FOR REMOVAL.—In removing any member from the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member being removed the specific reasons for the removal.

(h) RESPONSIBILITIES OF CHAIR; ACTING CHAIR.—The Chair shall reside at all sessions of the Board and shall fulfill the responsibilities of the Chair as specified in the rules of the Board. The Chair may designate another member as Acting Chair. During any period when the position of the Chair is vacant, the other members shall, by majority vote, designate any member as Acting Chair. The Acting Chair may act in the place and stead of the Chair during his or her absence or when the position of the Chair is vacant.

(i) MEETINGS.—The Board shall meet at least once annually.

(j) ACTION BY MAJORITY VOTE.—A quorum for the transaction of business shall consist of at least 3 members present. Each member, including the Chair, shall have one vote. Actions of the Board shall be determined by a majority vote of the members present. Any vacancy shall not affect the power of the remaining members to fulfill their obligations under section 110(a); or

(k) COMPENSATION OF MEMBERS.—Each member of the Board other than the Chair shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (and travel time) during which such member is engaged in the performance of the duties of the Board.

(l) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(m) CONGRESSIONAL OVERSIGHT.—The Board and the Office shall be subject to oversight by the Committee on Rules and Administration, and the Committee on Governmental Affairs of the Senate and the Committee on House Administration of the House of Representatives. The Speaker of the House of Representatives and the President pro tempore of the Senate shall promptly refer to such committees copies of all general notices of proposed rulemaking and final rules under section 553 of the Administrative Procedures Act and of all regulations introduced with respect to approval of such rules.

SEC. 203. OFFICERS, STAFF, AND OTHER PERSONNEL.

(a) DIRECTOR.—

(i) IN GENERAL.—Chair, subject to the approval of the Board, may remove a Director. Selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness for the duties of the office.

(ii) DISQUALIFICATION.—No person described in section 202(c)(3), other than a member, officer, or employee of an office of federal employment, may be appointed Director.

(b) COMPENSATION.—The Chair may fix the compensation of the Director. The rate of compensation of the Director may not exceed the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

(c) CHIEF OPERATING OFFICER.—The Board shall serve as the chief operating officer of the Office. Except
as otherwise specified in this Act, the Director shall carry out all of the responsibilities of the Office under this Act.

(b) DEPUTY DIRECTORS.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Director for the Senate and a Deputy Director for the House of Representatives. Selection and appointment of a Deputy Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The qualifications in subsection (a)(1)(B) shall apply to the appointment of a Deputy Director.

(2) COMPENSATION.—The Chair may fix the compensation of a Deputy Director. The rate of pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, includes rules on the procedures of the Board and rules of procedure and practice for proceedings before hearing officers and before the Board. Such rules may also specify authorities and duties of the Deputy Director for the Senate, and other personnel of the Office, consistent with the authorities and duties granted and imposed under this Act.

(c) DEPUTY DIRECTORS.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove a General Counsel. Selection and appointment of a General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The qualifications in subsection (a)(1)(B) shall apply to the appointment of a General Counsel.

(2) COMPENSATION.—The Chair may fix the compensation of a General Counsel. The rate of pay for the General Counsel may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DUTIES.—The Deputy Director for the Senate shall be responsible for the development of rules under section 204(b)(2)(B)(i), and shall assume such other responsibilities as may be delegated by the Director. The Deputy Director for the House of Representatives shall be responsible for the development of rules under section 204(b)(2)(B)(ii), and shall assume such other responsibilities as may be delegated by the Director.

(e) ATTORNEYS IN THE OFFICE OF THE GENERAL COUNSEL.—The General Counsel shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, as the Director may direct as may be necessary to enable the General Counsel to perform his or her duties.

(f) DETAILED PERSONNEL.—The Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, as the Director may direct as may be necessary to enable the Office to perform its duties.

(g) DETAILED PERSONNEL.—The Director may, by prior consent of the Government departments and agencies concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(h) CONSULTANTS.—In carrying out the functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 204. RULEMAKING BY THE OFFICE.

(a) RULES OF THE OFFICE.—Not later than 180 days after the appointment of a quorum of the Board, the Board shall issue final rules of organization, procedures, and practice (within the meaning of section 553(b)(A) of title 5, United States Code), including rules on the procedures of the Board and rules of procedure and practice for proceedings before hearing officers and before the Board. Such rules may also specify authorities and duties of the General Counsel, and other personnel of the Office, consistent with the authorities and duties granted and imposed under this Act.

(b) RULEMAKING PROCEDURE.—Rules under this subsection—

(A) shall be issued in accordance with subsection (c); and

(B) shall become effective immediately upon approval under paragraph (3), except for rules of procedure and practice for proceedings before hearing officers and before the Board, which shall become effective 60 days after such approval.

(c) APPROVAL.—Rules under this subsection shall be approved by concurrent resolution, pursuant to subsection (d).

(d) RULES OTHER THAN RULES OF THE OFFICE.—

(1) IN GENERAL.—The Board shall adopt such rules other than rules of the Office issued under subsection (a) as the Board may determine are necessary.

(2) RULEMAKING PROCEDURE.—Rules under this subsection—

(A) shall be issued in accordance with subsection (c); and

(B) shall consist of three separate bodies of rules, which shall apply, respectively, to—

(i) the Senate and employees of the Senate other than employees referred to in clause (ii);

(ii) the House of Representatives and employees of the House of Representatives other than employees referred to in clause (iii); and

(iii) the Architect of the Capitol, the Congress, the Office of Personnel Management, the Office of Technology Assessment, the Office, and employees of these congressional instrumentalities; the Capitol Police and members of the Capitol Police and other work units and members of other work units (other than joint committees of the Congress) that include employees of the Senate and of the House of Representatives under the same management; and

(C) shall become effective not less than 60 days after the rules are approved under paragraph (3); as may be otherwise provided by the Board for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the rule.

(d) APPROVAL.—Rules referred to in paragraph (2)(B)(i) may be approved by the Senate by resolution or by the Congress by joint resolution or statute referred to in paragraph (2)(B)(ii) may be approved by the House of Representatives by resolution or by the Congress by joint resolution or statute. Rules referred to in paragraph (2)(B)(iii) may be approved by the Board as of the date on which they are published in the Congressional Record.

(e) PUBLICATION AND ISSUANCE.—

(1) RULEMAKING PROCEDURE.—The Board shall issue rules described in subsections (a) and (b) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall publish such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Prior to issuing rules, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon issuing final rules, the Board shall transmit copies of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the authority of the administration of the Office as of the date on which they are published in the Congressional Record.

(f) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The President pro tempore of the Senate shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon issuing final rules, the Board shall transmit copies of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the authority of the administration of the Office as of the date on which they are published in the Congressional Record.

(g) AMENDMENT OF RULES.—Rules may be amended in the same manner as is described in subsection (f) with the exception that, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(3)(B) of title 5, United States Code.

(h) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the
SEC. 301. COUNSELING.

The Board shall conduct an information program to inform Members of the House of Representatives, Senators, elected officers of either the House or the Senate, heads of employing offices, and covered employees about the provisions made applicable to them under this Act.

SEC. 206. DATA COLLECTION AND REPORT.

The Director shall compile and annually publish a report containing statistics with respect to contacts and complaints filed with the Office under this Act. Such statistics shall include the total number of contacts and complaints, and a breakdown of:

1. The kinds of allegations made in contacts with the Office and complaints filed with the Board;
2. The time required by the Office to conduct proceedings and resolve various types of matters;
3. The number of complaints resolved by settlement, by decision under section 303, or by withdrawal of the complaint; and
4. For each category of allegation, the amount of monetary compensation granted in settlements and awards.

SEC. 207. EXPENSES OF THE OFFICE.

(a) Authorization of Appropriations.—Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated, for the expenses of the Office to be incurred under this Act, such sums as may be necessary to carry out the functions of the Office. Such sums shall be in addition to any sums otherwise provided under the rules of this Act.

(b) Witness Fees and Allowances.—Except as otherwise expressly provided in this Act, the provisions of title 5, United States Code, shall apply to witnesses before the Board for the issuance, amendment, or repeal of regulations issued by the Office.

(c) Mediation.—The provisions of section 5751 of chapter 57 of title 5, United States Code, shall apply to mediation under this Act.

(d) Board Proceedings.—The provisions of section 5753 of chapter 57 of title 5, United States Code, shall apply to proceedings before the Board.

SEC. 303. COMPLAINT AND HEARING.

(a) Application.—Except as otherwise expressly provided in this Act, the provisions of this section shall govern all mediation conducted by the Office pursuant to this Act.

(b) Purpose.—The Office shall provide the employee with all relevant information with respect to the rights and remedies as provided under this Act and shall provide an opportunity for discussion, evaluation, and mediation of the complaint to the employee in evaluating and resolving the matter.

(c) Period of Counseling.—The period for counseling shall begin on the date on which the Board receives the complaint and shall be 30 days unless the employee and the Office agree to reduce the period.

(d) Notification of End of Counseling Period.—The complaint shall be considered as withdrawn when the counseling period has ended.

(e) Procedures for reckoning period of time.—The provisions of section 554 of title 5, United States Code, shall apply to reckoning when the counseling period has ended.

(f) Reconsideration of Counseling.—The employee may request reconsideration of the counseling provided under this section, and the hearing officer may issue a written order requiring that the employee to be recontacted for counseling if the counselor determines that the employee did not receive appropriate counseling.

(g) Notice to Employee.—The Office shall send notice to the employee of the right to file a complaint under this Act.

(h) Burden of Proof.—The employee shall have the burden of proof in any proceeding under this Act.

(i) Notice to Employee.—The Office shall notify the employee of the right to file a complaint under this Act.

(j) Notice to Employee.—The Office shall notify the employee of the right to file a complaint under this Act.

SEC. 304. MEDIATION.

(a) Applicability.—Except as otherwise expressly provided in this Act, the provisions of this section shall govern all mediation conducted by the Office pursuant to this Act.

(b) Initiation.—Not later than 15 days after the Office notifies an employee of the right to file a complaint under section 301(d), the employee may file a request for mediation with the Office. Mediation may also be initiated pursuant to sections 108(d)(2) and 109(c)(5).

(c) Mediation Process.—The Director shall specify one or more individuals to mediate any dispute. In identifying individuals to mediate, the Director shall consider individuals who are recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating such matters. The Director shall select hearing officers on a rotational or random basis from these lists. Nothing in this subsection shall prevent the attendance of hearing officers as full-time employees of the Office, or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(d) Hearing.—Unless a complaint is dismissed prior to hearing, a hearing shall be conducted:

1. By the record by the hearing officer;
2. As expeditiously as practical, commencing not later than 90 days after the filing of the complaint; and
3. Except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) Discovery.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) Subpoenas.—(1) In General.—At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, or objects constituting evidence relating to occupational safety and health, and for the production of records or the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided by the Federal Rules of Civil Procedure.

(2) Objections.—If a person refuses, on the basis of relevancy, privilege, or other objection to the issuance of a subpoena or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the party opposing the issuance of the subpoena or the production of records, a hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(b) Service of Process.—Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or
not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) Decision.—The hearing officer shall issue a decision as expediently as possible, but in no case more than 60 days after the conclusion of the hearing. The written decision shall be transmitted by the Office of the Board to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination as to the violation, if any, and order such remedies as are appropriate pursuant to title I. The decision shall be entered in the records of the Office as a final decision of the Board.

(h) Precedents.—A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the statute as made applicable by title I and by Board decisions under this Act.

SEC. 304. APPEAL TO THE BOARD.

(a) In General.—In any case in which a final decision by a hearing officer is subject to review by the Board, the party seeking such review shall file a petition for review not later than 30 days after notice of the entry of the decision in the records of the Office under section 303(g).

(b) Parties' Opportunity to Submit Argument.—The parties shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) Standard of Review.—The Board shall set aside as a final decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) Record.—In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing officer and the decision of the hearing officer.

(e) Decision.—The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings if that does not make further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

SEC. 305. JUDICIAL REVIEW OF A FINAL DECISION AND ENFORCEMENT.

(a) Jurisdiction.—

(1) Judicial Review.—This section applies to petitions under section 107(5), 108(4)(a), 109(c)(5), 109(c)(6), or 110(b)(4) for judicial review of a final decision of the Board in the United States Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) Enforcement.—The Court of Appeals for The Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the discretion of the Office, to enforce any final decision under sections 303 or 304 with respect to a violation of sections 101 through 111.

(b) Procedures.

(1) Petition.—The petition for review shall be filed, pursuant to Rule 15 of the Federal Rules of Appellate Procedure, not later than 90 days after the entry in the Office of a final decision of a hearing officer. Such petition shall be subject to Rules 15 through 20 of the Federal Rules of Appellate Procedure, relating to review of administrative orders and the Office shall be the "agency" as that term is used in such rules. The petitioner shall attach to the petition as an exhibit a copy of the final decision of the Office entered under section 303.

(2) Remand.—In any appeal under this section, the hearing officer or the Board shall remand the case to the Office for further proceedings if it determines that the decision was—

(1) unsupported by substantial evidence.

(c) Record.—In making determinations under subsection (b), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on appeal shall include the record before the Board and the decision of the Board.

SEC. 306. CIVIL ACTIONS.

(a) In General.—This section governs all civil actions commenced pursuant to section 107(3)(B).

(b) Parties.—In any such action the dependent shall be the employing officer alleged to have committed the violation.

(c) Jury Trial.—Any party may demand a jury trial for a jury trial that would be available in an action at law or at equity under the relevant statute made applicable by this Act. In any case in which a violation of section 101 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 101(b)(1).

(d) Intervention of Right.—In any action under this section with respect to an employing officer or other office of the Senate, the Senate shall be entitled to intervene as of right; and, if it intervenes, it may participate in the proceedings, and the record of consideration and the decision of the Senate shall be strictly confidential.

SEC. 307. TIME LIMITATIONS.

(a) Counseling Requests.—A request for counseling shall be made not later than—

(1) 180 days after the date of the alleged violation under provisions of sections 101, 103, 104, 105, 106 for which the counseling is requested; or

(2) 2 years after the date of the alleged violation under section 102 for which the counseling is requested; or

(b) Charges Filed With the General Counsel.—Any charge of a violation of section 101 shall be filed with the General Counsel in writing no later than 180 days after the alleged violation.

SEC. 308. SETTLEMENT OF COMPLAINTS.

Any settlement entered into by the parties after a complaint is filed under section 303 or 305 shall be in writing and, in the case of a complaint filed under section 303, not become effective unless and until it is approved by the Director. Nothing in this Act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which settlement may be entered into by such House or by any employing office of such House.

SEC. 309. CONFIDENTIALITY.

(a) Counseling.—All counseling conducted under this Act shall be strictly confidential, except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) Mediation.—All mediation conducted under this Act shall be strictly confidential.

(c) Hearings.—Subject to the provisions of subsections (d), (e), and (f) the hearings, deliberations, and decisions of hearing officers and of the Board and of its officers and employees on complaints, charges, proposed citations, and other pleadings under this Act shall be strictly confidential.

(d) Release of Records for Judicial Review and Enforcement of Subpoenas.—The complete record of the proceedings before a hearing officer, including their decisions, may be made public for the purpose of judicial review under section 305. As much of the record of the proceedings before a hearing officer, including their decisions, may be made public for the purpose of enforcement of a subpoena under section 303(f) may be made public for such purpose.

(e) Release of Records for Fairness to Parties.—Upon the application of any party, the Board may disclose the final decision of a hearing officer or of the Board upon a showing of good cause and fairness to all parties to the proceeding.

SEC. 310. DISCLOSURE TO COMMITTEES OF CONGRESS.

(a) The Board—

(1) may, at its discretion, provide to the Committee on Standards of Official Conduct of the House of Representatives or the Select Committee on Ethics of the Senate; and

(2) shall, at the request of either of such committees, provide to such committee the record of a hearing and the decision of the hearing officer, and the record of consideration and the decision of the Board on appeal, after completion of procedures described in sections 309 and 310.

(b) All members and staff of the Committee on Standards of Official Conduct of the House of Representatives and of the Select Committee on Ethics of the Senate shall keep all records and decisions provided under subsection (a) strictly confidentially and until such time as records and decisions are final public policy. The record of this subsection shall be a violation of the rules of the House of Representatives or of the Senate.

SEC. 311. REPRESENTATION.

(a) Complainant.—A covered employee or other complainant is entitled to be assisted by counsel or other representative at any stage of any proceeding administered by the Office, including the proceedings under sections 301, 302, 303, and 304.

(b) Employing Offices of the Senate.—The Senate Chief Counsel of the Employment Office may represent any employing office of the Senate, with the consent of the employing office, in any administrative and judicial proceedings under this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 204 (e) and (f), 311(b), 401, and 408 are enacted—
SEC. 406. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.
(a) IN GENERAL.—It shall not be a violation of any provision of section 101 to consider—

(1) party affiliation; 

(2) domicile; or 

(3) political compatibility with the employing office of an employee referred to in subsection (b) with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term "employee" means—

(1) an employee of the leadership of the House of Representatives or the leadership of the Senate; 

(2) an employee on the staff of a committee or subcommittee of the Senate; 

(A) the House of Representatives; 

(B) the Senate; or 

(C) a joint committee of the Congress; and 

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator; 

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or 

(5) an applicant for a position that is to be occupied by an employee described in any of paragraphs (1) through (4).

SEC. 407. NONDISCRIMINATION RULES OF THE HOUSE AND SENATE.

(a) IN GENERAL.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to under subparagraph (a) and advance the appeal on the docket and expedite the appeal to the greatest extent possible.

SEC. 408. EXPEDITED REVIEW OF CERTAIN APPEALS.

(a) IN GENERAL.—An appeal may be taken by a person who is a covered individual described in section 302(a)(1), (2), or (3); or an employee described in section 302(a)(4) to the Special Master of the Office of Special Counsel for review under this Act.

(b) JURISDICTION.—The Special Master shall hear an appeal referred from the United States Court of Federal Claims in his or her discretion and shall issue a final decision thereon as promptly as possible.

SEC. 409. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CIVIL RIGHTS REMEDIES.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 123 and 124B) are repealed effective October 1, 1995, except as provided in section 411.

(2) Sections 303 and 304 of the Civil Rights Act of 1991 (2 U.S.C. 123A and 124) are repealed effective October 1, 1995, except as provided in section 411.

(3) Sections 320 and 321 of the Civil Rights Act of 1991 (2 U.S.C. 123A and 124A) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Civil Rights Act of 1991, as so redesignated, are each amended by striking "and 207(h) of this title".

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 501 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601) is repealed effective October 1, 1995, except as provided in section 411.

(c) ARCHITECT OF THE CAPITOL.—The Architect of the Capitol, for the years following October 1, 1995, is authorized to make such appropriations as are necessary to carry out the provisions of sections 751, 753, and 755 of title 31, so much of the Fund as may be necessary for the conduct of the Architect's activities, and the Architect is authorized to make such contracts and subcontracts as are necessary to carry out such provisions.

SEC. 410. SAVINGS PROVISION.

(a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

(1) CLAIMS NOT FILED PRIOR TO EFFECTIVE DATE.—If, as of the date on which sections 101 and 102 take effect, an employee could have initiated a request for counseling under
section 305 of the Government Employees Rights Act (2 U.S.C. 1202) or rule LI of the House of Representatives, the employee may, on or after the date on which sections 101 and 102 take effect, request counseling pursuant to section 107. Such a request for counseling must be initiated on or before the last day on which such request could have been made and an employee of the House of Representatives, under rule LI of the House of Representatives, had such provisions remained in effect. If the Office is not yet established or entered into such a request for counseling, the time for initiating such a request shall be extended until 30 days after the Office begins accepting such requests. All procedures and remedies under this Act with respect to alleged violations under section 101, except for civil actions under section 107(3)(B), shall be available to the same extent as if such alleged violations had occurred on or after the date on which sections 101 and 102 take effect.

(2) CLAIMS FILED PRIOR TO EFFECTIVE DATE.—If, as of the date on which sections 101 and 102 take effect, an employee to whom such sections apply—

(A) has requested counseling pursuant to the Government Employees Rights Act of 1991 or rule LI of the House of Representatives—

(i) if the counseling period has not ended—

(1) the authority of such Act or rule shall continue with respect to that request for counseling, until the end of the counseling period; and

(ii) if the employee completes the counseling, the employee shall be deemed to have complied with the requirements of section 301, and any further proceedings shall be under this Act, except that the right to bring a civil action under section 107(3)(B) shall not be available; and

(B) has requested mediation pursuant to the Government Employees Rights Act of 1991 or rule LI of the House of Representatives—

(i) if the period has not ended—

(1) if the counseling period has not ended—

(A) the authority of such Act shall continue with respect to the request for mediation, until the end of the mediation period; and

(B) if a mediation agreement is reached, the employee shall be deemed to have complied with the requirements of section 302, and any further proceedings shall be under this Act; or

(ii) if the mediation period has ended and the employee otherwise has been eligible to request mediation pursuant to the Government Employees Rights Act of 1991 or rule LI of the House of Representatives, the employee shall be deemed to have complied with the requirements of section 301, and any further proceedings shall be under this Act, except that the right to bring a civil action under section 107(3)(B) shall not be available; and

(ii) if the mediation period has ended and the employee otherwise has been eligible to file a complaint pursuant to the Government Employees Rights Act of 1991 or rule LI of the House of Representatives, the employee shall be deemed to have complied with the requirements of section 302, and any further proceedings shall be under this Act; or

(C) has filed a complaint pursuant to the Government Employees Rights Act of 1991 or rule LI of the House of Representatives, the authority of such Act or rule shall continue with the complaint until the conclusion of all proceedings authorized under such Act or rule.

(3) ARCHITECT OF THE CAPITOL TRANSITION PROVISIONS.

SEC. 1103. DEFINITIONS. As used in this title—

(A) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(B) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(C) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer, employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code.

(F) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code, and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 751(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a committee of either House of Congress;

(ii) the leadership staff of the House of Representatives or the leadership staff of the Senate; and

(iii) an individual functioning in the capacity of a joint committee of Congress; and

(D) any other legislative branch employee serving in a position described under section 101 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) DIRECTOR.—The term "Director" means the Director of the Office of Lobbying Regulation and Public Disclosure.

(6) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

DIVISION B—LOYBING AND GIFT REFORM

TITLE I—LOYBING REFORM

SEC. 1101. SHORT TITLE. This title may be cited as the "Lobbying Disclosure Act of 1996."

SEC. 1102. FINDINGS. The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision-making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of government actions will increase public confidence in the integrity of government.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision-making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of government actions will increase public confidence in the integrity of government.
The term "lobbying activity" means lobbying activities and efforts in support of such activities, including preparation and planning activities, research and other background work that is intended, at the time such activities are performed, for use in contacts, and coordination with the lobbying activities of others. Lobbying activities also include efforts to stimulate grassroots lobbying, as described in section 431(d)(1)(A) of the Internal Revenue Code of 1986, to the extent that such communications are made in support of a lobbying contact by a registered lobbyist in the execution of a lobbying contract. A lobbying contract is a lobbying activity even if the communication is excluded from the definition of "lobbying contact" under paragraph (9)(B).

The term "lobbying contact"—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the formulation or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, license, or certificate), except that this clause does not include communications that are made to any covered executive branch official—

(1) who is serving in a Senior Executive Service position described in paragraph (3)(E); or

(2) who is a member of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code, in the agency responsible for taking such administrative or executive action; or

(iv) the initiation or confirmation of a position for a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is widely distributed to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b));

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an administrative proceeding under the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or any body in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request by a covered executive branch official or a covered legislative branch official for specific information; or

(ix) required by subpoena, civil investigatory demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency of the United States Government, or by a covered legislative branch official or a covered executive branch official, or by an agency of any State functioning as a concurrent or association of churches that is exempt from filing a Federal income tax return under section 2(A)(ii) of section 6039(a) of the Internal Revenue Code of 1986, or

(x) a religious order that is exempt from filing a Federal income tax return under section 2(A)(iii) of section 6039(a) of the Internal Revenue Code of 1986, or

(xi) officials of a self-regulatory organization (as defined in section 3a(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by such Act or a similar organization that is designated by or registered with the Commodities Futures Trading Commission as provided under the Commodity Exchange Act;

and

(x) a religious order that is exempt from filing a Federal income tax return under section 2(A)(iii) of section 6039(a) of the Internal Revenue Code of 1986, or

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the formulation or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, license, or certificate), except that this clause does not include communications that are made to any covered executive branch official—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(ii) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis, if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xii) made in compliance with written agency procedures regarding an adjudication action conducted under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving that individual, except that this clause does not apply to communication with—

(I) a covered executive branch official, or

(ii) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision), with the respect to the formulation, modification, or adoption of private legislation for the benefit of that person; or

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, the Civil Service Reform Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church or an integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraphs 2(A)(ii) of section 6039(a) of the Internal Revenue Code of 1986, or

(ii) a religious order that is exempt from filing a Federal income tax return under paragraphs 2(A)(iii) of such section 6039(a); and

(x) a religious order that is exempt from filing a Federal income tax return under paragraphs 2(A)(iii) of such section 6039(a); and

(ii) the Securities and Exchange Commission or the Commodities Futures Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXCEPTION.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity.
A. General rule.—Notwithstanding paragraphs (1) and (2), a person or entity whose—
(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $2,500;
(ii) total expenses in connection with lobbying activities (in the case of an organization with employees engage in lobbying activities on its own behalf) do not exceed and are not expected to exceed $5,000, (as estimated under section 1105) in the semiannual period described in section 1105(a) during which the registration would be made, is not required to register under subsection (a) with respect to such client.

B. Adjustment.—The dollar amounts in subparagraph (A) shall be adjusted—
(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this Act; and
(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4 years, rounded to the nearest $500.

C. Contents of registration.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—
(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;
(2) the name, address, and principal place of business of the registrant’s client, and a general description of its business or activities (if different from paragraph (1));
(3) the name, address, and principal place of business of any organization, other than the client, that—
(A) contributes more than $5,000 toward the lobbying activities of the registrant in a semiannual period described in section 1105(a); and
(B) participates significantly in the planning, supervision, or control of such lobbying activities;
(4) the name, address, principal place of business, and amount of any contribution of more than $5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign principal, agent, or foreign entity that—
(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);
(B) holds, directly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or
(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activities;
(5) a statement of—
(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and
(B) the extent practicable, specific issues that have (as of the date of the registration) been addressed or are likely to be addressed in lobbying activities; and
(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client (in the case of a lobbying firm) that has served as a covered executive branch official or a covered legislative branch official in the 2 years preceding the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served;

D. Guidelines for registration.—

(i) Multiple clients.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(ii) Multiple contacts.—A registrant who makes contacts, and its employees, engaged in lobbying activities on behalf of such client shall file a single registration covering all such lobbying contacts.

E. Termination of registration.—A registrant who—
(i) is no longer employed or retained by a client to conduct lobbying activities; and
(ii) does not anticipate any additional lobbying activities, may notify the Director and terminate its registration.

F. Semiannual reports by registered lobbyists.—

(i) In general.—No later than 30 days after the end of each semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 1104, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(ii) Exemption.—(A) General rule.—Any registrant whose—

(A) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a lobbying firm), does not exceed and is not expected to exceed $2,500; or

(B) total expenses in connection with lobbying activities (in the case of a registrant whose employees engage in lobbying activities on its own behalf) do not exceed and are not expected to exceed $5,000, during which the registration would be made, is not required to register under subsection (a) with respect to such client.

B. Adjustment.—The dollar amounts in subparagraph (A) shall be adjusted as provided in section 1104(a)(3)(B).

C. Contents of report.—Each semiannual report filed under subsection (b) shall include—

(1) the name of the registrant, the name of the client, and a general description of the lobbying activities of the registrant on behalf of the client; and

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants, and loans;

(B) a statement of the issues and actions taken by the registrant in connection with the issues and actions taken by the client; and

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client.

D. Estimation of income or expenses.—For purposes of this section, income or expenses shall be made as follows:

(1) More than $100,000 or less.—Income or expenses of more than $100,000 but not more than $500,000 shall be estimated and rounded to the nearest $500,000.

(2) More than $500,000.—Income or expenses in excess of $500,000 but not more than $1,000,000 shall be estimated and rounded to the nearest $1,000,000.

E. Construction.—In estimating total income or expenses for purposes of this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this title.

F. Contacts with committees.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered to be a contact with the committee.

G. Contacts with House of Congress.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered to be a contact with the House of Congress of that Member.

H. Contacts with federal agencies.—For purposes of subsection (b)(2), any contact with a covered executive branch official who was considered to be a contact with the Federal agency that employs that official, except that a contact with a covered executive branch official who is detailed to another Federal agency or to the Congress shall be considered to be a contact with the Federal agency or with the committee of Congress or House of Congress to which the official is detailed.

I. Extension for filing.—The Director may grant an extension of time of not more than 30 days for the filing of any report required under this section, upon the request of the registrant, for good cause shown.

J. Provision of gifts by lobbyists, lobbying firms, and agents of foreign principals.—

(i) In general.—

(A) Prohibition.—No lobbyist or lobbying firm registered under this title and no agent of a foreign principal registered under the Foreign Agents Registration Act may provide a gift, directly or indirectly, to any covered legislative branch official.

(B) Definition.—For purposes of this section—
IN GENERAL.—A gift given by an individual without circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the personal advantage of the covered legislative branch official shall not be subject to the prohibition in subsection (a).

2. NONBUSINESS PURPOSE.—A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

(A) to deduct the value of such gift as a business expense, or as the individual’s Federal income tax return, or

(B) direct or indirect reimbursement or any other compensation for the value of the gift from any lobbyist or employer of such lobbyist or foreign agent.

SECTION 1107. OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT AND DIRECTOR.—There is established an executive agency to be known as the Office of Lobbying Registration and Public Disclosure.

(b) DIRECTOR.—(A) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(C) The Director shall be an individual who, by demonstrated ability, background, training, and experience, is qualified to carry out the functions of the position. The term of service of the Director shall be 5 years. The Director may be removed for cause.

(c) Cooperation with other Governmental Agencies.—In order to avoid unnecessary expense and duplication among Government agencies, the Office may make such arrangements or agreements for cooperation or mutual assistance in the performance of its functions under this title as is practicable and consistent with law. The head of the General Services Administration and each department, agency, or establishment of the United States shall cooperate with the Office and, to the extent permitted by law, provide such information, services, personnel, and facilities as the Office may require for its assistance in the performance of its functions under this title.

(d) Duties.—The Director shall—

(1) after notice and a reasonable opportunity for public comment, enter into such agreements and arrangements with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, penalty guidelines, and forms as are necessary to carry out this title;

(2) provide guidance and assistance on the registration, requirement, and public reporting requirements of this title, including—

(A) providing information to all registrants at the time of registration about the obligations of registered lobbyists under this title, and

(B) issuing published decisions and advisory opinions;

(3) review the registrations and reports filed under this title and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports filed under this title, and

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this title, including—

(A) a publicly available list of all registered lobbyists and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public accessibility to materials filed under this title.

(e) Effect of registration and reporting.—

(1) allow the materials filed under this title to be accessed by the client name, lobbyist name, and registrant name;

(2) ensure that the computer systems developed pursuant to paragraph (4) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(3) be compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(4) require that each registration and report filed under this title be included on the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in written and electronic formats, as soon as practicable after the date on which such registration or report is received; and

(5) preserve the originals or accurate reproductions of...
(1) IN GENERAL.—If the person or entity responds within the period described in the notification under subsection (a), the Director shall—

(A) issue a written determination that the person or entity has not violated this title, in which case the failure to register or file is not considered a violation; or

(B) make a formal request for information under subsection (c) or a notification under section 1109(a), if the information or explanation provided is not adequate to make a determination under paragraph (12), as defined under section 1110(c).

(2) WRITTEN DECISION.—If the Director makes a determination under paragraph (1)(A), the Director shall issue a public written decision under section 1110.

(c) FORMAL REQUEST FOR INFORMATION.—If a person or entity fails to respond in writing within the period described in the notification under subsection (a) or the response is not sufficient evidence that a violation occurred, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person or entity is in compliance with this title, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person or entity may make available for inspection and copying or reproduction the material so requested.

SEC. 1108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person or entity may be in violation of the requirements of this title, the Director shall—

(1) give the person or entity with an opportunity to respond in writing to the allegation within 30 days after the date on which the report is received; and

(2) in the case of a minor violation, which shall be no more than $10,000, depending on the extent and gravity of the violation; or

(iii) in the case of a late registration or filing, which shall be no more than $100,000, depending on the extent and gravity of the violation.

(3) a summary of the registrations and reports filed with respect to the preceding calendar year; and

(b) INITIAL DETERMINATION.—

(1) DETERMINATION OF VIOLATION.—If the Director finds that the person or entity subject to the penalty knew or should have known that such person or entity was in violation of this title at the time of the alleged violation, the Director shall notify the person or entity in writing of the alleged violation within 3 years after the date on which the alleged violation occurred.

(2) DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.

(a) DISCLOSURE OF INFORMATION.—If a person or entity fails to respond in writing within 3 years after the date on which the alleged violation occurred, the Director may use the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period.

(b) initial decision —

(1) IN GENERAL.—If the person or entity responds within the period described in the notification under subsection (a), the Director shall—

(A) issue a written determination that the person or entity has not violated this title, in which case the failure to register or file is not considered a violation; or

(B) make a formal request for information under subsection (c) or a notification under section 1109(a), if the information or explanation provided is not adequate to make a determination under paragraph (12), as defined under section 1110(c).

(2) WRITTEN DECISION.—If the Director makes a determination under paragraph (1)(A), the Director shall issue a public written decision under section 1110.

(c) FORMAL REQUEST FOR INFORMATION.—If a person or entity fails to respond in writing within the period described in the notification under subsection (a) or the response is not sufficient evidence that a violation occurred, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person or entity is in compliance with this title, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person or entity may make available for inspection and copying or reproduction the material so requested.

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person or entity subject to the penalty knew or should have known that such person or entity was in violation of this title at the time of the alleged violation.

(f) LIMITATION.—No penalty shall be assessed under section 1108 if the Director determines that the failure to register or file constituted a minor violation, as defined under section 1110, in which case the amount shall be as prescribed by clause (i).

(i) in the case of a major violation, which shall be more than $10,000, depending on the extent and gravity of the violation; or

(ii) in the case of a late registration or filing, which shall be no more than $100,000, depending on the extent and gravity of the violation.

(2) DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.

(a) DISCLOSURE OF INFORMATION.—Information provided to the Director pursuant to section 1108 and 1109 shall not be made available to the public without the consent of the person or entity providing the information, except to the extent that such information may be included in—

(1) summaries of the registrations and reports filed under this title; or

(2) a summary of the registrations and reports filed with respect to the preceding calendar year.
(a) Factual Finding.—A written decision issued by the Director under section 1109 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) Appeal.—Any person or entity adversely affected by a written decision issued by the Director under section 1109(b), to the appropriate United States court of appeals. Such review may be obtained by filing a notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director’s decision and by simultaneous filing of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2122 of title 28, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) Recovery of Penalty.—Any penalty assessed in a written decision which has become final under this title may be recovered in a civil action brought by the Attorney General of the United States in any United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to stare decisis.

SEC. 1112. RULES OF CONSTRUCTION.

(a) Constitutional Rights.—Nothing in this title shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association, protected by the first amendment to the Constitution.

(b) Prohibition of Activities.—Nothing in this title shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by, on behalf of, or in connection with, any person or entity, regardless of whether such person or entity is in compliance with the requirements of this title.

(c) Audit and Investigations.—Nothing in this title shall be construed to grant general audit or investigative authority to the Director.

SEC. 1113. AMENDMENTS TO THE FOREIGN LOBBYING DISCLOSURE ACT OF 1994.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a);”;

(2) in paragraph (3) by striking all that follows “loan shall contain” and inserting “the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee;”;

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) Removal of Obsolete Reporting Requirements.—Section 1302 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 1114. AMENDMENTS TO THE BYRD AMENDMENT.

(a) Review of Certification Requirements.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a);”;

(2) in paragraph (3) by striking all that follows “loan shall contain” and inserting “the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee;”;

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) Removal of Obsolete Reporting Requirements.—Section 1302 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 1115. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) Repeal of the Federal Regulation of Lobbying Act.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) Repeal of Provisions Relating to Housing Lobbyist Activities.—Section 1311 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 535(d) of the Housing Act of 1949 (42 U.S.C. 1439(d)) is amended by striking “or a lobbyist for a foreign entity (as the terms ‘lobbyist’ and ‘foreign entity’ are defined under section 1103 of the Lobbying Disclosure Act of 1994)” after “an agent for a foreign principal”.

(b) Amendments to Title 18, United States Code.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting “or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign principal (as defined in section 1103(7) of that Act)” after “an agent for a foreign principal required to register under the Foreign Agents Registration Act of 1938”; and

(2) by striking out “, as amended,”.

(c) Amendment to Foreign Service Act of 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting “or a lobbyist for a foreign entity (as defined in section 1103(7) of the Lobbying Disclosure Act of 1994)” after “an agent of a foreign principal”.

(b) Amendments to Title 18, United States Code.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting “or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign principal (as defined in section 1103(7) of that Act)” after “an agent for a foreign principal required to register under the Foreign Agents Registration Act of 1938”; and

(2) by striking out “, as amended,”.

(c) Amendment to Foreign Service Act of 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting “or a lobbyist for a foreign entity (as defined in section 1103(7) of the Lobbying Disclosure Act of 1994)” after “an agent of a foreign principal”.

SEC. 1116. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) Amendment to Competitive Politics Policy Council Act.—Section 5206(e) of the Competitive Politics Policy Council Act (15 U.S.C. 4806(e)) is amended by inserting “or a lobbyist for a foreign entity” before “is defined under section 1103 of the Lobbying Disclosure Act of 1994” after “an agent for a foreign principal”.

(b) Amendments to Title 18, United States Code.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting “or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign principal (as defined in section 1103(7) of that Act)” after “an agent for a foreign principal required to register under the Foreign Agents Registration Act of 1938”; and

(2) by striking out “, as amended,”.

(c) Amendment to Foreign Service Act of 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting “or a lobbyist for a foreign entity (as defined in section 1103(7) of the Lobbying Disclosure Act of 1994)” after “an agent of a foreign principal (as defined in section 1103(7) of the Foreign Agents Registration Act of 1938)”.

SEC. 1117. SEVERABILITY.

If any provision of this title, or the application thereof, is held invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 1118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1995, 1996, 1997, 1998, and 1999 such sums as may be necessary to carry out this title.
SEC. 1119. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this title and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 1104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this title that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 1104; and

(2) identify any other foreign entity identified pursuant to section 1104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon receipt of an oral or written lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 1120. TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this title.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, the Comptroller General of the United States, or an electronic communication) with a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 1104; and

(2) identify any other foreign entity identified pursuant to section 1104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon receipt of an oral or written lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 1122. EFFECTIVE DATES AND INTERIM RULES.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the requirements thereunder shall take effect on January 1, 1996.

(b) EFFECTIVE DATE OF GIFT PROHIBITION.—Section 1106 shall take effect on January 1, 1996; and the effective date for any such section shall be the date of enactment thereof.

(c) ESTABLISHMENT OF OFFICE.—Sections 1107 and 1118 shall take effect on the date of enactment of this Act.

(d) REPEALER AND AMENDMENTS.—The repeals and amendments made under sections 1011, 1114, 1115, and 1116 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted; and

(2) shall be construed as repeals and amendments of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.
applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

(4) A contribution or other payment to a legal expense fund established for the benefit of a House or Senate office or member, if otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

(5) Travel or refreshments which the recipient reasonably believes have a value of less than $20.

(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

(7) Food, refreshments, lodging, and other benefits—

(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officer or employee) or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

(B) customarily provided by a prospective employer in connection with bona fide employment discussions;

(C) provided by a political organization described in section 527(e)(1) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

(8) Pension and other benefits resulting from continued participation in an employee welfare or retirement benefits plan maintained by a former employer.

(9) Informational materials that are sent to the office of the Member, officer, or employee or employee, or are furnished to the office of the Member, officer, or employee, as an integral part of the training provided to a Member, officer, or employee, if such training is accepted under this exception.

(10) A contribution or other payment to a charitable organization.

(11) Honorary degrees and awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of the awards).

(12) Donations of products from the State of the United States.

(13) Food, refreshments, and entertainment provided to a Member, officer, or employee by a professional organization if the only benefit accruing to the organization is the right to have the name of the organization printed on a program, educational or informational materials furnished to all attendees at the event, or in any similar case, a waiver is granted by the Select Committee on Ethics.

(14) Informational materials and memorabilia of similar size; institutional activities of which are substantially related to the Member, officer, or employee.

(15) Training (including food and refreshments) provided to an individual if training is customarily provided to others in similar circumstances.

(16) Bonuses, inheritances, and other benefits.

(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

(18) Any item which is paid for by the Federal, State, or local government, or secured by the Government, or secured by the Government.

(19) A gift of personal hospitality of an individual, as defined in section 109(k) of the Ethics in Government Act.

(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

(21) Opportunities and benefits which are—

(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(B) offered to members of a group or class in which membership is unrelated to congressional employment;

(C) offered to members of an organization, such as an education or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

(D) offered to any group or class that is not defined in a way that specifi cally discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(E) in the form of loans from banks and other financial institutions on terms generally available to the public;

(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(22) A plaque, trophy, or other memento of modest value.

(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(24) Certain interest free loans to a Senate reference staff member.

(25) Informational materials and memorabilia of similar size; institutional activities of which are substantially related to the Member, officer, or employee.

(26) Advertising that the Member represents that are in connection with a vote on legislation.

(27) Publications, other written materials, audiotapes, videocassettes, television, radio, or other electronic media.

(28) Public endorsements or publications.

(29) Income from activities that are not connected to the duties of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances.

(30) Food, refreshments, lodging, and other related expenses as defined in this paragraph.

(31) Free travel and related expenses reimbursed or to be reimbursed.

(32) Travel and related expenses reimbursed or to be reimbursed as a result of the outside business or employment activities of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such travel was in connection with the duties of the Member, officer, or employee and was customarily provided to others in similar circumstances.

(33) A good faith estimate of total transportation expenses reimbursed or to be reimbursed;

(34) A good faith estimate of total lodging expenses reimbursed or to be reimbursed;

(35) A good faith estimate of total meal expenses reimbursed or to be reimbursed;

(36) A good faith estimate of the total of other expenses reimbursed or to be reimbursed;

(37) Determination that all such expenses are personal, as defined in subparagraphs (d)(2)(A) and (d)(3)(A) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

(38) The Committee on Rules and Administration is authorized to adjust the dollar limitations contained in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

(39) The Select Committee on Ethics shall provide advice on the steps that may be taken by Members, officers, and employees, with a minimum of paper work and time, to prevent the acceptance of prohibited gifts from lobbyists.

(40) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or de stroyed.
Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term ‘necessary transportation, lodging, and related expenses’ includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside the United States that are approved in advance by the Select Committee on Ethics.

(2) is limited to reasonable expenditures for transportation, lodging, conference materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursements filed pursuant to subparagraph (a) as soon as practicable after they are received.

SEC. 1202. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLI of the Rules of the House of Representatives is amended to read as follows:

"(a) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a registered lobbyist, a registered lobbyist’s agent, or a foreign principal in violation of the Lobbying Disclosure Act of 1994.

(b) In addition to the restrictions on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

(c) For the purpose of this clause, the term ‘gift’ means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(d) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual’s relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

(d) The restrictions in paragraph (b) shall not apply to the following:

(1) Any item that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(2) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that the gift was provided because of the personal or family relationship.

(3) Food, refreshments, and lodging, other than that provided to all attendees as an integral part of the event.

(4) A contribution or other payment to a political organization described in section 527(e) of the Internal Revenue Code of 1986 if the contribution or payment is identified for the Committee on Standards of Official Conduct.

(5) Any food or refreshments which the official position of the Member, officer, or employee and not because of the personal or family relationship.

(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

(7) Food, refreshments, lodging, and other benefits provided to a Member or an employee and not because of the personal or family relationship.

(8) A gift to a political organization established by the Committee on Standards of Official Conduct.

(9) Food, refreshments, and entertainment provided in the presentation of such an organization.

(10) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, pamphlets, posters, photographs, videotapes, or other forms of communication.

(11) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

(12) Honorary degrees (and associated travel expenses, and entertainment provided in the presentation of such degrees and awards).

(13) Donations of products from the State or from a charitable organization.

(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

(15) Training (including food and refreshments furnished as an integral part of the training program) provided to a Member, officer, or employee, if such training is offered or enhanced because of the official position of the Member, officer, or employee.

(16) Bequests, inheritances, and other transfers at death.

(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

(21) Opportunities and benefits which are:

(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(B) offered to members of a group or class in which membership is unrelated to congressional employment;

(C) offered to members of an organization, such as an employees’ association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

(D) offered to any group or class that is not defined in a manner that specifically discriminates against any individual based on that individual’s relationship with the Member, officer, or employee (or a gift to any other person); or

(E) in the form of reduced membership or other fees for participation in organization activities that are offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications (such as a plaque, trophy, or other memento of modest value).

(22) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

(23) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, seminar, or other event that is open to the public or to a class or category of individuals with the same professional qualifications.

(24) For purposes of this paragraph, the term ‘free attendance’ includes waiver of all or part of a conference or other fee, the...
provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendants as an integral part of the event. The term does not include any expenses taken other than in a group setting with all or substantially all other attendants.

(4) No Member, officer, or employee may accept reimbursement, whether or not such reimbursement is allowed, for the value of which exceeds $250 on the basis of the personal relationship except in paragraph (d)(3) or the personal friend supervision in section 110(d) of the Federal Election Act of 1971, unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

(5) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a biennial basis, to the extent necessary to adjust for inflation.

(6) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

(7) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or de-stroyed.

(8) Except as prohibited by paragraph (a), a reimbursement (including payment or allowance for transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of a Member, officer, or employee for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a reimbursable entertainment activity.

(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

(9) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

(A) the name of the employee;

(B) the name of the person who will make the reimbursement; and

(C) the time, place, and purpose of the travel; and

(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

(3) An advance authorization made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officerholder and would not create the appearance that the Member or officer is using public office for private gain.

(4) For the purposes of this paragraph, the term ‘necessity transportation, lodging, and related expenses’—

(A) includes reasonable expenses that are necessary for travel;

(i) if for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

(ii) if in connection with an event in the United States or within 48 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States, unless approved in advance by the Committee on Standards of Official Conduct;

(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including travel expenses for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendants as an integral part of the event; and

(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to any representation of the House of Representatives.

(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.

(6) Each disclosure made under subparagraph (1) shall be reported as required by the Committee on Standards of Official Conduct.

(7) The Committee on Standards of Official Conduct shall be deemed to be a reimbursement to the House of Representatives and shall have the same effect as an event in connection with the duties of a Member, officer, or employee as an officeholder when the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

(8) The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member’s home after the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this title.

(9) The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member’s home before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this title.

SEC. 1204. EXERCISE OF CONGRESSIONAL RULE-MAKING POWERS.

Sections 1201, 1202, 1203(c), and 1203(d) of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(3) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 1205. EFFECTIVE DATE.

This title and the amendments made by this subtitle shall take effect on May 31, 1995.

DIVISION C—CAMPAIGN FINANCE REFORM

TITLE I—CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM

SEC. 10000. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Congressional Campaign Spending Limit and Election Reform Act of 1995”.

(b) AMENDMENT OF FECA.—When used in this title, the term “FECA” means the Federal Election Campaign Act of 1971 (2 U.S.C. 3301 et seq.).

(c) TABLE OF CONTENTS.—
Sec. 10014. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 10012. Restrictions on fundraising by candidates and officeholders.
Sec. 10017. Reporting requirements.

Subtitle D—Contributions
Sec. 10041. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists. 
Sec. 10042. Contributions by dependents not of voting age.
Sec. 10043. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 10044. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 10045. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.

Subtitle E—Miscellaneous
Sec. 10051. Prohibition of leadership committees.
Sec. 10052. Telephone voting by persons with disabilities.
Sec. 10053. Certain tax-exempt organizations not subject to corporate limits.
Sec. 10054. Aiding and abetting violations of FECA.
Sec. 10055. Campaign advertising that refers to an opponent.
Sec. 10056. Limit on congressional use of the franking privilege.

Subtitle F—Effective Dates; Authorizations
Sec. 10061. Effective date.
Sec. 10062. Budget neutrality.
Sec. 10063. Special interim review.
Sec. 10064. Expedited review of constitutional issues.
Sec. 10065. Regulations.

Subtitle G—Control of Congressional Campaign Spending
PART I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS
SEC. 10001. SENATE SPENDING LIMITS AND BENEFITS.
(a) In general.—FEC is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS"

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.
(a) In general.—For purposes of this title, a candidate is eligible for Senate candidacy if the candidate—
"(1) meets the primary and general election filing requirements of subsections (b) and (c); and
"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements for subsection (d); and

"(b) PRIMARY FILING REQUIREMENTS.—(I) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—
"(A) the candidate and the candidate's authorized committees—
"(i) will meet the primary and runoff election expenditure limits of subsection (d); and
"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b); and

"(C) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(I) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—
"(A) the candidate and the candidate's authorized committees—
"(i) met the primary and runoff election expenditure limits of subsection (d); and
"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and

"(C) at least one other candidate has qualified for the general election ballot under the law of the State involved;

"(D) the candidate and the candidate's authorized committees of such candidate—
"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) expenditures otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c) and (d) of section 502, reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be made available by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under section 505 in accordance with similar means of payment to third parties, and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(II) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—
"(A) the date the candidate qualifies for the general election ballot under State law;

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(I) The requirements of this subsection are met if—

"(A) the candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—
"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,700,000;

"(B) the candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(II) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to a candidate shall be reduced by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period which are not attributable to a single intermediary or conduit under section 503(b), which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 344.

"(III) A candidate shall not make any contributions or independent expenditures for the general election which exceed the expenditure limits under subsection (e) or for the general election which exceed such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(I) The requirements of this section are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 5 percent of the general election expenditure limit under section 502(b).

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) the term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor;

"(B) the term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250, or

"(iii) contributions from individuals residing outside of the candidate's congressional district who are not contributors for purposes of section 503(b)."
"(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applied period' means—

(A) the period beginning on January 1 of the calendar year preceding the calendar year in which a general election involved and ending on—

(i) the date on which the certification under subsection (c) is filed by the candidate;

(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election;

or

(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $7,250,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section 502(b)(3), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures made during any calendar year cycle by an eligible Senator candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed $5,500,000.

"(2) A source is described in this paragraph if it is—

(A) personal funds of the candidate and members of the candidate's immediate family;

(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures made by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

(A) $5,500,000; or

(B) the greater of—

(i) $1,200,000; or

(ii) $400,000, plus

(iii) 30 cents multiplied by the voting age population in excess of 4,000,000; and

(iv) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) Purpose of subsection (b)(1).—Any eligible Senator candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (b)(1)(B)(ii) shall be applied by substituting—

(A) '80 cents' for '30 cents' in subclause (i); and

(B) '70 cents' for '25 cents' in subclause (ii).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees for a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

(i) the lesser of—

(1) 13 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

(2) $300,000, plus

(ii) the amount determined under paragraph (4); and

(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

(A) Any expenditures for costs of legal and accounting services provided in connection with—

(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

(ii) the preparation of any documents or reports required by this Act or the Commission.

(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure with this Act with respect to the election cycle for such general election.

"(4)(A) If, for a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation.

The Commission shall authorize an increase in such limitation if by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 350.

(B) Except as provided in section 315, any contribution received or expenditure made pursuant to subsection (a)(2) shall not be taken into account for any contribution or expenditure limit applicable to the candidate under the Act.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund not to be used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) PAYMENT OF TAXES ON EARNINGS.—The limitations under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) CERTAIN EXPENSES.—In the case of an eligible Senator candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senator candidate shall be entitled to—

(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

(2) payments in an amount equal to—

(A) the excess expenditure amount determined under subsection (b); and

(B) the independent expenditure amount determined under subsection (c).

"(b) EXCESS EXPENDITURE AMOUNT.—(1) For purposes of subsection (a)(2), the amount determined under this subsection is, in the case of an eligible Senator candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined under paragraph (1).

"(3) In the case of a major party candidate, an amount equal to the sum of—

(i) if the excess described in paragraph (1) is less than 133 1/3% of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senator candidate for the election; plus

(ii) if such excess exceeds but does not exceed 133 1/3% but is less than 166 2/3% of such limit, an amount equal to one-third of such limit; plus

(iii) if such excess exceeds but does not exceed 166 2/3% percent of such limit, an amount equal to one-third of such limit.

"(b) In the case of an eligible Senator candidate who is not a major party candidate, an amount equal to the least of the following:

(i) the allowable contributions of the eligible Senator candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

(ii) 30 percent of the general election expenditure limit applicable to the eligible Senator candidate under section 502(b).

(iii) The excess described in paragraph (1).

"(c) INDEPENDENT EXPENDITURE AMOUNT— For purposes of subsection (a)(2), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election which the candidate or persons in opposition to, or on behalf of an opponent of, an eligible Senator candidate which are required to be reported by such persons under section 314(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITATIONS.—(1) An eligible Senator candidate who receives payments under section (a)(2) may make expenditures from such payments to defray expenses for the general election without regard to the general election expenditure limit under section 502(b).

"(2) In the case of an eligible Senator candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the general election expenditure limit under subsection (b) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(e) AN ELIGIBLE SENATOR CANDIDATE WHO RECEIVES BENEFITS UNDER THIS SECTION MAY MAKE EXPENDITURES FOR THE GENERAL ELECTION.
without regard to clause (i) of section 503(c)(1)(D) of title 53 or section 502 if any one of the eligible Senate candidate’s opponents who is not an eligible Senate candidate either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

(2) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed the lesser of the percentages applicable to such other candidate under section 502(b).

(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

(i) another candidate for the same general election is an eligible Senate candidate; or

(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

(B) The amount of contributions which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

(4) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(2) shall be used to defray expenditures incurred with respect to the candidate’s election to determine whether the candidate has violated any provision of this title.

(5) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate is entitled, the Commission shall notify the candidate, and such candidate shall pay an amount equal to the excess.

(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

(6) MISUSE OF FUNDS.—If the Commission determines that an eligible Senate candidate has misused funds made available under this title, it may order such candidate to pay the excess.

(7) UNEXPENDED FUNDS.—Any amount payable to any entity from which benefits under this title were paid to the eligible Senate candidate in excess of an amount determined under this title shall be paid to the United States to seek recovery of any amounts paid in excess of amounts determined under this title.

(8) CIVIL PENALTIES.—(1) If the Commission determines that a candidate has violated any provision of this title, the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

(2) A CIVIL PENALTY WHICH IS PAYABLE TO ANY ENTITY FROM WHICH BENEFITS UNDER THIS TITLE WERE PAID TO AN ELIGIBLE SENATE CANDIDATE TO SEEK RECOVERY OF ANY AMOUNTS PAID IN EXCESS OF AMOUNTS DETERMINED UNDER THIS TITLE SHALL BE PAID TO THE UNITED STATES TO SEEK RECOVERY OF ANY AMOUNTS PAID IN EXCESS OF AMOUNTS DETERMINED UNDER THIS TITLE.

(9) JUDICIAL REVIEW.—(a) Any person aggrieved by an action of the Commission made under the provisions of this title may appeal to the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance the docket and expeditiously take action on all petitions filed pursuant to this title.

(c) AGENCY ACTION.—For purposes of this section, the term ‘agency action’ has the meaning given such term by section 554 of title 5, United States Code.

(10) JUDICIAL PROCEDURES.—(a) Any person aggrieved by an action of the Commission made under the provisions of this title may appeal to the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance the docket and expeditiously take action on all petitions filed pursuant to this title.

(c) JUDICIAL REVIEW.—Any action taken by the Commission under the provisions of this title shall be subject to judicial review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after such action taken by the Commission for which review is sought. Such judicial review shall be conducted by the court without respect to the provisions of chapter 75 of title 28, United States Code, and shall be conducted in accordance with the provisions of chapter 45 of title 28, United States Code.
(c) **Injunctive Relief.**—The Commission is authorized and directed, as described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

(d) **Appeals.**—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for a writ of certiorari with respect to actions in which it appears pursuant to the authority provided in this section.

**SEC. 508. REPORTS TO CONGRESS; REGULATIONS.**

(a) **Reports.**—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each candidate and the authorized committees of such candidate;

(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate; and

(3) the amounts of repayments, if any, required under section 505 and the reasons for each repayment.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) **Rules and Regulations.**—The Commission is authorized to prescribe (in accordance with the procedures set forth in section 402) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

**SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.**

(a) Payments upon Certification. Upon receipt of a certification from the Commission under section 504, except as provided in subsection (b), the Secretary shall subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate.

(b) Reductions in Payments If Funds Insufficient. If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that there are not, or may not be, sufficient funds to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold an amount equal to the amount of such payment made to each such candidate's pro rata share of such candidate's full entitlement.

(1) Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

(2) The Secretary shall withhold from the amount of estimated pro rata reduction an amount determined by the Secretary to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

**SEC. 510. LIMITATIONS ON PAYMENTS**

(a) **General.**—Title III of FECA (2 U.S.C. 431 et seq.) amended by section 315(a) of this Act and section 315(a)(2) of this Act (as added by subsection (a) of section 320(e) of FECA (2 U.S.C. 432)) is amended by adding at the end thereof the following new paragraph:

(b) **Candidate's Committees.**—(1) Section 315(a) of FECA (2 U.S.C. 444(a)) is amended by adding at the end thereof the following new paragraph:

(c) **Rules Applicable When Ban Not in Effect.**—For purposes of the Federal Election Act and any Federal Election Act amendments, other than the provisions beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a) of section 320(e) of FECA (2 U.S.C. 432)) is amended by adding at the end thereof the following new paragraph:

(d) **Candidate's Committees.**—(1) Section 315(a) of FECA (2 U.S.C. 444(a)) is amended by adding at the end thereof the following new paragraph:

(e) **Ban on Senate Election Activities by Political Action Committees.**—Title III of FECA (2 U.S.C. 431 et seq.) is amended by adding section 3104A, is amended by adding at the end thereof the following new section:

(f) **Ban on Senate Election Activities by Political Action Committees.**—Title III of FECA (2 U.S.C. 431 et seq.) is amended by adding section 3104A.
The $82,500 amount in paragraph (3) shall be increased by the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the calculation shall be for the calendar year 1996. A candidate or authorized committee that receives a contribution from a multi-candidate political committee in excess of the amount allowed under subsection (a) of section 312 shall return the amount of such excess contribution to the contributor.

(d) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by paragraphs (2) and (3) of this section shall not be made applicable to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(ii) in applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1996;

(B) contributions made or received by a candidate on or after January 1, 1996, to the extent such contributions are not greater than—

(i) such contributions received by any opponent of the candidate before January 1, 1996;

(ii) such contributions received by the candidate before January 1, 1996.

SEC. 10033. REPORTING REQUIREMENTS.

The 825,000 amount in paragraph (3) shall be increased by the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the calculation shall be for the calendar year 1996. A candidate or authorized committee that receives a contribution from a multi-candidate political committee in excess of the amount allowed under subsection (a) of section 312 shall return the amount of such excess contribution to the contributor.

(d) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by paragraphs (2) and (3) of this section shall not be made applicable to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(ii) in applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1996;

(B) contributions made or received by a candidate on or after January 1, 1996, to the extent such contributions are not greater than—

(i) such contributions received by any opponent of the candidate before January 1, 1996;

(ii) such contributions received by the candidate before January 1, 1996.

SEC. 10003. REPORTING REQUIREMENTS.

The title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES.

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the United States Senate who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration of such candidate's election cycle expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

(A) who is not an eligible Senate candidate under section 501; and

(B) who either raises aggregate contributions, or makes or obliges to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made (or, if later, within 2 business days after the date of qualification for the general election), setting forth the candidate's total aggregate contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports

(until such contributions or expenditures exceed $5,000) and inserting "$1,000".

(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1) Any candidate for the United States Senate who during the election cycle in excess of the amount allowed under paragraph (1). The Commission shall within 2 business days after making such determination, notify each eligible Senate candidate in the general election in excess of 200 percent of such limit and after the total contributions or expenditures exceed 100, 133 3/3, 166 2/3, and 200 percent of such limit, respectively.

(2) The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election in excess of 200 percent of such limit and after the total contributions or expenditures exceed 100, 133 3/3, 166 2/3, and 200 percent of such limit, respectively.

(c) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle spends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

(2) The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election in excess of 200 percent of such limit and after the total contributions or expenditures exceed 100, 133 3/3, 166 2/3, and 200 percent of such limit, respectively.

(d) CERTIFICATIONS.—Notwithstanding section 501(c), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

(e) SHORTER PERIODS FOR REPORTS AND NOTICES DURING ELECTION WEEK.—Any report, determination, or notice required by reason of an event occurring during the 7 days ending with and including the date on which a candidate shall be made within 24 hours (rather than 2 business days) of the event.

(f) COPIES OF REPORTS AND PUBLIC INSPECTIONS.—(1) The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working days) after receipt under this section or under title V as soon as possible (but no later than 4 working days) after receipt under this section or under title V as soon as possible (but no later than 4 working days) after receipt under this section or under title V.

(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".
"(A) transferred to a legal and accounting compliance fund established under section 502(c); or

"(B) transferred for use in the next election cycle to the extent such amounts do not exceed the sum of the primary election expenditure limit under section 503(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.

PART II—GENERAL PROVISIONS

SEC. 1001. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(B) by striking “forty-five” and inserting “thirty”; and

(2) by striking “lowest charge of the station for the same class and amount of service” and inserting “lowest charge of the station for the same amount of time for the same period on the same date.”

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (d) and (e) as (d)(1) and (e)(1), respectively, and by inserting immediately after subsection (b) the following new subsection:

“(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking “or repeated”;

(2) by inserting “or cable system” after “station”;

(3) by striking “his candidacy” and inserting “his or her candidacy”;

(4) by striking “the same terms, conditions, and business practices as apply to its most favored advertiser”;

(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—Section 314 of such Act (47 U.S.C. 314) is amended by substituting “48 hours” for “24 hours”.

(e) Any broadcast or cablecast communication described in subsection (a) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(f) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

(1) states, in the case of a candidate for election to the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, shall contain the information required by subsections (a), (b), and (c) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission.

(2) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

(g)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate with respect to whom the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission.

(3) The Commission may make its own determination as to whether a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election or election of a person to a Federal office on or after the date on which the applicable amounts under paragraph (1) or (2) exceed the primary election expenditure limit under section 503(a).

(4) The Secretary of the Senate shall make a statement under this subsection available for public inspection and copying in the same manner as the Commission under section 312(a)(4), and shall prescribe such regulations as are necessary to make copies of such statement available for public inspection and copying in the same manner as the Commission under section 312(a)(4).

(h) CONFIRMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking “unredesignated matter” after subparagraph (c).

SEC. 1003. CAMPAIGN ADVERTISING AMENDMENTS.

Section 316 of FECA (2 U.S.C. 440d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking “Whenever” and inserting “Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever”;

(2) in the matter before paragraph (1) of subsection (a), by striking “an expenditure” and inserting “an expenditure or any other type of general public political advertising”;

(3) in the matter before paragraph (1) of subsection (a), by striking “direct”;

(4) in paragraph (3) of subsection (a), by inserting after “name” the following “and permanent street address”;

(5) by adding at the end the following new subsections:

“(c) Any printed communication described in subsection (a) shall be—

“(1) of sufficient type size to be clearly readable by the recipient of the communication;

“(2) contained in a printed box set apart from the other contents of the communication; and

“(3) consist of a reasonable degree of color contrast between the background and the printed statement.

“(d) Any broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

(1) states, in the case of a candidate for election to the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, shall contain the information required by subsections (a), (b), and (c) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission.

(2) The term ‘general election’ means any election which which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

(3) The term ‘general election period’ means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

“(A) the date of such election; or

“(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

(4) The term ‘immediate family’ means—

“(A) a candidate’s spouse;

“(B) a child, stepchild, parent, grandparent, brother, sister, half-brother, half-sister, the candidate’s spouse’s; and
(c) the spouse of any person described in subparagraph (B); or

(2) The term ‘major party’ has the meaning given such term in section 3002(6) of the Internal Revenue Code of 1986, except that if a candidate for a Federal office is a candidate for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other person being on the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

(28) The term ‘primary election period’ means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

(29) The term ‘runoff election’ means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

(30) The term ‘runoff election period’ means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

(A) the date of the first primary election for that office following the last general election for that office; or

(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

(31) The term ‘runoff election’ means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

(32) The term ‘voting age population’ means the resident population, 18 years of age or older, as certified pursuant to section 315(a).

(33) The term ‘voting age population of a State’ means the voting age population of the State, as determined by the Census Bureau.

SEC. 1001S. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3120(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking “(i) bona fide newscast;” and

(2) by striking “(ii) appearance by a legally qualified candidate on a program of a cable television station that is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (17)(A)(i) of section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b))”.

(3) by adding at the end the following new subsection:

“(3) A licensee shall have no power of censorship over the material broadcast under this section. (4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate for public office during the broadcast time paid for by the independent expenditure; and

(5)(A) Appearance by a legally qualified candidate on a program of a cable television station that is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (17)(A)(i) of section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b)).”
(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, interviews, news documents, and on-the-spot coverage of news events, from their duty under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(ii) That endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the relevant office under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(iii) A reasonable opportunity to broadcast a response using the licensee's facilities.

(B) In the case of an editorial described in subparagraph (A), it is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A)(i) immediately following the editorial shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and criticize a response.

Title C.—Expenditures

PART I.—PERSONAL LOANS; CREDIT

SEC. 10031. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 431) is amended by adding at the end the following new subsection:

(i) LIMITATIONS ON PAYMENTS TO CAN- Didate.—(i) No individual shall make a con- dicate a candidate or member of the candidate's immediate family, which, in the aggregate, exceed $20,000; or

(ii) except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $100,000.

(iii) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

(iv) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

(v) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

SEC. 10032. CONTRIBUTIONS TO POLITICAL COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—(i) A State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or

(ii) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO POLITICAL COMMITTEES.

(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

(ii) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

(c) OVERALL LIMIT.—(i) Paragraph (3) of section 315(a) of FECA (2 U.S.C. 431(a)(3)) is amended by striking the period at the end of that paragraph and inserting a semicolon.

(ii) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

SEC. 10033. PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

"SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a State, district, or local committee of a political party in any calendar year shall not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

(ii) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

(iii) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

(iv) any other political committee estab- lished and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000, except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any calendar year shall not exceed $20,000.

SEC. 10034. CONTRIBUTIONS TO POLITICAL COMMITTEES.
POLITICAL PARTIES. Ð (1) Except as provided in this Act,
any amount spent to raise funds that are used to identify or promote a Federal candidate, regardless of whether—
A) a State or local candidate is also identified or promoted; or
B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.
(2) Any generic campaign activity.
(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—
A) a State or local candidate is also identified or promoted; or
B) any amount spent to raise funds that are used to identify or promote a Federal candidate, regardless of whether such requirements are met; and
(II) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements were met.
(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—
(A) a State or local candidate committee's expenditures described in subsection (b) shall be treated as consisting of the funds most recently received by the committee, and
B) the committee shall be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.
(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.
(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.
(b) CONTRIBUTIONS AND EXPENDITURES. Ð (1) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking “and” at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:
(“ii) any amount contributed to a candidate for other than Federal office;
(“iii) any amount received or expended to pay the costs of a State or local political convention;
(“iv) any payment for research pertaining solely to State and local candidates and issues;
(“v) any payment for development and maintenance of voter files other than those purposes.
(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking “and” at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:
(“vi) any amount contributed to a candidate for other than Federal office;
(“vii) any amount received or expended to pay the costs of a State or local political convention;
(“viii) any payment for research pertaining solely to State and local candidates and issues;
(“ix) any payment for development and maintenance of voter files other than those purposes.
(3) Section 301(8)(B)(xvii).
"(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICE HOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of such candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

(B) which are to be expended in connection with any election for office other than Federal office, if such funds are not from sources prohibited by such subsections with respect to elections to Federal office.

(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

(B) A person is described in this subparagraph if such person is a candidate for Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or other Federal or non-Federal entity shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

(A) holds a Federal office; or

(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 434(b)), as amended by section 324(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), is amended by adding at the end thereof the following new subsection:

"(j) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 324(b)(5) of FECA (2 U.S.C. 441a(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting "and", and the election to which the operating expenditure relates" after "operating expenditure".

Subtitle D—Contributions

SEC. 10044. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.—Section 324(a) of FECA (2 U.S.C. 441a(a)) is amended to read as follows:

"(B) For purposes of this subsection:

(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate. If a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the source of the contribution and the intended recipient of the contribution to the Commission and to the intended recipient.

(B) Contributions made directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, including contributions arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

(ii) the intermediary or conduit is—

(I) a political committee which is not described in subdivisions (F) or (G) of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(8)), or an officer, employee, or agent of such a political committee; or

(II) an individual whose activities are required to be reported under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor original source and required to report activities as a lobbyist or foreign agent to report activities; or

(iii) a person which is prohibited from making contributions under section 316 or which is a partnership; or

(iv) an officer, employee, or agent of a person described in clause (ii) or (iii) acting on behalf of such person.

"(c)(i) The term "contributions arranged to be made" includes—

(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent by the person who arranged for the making of the contribution;

(II) contributions to a particular candidate or the candidate's authorized committee or agent that are made or arranged to be made so as to identify to the candidate or authorized committee or agent the person who arranged for the making of the contribution;

(ii) Except for purposes of subsections (B) and (C), an individual shall not be treated as an officer, employee, or agent of a person if—

(I) in the case of a membership organization, the individual is a member of the organization, or

(II) the individual serves on the board of the person and the individual does not receive any compensation from that person (or any subsidiary or affiliated person) by reason of serving in that capacity.

(D) Nothing in this paragraph shall apply to—

(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event, independent of any election, in which contributions are described by the Commission, by 2 or more candidates acting on their own behalf;
in the making of the contribution.

(b) The term "lobbyist" means—

``(1) any person who is a lobbyist or a foreign agent to register; or

``(2) any person who is an employee of the President, any officer or employee of the Executive office of the President other than a clerical or secretarial employee, any executive or employee serving in an Executive Level I, II, III, IV, or V position of the Executive Branch, or any employee or official serving in a senior executive service position (as defined in section 3532(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or above GS-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code, or

``(3) for purposes of this subsection—

``(A) a Federal officeholder or candidate for Federal office; or a political committee described in subparagraph (B)(ii)(I), a political committee described in this subparagraph is one which—

``(i) does not have a connected organization;

``(ii) has not contracted for the services of, or has employed on a full or part-time basis, any individual described in subparagraph (B)(ii)(I) during the same election cycle;

``(iii) is not affiliated with any person or organization that has contracted for the services of, or has employed on a full or part-time basis, any individual described in subparagraph (B)(ii)(I) during the same election cycle;

``(iv) for purposes of clause (i), organizations are affiliated if they are established, financed, maintained, or controlled by the same person or group of persons. Evidence of such affiliation includes, but is not limited to—

``(I) common membership, employees, officers, or facilities;

``(II) the donation, contribution, or transfer of funds between the organizations;

``(III) the exchange, sharing, or disclosure of any membership mailing, contributor, or other list of names; or

``(IV) the authority or ability to direct, or to participate in, decisions relating to the governance or decision-making of an organization.

``(C) the term "lobbying contact"—

``(i) means an oral or written communication with or appearance before a member of Congress or covered executive branch official made by a lobbyist representing an interest with regard to—

``(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

``(II) the implementation, modification, or adoption of Federal regulations implementing section 308 of the Federal Regulation of Lobbying Act of 1946 (2 U.S.C. 165 et seq.) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register with or report to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.

``(D) for purposes of this subsection, any contribution made to or on behalf of a person with regard to—

``(i) an election to a Federal office, exceeds a stated limit or a contribution with respect to an election, any contribution from a State or local committee of a political party, or any contribution to a candidate, exceeds a stated limit or a contribution with respect to a candidate for Congress or to a political committee for Congress, or any contribution to a political party, exceeds a stated limit; or

``(ii) an election to a Federal office, is by a person who is a lobbyist or foreign agent to register; or

``(iii) a political party, or any candidate, exceeds a stated limit; or

``(iv) a political party, or any candidate, exceeds a stated limit.

``(E) the term 'covered executive branch official'—

``(i) means a covered executive branch official of the United States if, during the preceding 12 months, the lobbyist has made a lobbying contact with such official capacity;

``(ii) means a covered executive branch official if the lobbyist has made a lobbying contact with such official capacity; or

``(iii) means a covered executive branch official if the lobbyist has made a lobbying contact with such official capacity.

``(F) for purposes of this subsection—

``(i) the term 'covered executive branch official' means—

``(I) an employee of Congress or any authorized committee of Congress; or

``(II) any person who is a lobbyist or a foreign agent to register; or

``(III) any person who is an employee of the President, any officer or employee of the Executive office of the President other than a clerical or secretarial employee, any executive or employee serving in an Executive Level I, II, III, IV, or V position of the Executive Branch, or any employee or official serving in a senior executive service position (as defined in section 3532(a)(2) of title 5, United States Code).
force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1), and any matter not described in paragraph (1) may not be used to discourage from undertaking such travel; or

(3) proposes a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who is so disabled would be discouraged from undertaking such travel;

(b) propose procedures to identify persons who are so disabled; and

(c) describe the equipment and apparatus that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersedes or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(B) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 10052. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who is so disabled would be discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe the equipment and apparatus that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(B) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(2) PHYSICAL ACCESS.—Nothing in this section is intended to supersedes or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(C) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

Title III of FECA, as amended by section 10003, is amended by adding at the end the following new subsection:

"CAMPAIGN ADVERTISING THAT REFERS TO AN OPPONENT.

(a) CANDIDATES.—A candidate or candidate's authorized committee that places in the mail a campaign advertisement in which a false representation is made as a public corporation or which is directed at a general audience or that directly or indirectly refers to an opponent or the opponents of the candidate in an election, with or without identifying any opponent in particular, shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.

(b) PERSONS OTHER THAN CANDIDATES.—A person other than a candidate or candidate's authorized committee that places in the mail a campaign advertisement or any other communication to the general public that communicates a false representation of fact by, with or without identifying any opponent in particular, shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.

SEC. 10056. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended by adding at the end the following new subsection:

"(6)(A)(i) No mailing by a Member of Congress may take effect on the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for re-election or for election to any other Federal office; and

"(ii) No mailing by a Member of Congress may take effect on the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for re-election or for election to any other Federal office; and

Subtitle F—Effective Dates; Authorizations

SEC. 10061. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by, and the provisions of this title shall take effect on the date of the enactment of this title.

Title III of FECA, as amended by section 10003, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS OF FECA.

Sec. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.

Title IV—CAMPAIGN ADVERTISING THAT REFERS TO AN OPPONENT.

Sec. 328. (a) CANDIDATES.—A candidate or candidate's authorized committee that places in the mail a campaign advertisement in which a false representation is made as a public corporation or which is directed at a general audience or that directly or indirectly refers to an opponent or the opponents of the candidate in an election, with or without identifying any opponent in particular, shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.

(b) PERSONS OTHER THAN CANDIDATES.—A person other than a candidate or candidate's authorized committee that places in the mail a campaign advertisement or any other communication to the general public that communicates a false representation of fact by, with or without identifying any opponent in particular, shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.

Sec. 329. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended by adding at the end the following new subsection:

"(6)(A)(i) No mailing by a Member of Congress may take effect on the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for re-election or for election to any other Federal office; and

"(ii) No mailing by a Member of Congress may take effect on the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for re-election or for election to any other Federal office; and

Subtitle F—Effective Dates; Authorizations

SEC. 10061. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by, and the provisions of this title shall take effect on the date of the enactment of this title.
go back many years. In 1978—only a few years after I came to the Senate—I proposed a resolution to assure that all Senate employees would be protected against employment discrimination. In explaining why we needed this resolution, I said that Congress was The Last Plantation. Some of my colleagues were not happy with me for this. But the employees knew what I said was true.

There resolution in 1978 did not pass, and it is only in the last few years that we have finally enacted substantial legal protection for Senate employees. Our Senate employees are now covered under the civil rights laws and certain employment laws, and they can take their cases to the U.S. Court of Appeals. Despite this progress, however, we still have an unacceptable patchwork quilt of coverage and exemption here on Capitol Hill.

It has not been easy to solve this problem. My guiding principle has been that we in Congress should be subject to the same laws as apply to a business back in our home State. But many Members also believe that the Constitution requires us to preserve substantial independence of the Senate and of the House of Representatives.

This is not simply a matter of personal prerogative or ego. For the private sector, these laws are normally implemented by the executive branch and the judicial branch. But many Senators—both Democrats and Republicans—have expressed genuine concern about politically motivated prosecutions that might result if we ignore the principle of separation of powers as we apply these laws to Congress.

Last year, the majority leader, Senator MITCHELL, asked me—as chairman of the Governmental Affairs Committee—to try to find a bipartisan solution. I started with the excellent bill introduced last year by Senators LIEBERMAN and GRASSLEY. Then, together with Senator BOMBERG, Senator GRASSLEY, and other Senators from both sides of the aisle, we worked hard to reach a solution—and we succeeded. We included even stronger application of the laws to Congress, and we also included stronger protection of the constitutional independence of the Senate and the House. Our legislation won broad bipartisan support, but it was unfortunately blocked on the Senate floor in the closing days of the 103rd Congress.

I am very gratified that our solution to congressional coverage now stands an excellent chance of being enacted by the new Congress. The new Democratic leader, Senator DASCHLE, is introducing our congressional accountability legislation, as part of a comprehensive congressional reform program.

This proposal includes a number of reforms of the way Congress does business, including measures on lobbying disclosure and gifts to Members. These essential measures, which I support, were also blocked—along with congressional coverage—at the end of the last Congress.

The first part of the Democratic leader’s bill, which deals with congressional coverage, is entitled the Congressional Accountability Act of 1995. This legislation can be briefly summarized in five key elements:

1. Reform all of the rights and protections under the civil rights laws, other employment statutes, and the public access requirements of the Americans with Disabilities Act would apply to the legislative branch. This includes the Senate, the House of Representatives, and our support agencies.

Second, a new compliance office would be established within the legislative branch to handle claims and to issue rules. The compliance office would be headed by an independent five-person board of directors removable only for cause.

It is unfortunate that we have to create a new enforcement bureaucracy, at a time when we are more concerned about streamlining the government. But many Members believe that we need to restore the principle of separation of powers to have the executive branch enforce these laws against Congress.

Third, any employee who believes there has been a violation could request counseling and mediation services from the new office. If the employee’s claim is not resolved by counseling or mediation, the employee may file a complaint with the compliance office and receive a hearing and decision from a hearing officer. This decision may be appealed to the board, and to the U.S. Court of Appeals.

Fourth, instead of filing a complaint with the compliance office after counseling and mediation, the employee may elect to sue in U.S. District Court. A jury trial may be requested under applicable law.

Fifth, the board will appoint a general counsel, who will enforce OSHA, collective bargaining requirements, and other laws.

A similar bill is being introduced as part of Senator Dole’s top-priority legislation. With this strong bipartisan support, I am very optimistic that congressional coverage legislation can now be promptly enacted.

So I am very pleased that there now appears to be bipartisan support for the Congressional Accountability Act. And I will be as pleased as anyone when it is finally adopted.

But make no mistake about it: There is nothing new about this measure. Congressional coverage legislation was adopted by the democratically controlled House of Representatives last year. Congressional coverage legislation was sent to the Senate floor by my democratically controlled Governmental Affairs Committee last year.

And, unfortunately, it died in the final days of the democratically controlled Congress in that scorched Earth atmosphere—the worst I have ever seen in my 20 years in the Senate—that saw
Members opposing the sake of opposition—and even killing good legislation that they themselves supported—in order to deny credit to the majority party.

Well, I will tell you something. I was not proud of what went on in those final days, and I do not think the American people either. Neither do they, for they know that America did not rise to become the greatest nation in the world by trying to out-delay, out-complain, and out-divide our political opposition.

And—although it is easier said than done—it is high time that Members start taking the national interest first. To calculate their actions based not on the narrow political calculations of today—but on what is best for the country tomorrow.

If Republicans and Democrats alike can just remember that, I believe that we can have a very productive session.

The Congressional Accountability Act is a good place to start. And I am very pleased that it is being introduced as part of Senator Daschle's comprehensive congressional reform proposal.

Key Elements of the Congressional Accountability Act of 1995

1. Rights and Protections under Civil Rights and other employment statutes and the Americans with Disabilities Act would apply fully to the House, the Senate, and all its instrumentalities.

2. A new compliance office would be established within the Legislative Branch to handle claims and issue rules.

The compliance office would be headed by an independent 5-percent Board of Directors removable only for cause.

3. An employee who believes there has been a violation could receive counseling and mediation services from the new office.

4. If a claim is not resolved by counseling or mediation, the employee may file a complaint with the compliance office and receive a hearing and decision from a hearing officer.

This decision may be appealed to the Board and to the United States Court of Appeals.

5. Instead of filing a complaint with the compliance office, an employee can file a complaint directly with the General Counsel, to be appointed by the Board, who will enforce OSHA, collective bargaining requirements, and other laws.

Summary of Costs and Other Impacts of Congressional Accountability Act

The CBO letter, at pages 44-49 of the GAC Report (and the CBO letter for the House bill) describes the following costs:

1. New compliance office:
   - $1 million/year for 2 years, during start-up.
   - $2.3 million/year thereafter, including enforcement procedures and OSHA inspections.

2. Settlements and awards to employees:
   - $0.3-1 million/year.

3. Federal labor-management relations:
   - $1 million/year for lawyers and personnel officers.

4. OSHA
   - Existing standards—will require change in practices rather than significant additional space or cost.
   - Possible future standards (e.g., ergonomic equipment for air quality)—without specific standards, cost cannot be predicted.

5. Fair Labor Standards
   - Capital police—$0.6 million/year.

Other employees—CBO could not estimate. CBO assumed the compliance office would have wide discretion in establishing rules and in allowing compensatory time instead of overtime. This is incorrect: bill requires private-sector standards, cost cannot be predicted.

6. Anti-discrimination laws—no additional cost, because these requirements already apply under statutes or rules.

7. Polygraph protection—no effect; polygraphs are not used.

8. Plant closing—no effect; no mass layoffs are anticipated.

9. Veterans rehiring—no scored by CBO; added to the legislation this year.

Total estimate: $1 million/year for the 2 years, $4.5 million/year thereafter.

Appendix D: Procedures for Remedy

1. PROCEDURES FOR REMEDY

   a. For employee claims (discrimination, family/medical leave standards, fair labor standards, polygraph, plant closing, veterans rehiring) there would be a 5-step procedure: counseling, mediation, trial, hearing officer.

   b. For Americans with Disabilities Act:
      - Members of the House and Senate may submit a charge to the General Counsel of the Office. Only the General Counsel may call for mediation, or file a complaint.
      - Appeal to the U.S. Court of Appeals.
      - Appeal to the Board.

   c. For OSHA, the following procedural steps will be available:
      - Petitions (e.g., requesting recognition of an exclusive representative) will be considered by the Board, and could be referred by the Board to a hearing officer.

   d. For collective bargaining law, the following procedural steps will be available:
      - Negotiation impasses would be submitted to mediators.

2. PROCEEDURES FOR REMEDY

   a. For employee claims (discrimination, family/medical leave standards, fair labor standards, polygraph, plant closing, veterans rehiring) there would be a 5-step procedure: counseling, mediation, trial, hearing officer.

   b. For Americans with Disabilities Act:
      - Members of the House and Senate may submit a charge to the General Counsel of the Office. Only the General Counsel may call for mediation, or file a complaint.
      - Appeal to the U.S. Court of Appeals.
      - Appeal to the Board.

   c. For OSHA, the following procedural steps will be available:
      - Petitions (e.g., requesting recognition of an exclusive representative) will be consid- ered by the Board, and could be referred by the Board to a hearing officer.

   d. For collective bargaining law, the following procedural steps will be available:
      - Negotiation impasses would be submitted to mediators.

   e. For collective bargaining law, the following procedural steps will be available:
      - Negotiation impasses would be submitted to mediators.
We have passed landmark legislation like the Civil Rights Act of 1964, the Fair Labor Standards Act, the Occupational Safety and Health Act and the Rehabilitation Act of 1973, to protect the civil, social, physical, and economic working rights for American workers. What we failed to do each time was legislation was passed to make sure that Congress was covered. By exempting itself from important civil rights and labor laws, Congress denied to the men and women who serve us every day the rights and protections afforded to other American workers, simply because of the place of their employment.

The result has come home to roost. The American people question whether Congress understands their problems in part because Congress does not have to live under the same rules as other Americans. This bill is a step toward regaining the confidence of the American people.

Congress cannot be above the laws it passes. It must provide to all its employees the same protections it requires other employers to give. The American people want this body to play by the same rules and observe the same laws that we impose on everyone else.

Unlike the Republican version of the congressional coverage bill, the Democratic alternative (S. 10), which I am glad to cosponsor, contains provisions for lobbying reform, and limits on gifts to Members of Congress. I am pleased to support S. 10 because it goes further than the Republican alternative in providing true accountability. It is a step toward increasing sunshine and accountability.

By Mr. KYL:

S. 11. A bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes; to the Committee on the Judiciary.

MEDICAL CARE INJURY COMPENSATION ACT

Mr. KYL. Mr. President, I rise as the sponsor of S. 11, the “Medical Care Injury Compensation Act of 1995.” As the 104th Congress begins to consider targeted, market-based health care reform options, we should remember that medical malpractice costs are an integral component of the high cost of medical care and health insurance. The current medical malpractice system encourages litigation and exorbitant out-of-court settlements. According to a Lewin-VHI study, direct liability costs have been growing at four times the rate of inflation. Defensive medicine is projected to add as much as $76 billion annually to national health care costs. It is reasonable when viewed in light of a study done by the Institute of Medicine which found that 40% of all doctors and 70% of all obstetrician-gynecologists will be sued during their careers. The Institute of Medicine concluded that medical liability costs are an integral component of the productivity costs of our health care system. Medical liability costs do not result in the productive use of our national health care dollars. According to a study by the Hudson Institute, of the billions spent annually on medical liability costs, 57 cents out of each dollar goes to lawyers rather than to injured patients. This study concluded that medical liability costs added $450 per capita annually to national health care costs. Doctors’ fear is reasonable when viewed in light of a study done by the Institute of Medicine which found that 40% of all doctors and 70% of all obstetrician-gynecologists will be sued during their careers.

Mr. Roth. Mr. President, today we reintroduce the Super IRA, a savings plan that is well-known as the Bent- sen-Roth IRA, and now the Roth-Breaux IRA. The former Chairman of the Finance Committee, the Secretary of the Treasury, Lloyd Bentsen, joined with me to offer his leadership on this almost four years ago—and now I believe we are on the verge of completing our work of seeing this bill adopted.

Today I am proud to be joined by Senator John Breaux, in introducing this bill. I believe that this bill is extremely well conceived and promotes the two most important issues facing us today: the family and the failure of our economy.

It is clear, after passing the Bentsen-Roth IRA twice in 1992, that Congress not only understands the need to strengthen family and the economy, but that Congress is willing to work in bipartisan cooperation to pass this legislation. We have done it before; we can do it again.

This Super IRA will do much not only to serve our families and help our nation’s savings rate, but it will also restore equity to spouses who want to participate in the program. This lack of savings in this country, as we all know, has reached crisis proportions. Chairman Greenspan, at the Federal Reserve, has said that the single most important long-term economic issue for this country is savings—savings that are essential for jobs, opportunity, and growth. This bill will help bring new savers into the act.

Savings is not only important to our nation’s economy, it is also important to create security and self-reliance in our families. This Super IRA will help Americans. It is flexible, allowing withdrawals to be made penalty-free to purchase first homes, to pay for unusually large medical bills, college educations, and to help families during extended periods of unemployment.

One of the primary benefits of this Super IRA is that parents and grandparents are able to draw down their IRAs without penalty to pay their children’s college education, or contribute...
toward their children's first home. Children and grandchildren can use their IRAs to help their parents and grandparents. This is what real “opportunity” is all about—“opportunity” for the family—“opportunity” because once again Americans can focus on self-reliance and prepare with greater certainty for their futures.

Let me stress, this Super IRA eliminates the unequal treatment of spouses that now exists under current law. This bill will allow spouses [husbands or wives] who work at home to make equal IRA contributions, up to $2,000, in their own accounts.

This promotes personal responsibility. The individual is enabled to provide for his or her family, and does not have to rely on the limited hand of government for their support.

Mr. President, it's clear to see why this is a bill whose time has come. We have passed it before—in both Houses of Congress—now we must pass it again. It serves the individual. It serves the family. It serves the nation. It is equitable, restoring spousal contributions to where they should be. It is flexible, offering penalty-free withdrawals for life's necessities. It promises the vital capital formation America needs to invest in its future. And it builds upon the very important concept of self-reliance. Mr. President, this bill must be passed, again.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 12

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Savings and Investment Incentive Act of 1995”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act a provision or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—RETIREMENT SAVINGS INCENTIVES

Subtitle A—Restoration of IRA Deduction

SEC. 101. RESTORATION OF IRA DEDUCTION.

(a) BASE-INCOME LIMITS.—

(1) IN GENERAL.—Subparagraph (B) of section 219(g)(3) (relating to applicable dollar amount) is amended to read as follows:

“7. The applicable dollar amount is:

<table>
<thead>
<tr>
<th>Year</th>
<th>Dollar Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>$55,000</td>
</tr>
<tr>
<td>1997</td>
<td>$50,000</td>
</tr>
<tr>
<td>1998</td>
<td>$30,000</td>
</tr>
</tbody>
</table>

“(ii) in the case of any taxpayer (other than a married individual filing a separate return):”.

(b) CONFORMING AMENDMENTS.—

(1) Section 408(b)(1)(B) is amended by striking “in the case of any married individual filing a separate return” and inserting “on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)”.

(2) Section 408(b)(1)(B) is amended by striking “in the case of a married individual filing a separate return, zero.”.

(3) Section 408(g) is amended by striking “$2,000.”.

SEC. 102. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 219, as amended by section 101, is amended by redesignating subsection (h) as subsection (i) and inserting the following new subsection:

“(h) COST-OF-LIVING ADJUSTMENTS.—

(1) DEDUCTION AMOUNT.—

“(A) IN GENERAL.—In the case of any taxable year beginning in calendar year 1996, the limitation of subsection (b)(1)(A) shall be increased by an amount equal to the product of $2,000 and the cost-of-living adjustment for the calendar year.

(B) ROUNDING TO NEXT LOWEST $500.—If the amount to which $2,000 would be increased under subparagraph (A) is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500.

(2) RELATED AMOUNTS.—Each of the dollar amounts contained in subsection (c)(2) shall be increased at the same time, and by the same amount, as the increase under paragraph (1).

(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection:

“(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

(i) the CPI for such calendar year, exceeds

(ii) the CPI for calendar year 1994.

(B) CPI FOR ANY CALENDAR YEAR.—The CPI for any calendar year shall be determined in the same manner as under section 219(f)(3)(C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.
(a) In general.—Section 219(b) (relating to maximum amount of deductible) is amended by adding at the end the following new paragraph:

"(4) Coordination with elective deferral limit.—The amount determined under paragraph (1) or subsection (c)(1) with respect to any individual for any taxable year shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals of the individual which are allocable from gross income for the taxable year under section 402(g)(1), over

"(B) the amount so excluded."

(b) Conforming amendment.—Section 219(c), as amended by section 104, is amended by adding at the end the following new paragraph:

"(3) Cross reference.—For reduction in paragraph (1) amount, see subsection (b)(4)."

(c) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

Subtitle B—Nondeductible Tax-Free IRAs

SEC. 111. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) In general.—Subpart A of part I of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. IRA PLUS ACCOUNTS.

"(a) General rule.—Except as provided in this section, an IRA Plus account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) IRA Plus account.—For purposes of this section, the term "IRA Plus account" means an individual retirement plan which is designated at the time of establishment of the plan as an IRA Plus account.

"(c) Treatment of contributions.—

"(1) No deduction allowed.—No deduction shall be allowed under section 219 for a contribution to an IRA Plus account.

"(2) Aggregation.—The aggregate amount of contributions for any taxable year to all IRA Plus accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year (computed without regard to sections for subpart A of part I of subchapter D of chapter 1), over

"(B) the amount so allowed.

"(3) Rollover contributions.—

"(A) A rollover contribution may be made to an IRA Plus account unless it is a qualified transfer.

"(B) Coordination with limit.—A rollover contribution shall not be taken into account for purposes of paragraph (2).

"(4) Tax treatment of distributions.—

"(1) In general.—Except as provided in this section, any amount paid or distributed out of an IRA Plus account shall not be included in the gross income of the distributee.

"(2) Exception for earnings on contributions held less than 5 years.—

"(A) In general.—Any amount distributed out of an IRA Plus account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) Cross reference.—For additional tax for early withdrawal, see section 72(t)."

"(C) Ordering rule.—Distributions from an IRA Plus account shall be treated as having been made—

"(i) first from the earliest contribution (and earnings allocable thereto) in the account at the time of the distribution, and

"(ii) then from other contributions (and earnings allocable thereto) in the order in which made.

"(D) Allocations between contributions and earnings.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(E) Allocation of earnings.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(F) Contributions in same year.—Except as provided in regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(3) Rollovers.—

"(A) In general.—Paragraph (2) shall not apply to any distribution which is transferred to another IRA Plus account.

"(B) Contribution period.—For purposes of paragraph (2), the IRA Plus account to which any contributions are transferred from another IRA Plus account shall be treated as having held such contributions during the rollover period, even if such contributions were held (or are treated as held under this subparagraph) by the account from which transferred.

"(4) Special rules relating to certain transfers.—

"(A) In general.—Notwithstanding any other provision of law, in the case of a qualified transfer to an IRA Plus account from an individual retirement plan which is not an IRS Plus account—

"(i) there shall be included in gross income any amount which, but for the qualified transfer, would be includible in gross income, but

"(ii) section 72(t) shall not apply to such amount.

"(B) Time for inclusion.—In the case of any qualified transfer which occurs before January 1, 1997, any amount includible in gross income under paragraph (2)(A) with respect to such contribution shall be includible ratably over the 4-taxable year period beginning with the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(C) Qualified transfer.—For purposes of this section, the term "qualified transfer" means a transfer to an IRA Plus account from another such account or from an individual retirement plan but only if such transfer meets the requirements of section 408(d)(3)."

"(5) Early withdrawal penalty.—Section 72(t), as amended by section 201(c), is amended by inserting "or (C)" after "(C)" and "and (C)" after "(C)"

"(6) Definitions.—Section 72(t) is amended by adding at the end the following new paragraph:

"(D) Qualified first-time homebuyer distributions.—For purposes of subparagraph (B)(i), qualified first-time homebuyer distributions are distributions made pursuant to electivity provisions described in subparagraph (A) or (B) of section 402(g)(3) or section 211(c)(18)(B)(i)(I)"

"(ii) which are qualified first-time homebuyer distributions (as defined in paragraph (6));

"(iii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the transferee for the taxable year; and

"(D) Financially Devastating Medical Expenses.—

"(1) In general.—Section 72(t)(1)(A) is amended by striking "."

"(2) Certain lineal descendants and ancestors treated as dependents.—Subparagraph (B) of section 72(t)(2) is amended by striking "medical care" and all that follows and inserting "medical care and"

"(ii) without regard to whether the employee itemizes deductions for such taxable year and"

"(ii) by treating such employee's dependents as including—

"(i) all children and grandchildren of the employee or such employee's spouse, and

"(ii) all ancestors of the employee or such employee's spouse.''

"(3) Conforming amendment.—Subparagraph (B) of section 72(t)(2) is amended by striking "or (C)" and inserting ".(C)" and "(D)"

"(4) Definitions.—Section 72(t) is amended by adding at the end the following new paragraph:

"(D) Qualified first-time homebuyer distributions.—For purposes of subparagraph (B)(i) qualified first-time homebuyer distributions are distributions made pursuant to electivity provisions described in subparagraph (A) or (B) of section 402(g)(3) or section 211(c)(18)(B)(i)(I)"

"(A) In general.—The term "qualified first-time homebuyer distribution" means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a homebuyer who is such individual, the spouse of such individual, or any child, grandchild, or ancestor of such individual or the individual's spouse.

"(B) Conforming amendment.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. IRA Plus accounts."
(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term ‘qualified acquisition costs’ means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or customary settlement, financing, or other closing costs.

(C) FIRST-TIME HOMEOWNER; OTHER DEFINITIONS.—For purposes of this paragraph:

(1) such individual (and if married, such individual’s spouse) had no previous ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

(2) such individual is a first-time homebuyer.

(II) on which construction or reconstruction of such a principal residence is commenced.

(TITLE III—AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 303. DISREGARD OF INCOME AND REVENUES ATTRIBUTED FOR EDUCATION, TRAINING, AND EMPLOYABILITY.

(a) DISREGARD AS RESOURCE.—Section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B)) is amended—

(i) by striking ‘‘or’’ before ‘‘(iv)’’, and

(ii) by striking the end of subparagraph (B) and inserting ‘‘or’’, and

(b) DISREGARD AS INCOME.—(1) in general.—Section 402(a)(8)(A) of such Act (42 U.S.C. 602(a)(8)(A)) is amended—

(i) by striking ‘‘and’’ at the end of subparagraph (A), by striking ‘‘or’’ at the end of subparagraph (B), and by inserting ‘‘or’’, and

(ii) by striking ‘‘and’’ at the end of clause (vii), and

(b) by inserting after clause (vii) the following new clause:

(3) THE CASE FOR INDIVIDUAL RETIREMENT ACCOUNTS: THE NEED FOR SAVINGS

There is a growing consensus in Congress that demonstrates Members agree Americans must save their money and become self-reliant. The lack of savings in this country has reached crisis proportions—THERE IS A SAVINGS CRISIS!

We all know the statistics: the British and French save at a rate more than twice as much, while the Japanese and French save at a rate more than twice as much. The national saving rate in America has decreased steadily over the past 25 years, falling from 8 percent in the 1960s and 70s, to less than 4 percent today. That rate is lower than in any other advanced nation. Since 1995, the national saving rate was only 1.7 percent in 1993, down from 3 percent from 1983 to 1993. The Chairman of the Federal Reserve, Alan Greenspan, has said that the single most important long-term economic issue for this country is that of national savings. There is a growing consensus that it is the responsibility of the Government to help American save, to empower our families toward self-reliance. And I strongly believe that removing the savings penalties in the tax code is the best way to increase this nation’s savings rate and self-reliance.

We all know the statistics: the British and Germans save twice as much, while the Japanese and French save at a rate more than twice as much.
three times that of Americans, largely—believe—because of their tax incentives. Consequently, Japan has the highest personal saving rate among advanced nations, and ample funds needed to finance capital investment and other productive expenditures. Thus Japanese business and workers have the most advanced tools available in the global marketplace. Meanwhile, the U.S. government is turning away from saving and capital investment, with the result that we are crippling our competitiveness at a turning point in economic history. We must remember that we cannot tax ourselves into prosperity. If we want our children to inherit a country for years to come, I believe the IRA will go a long way toward helping our financial institutions provide the loans to business that they must.

Perhaps with the added savings from IRAs we can further our own investment in the U.S. rather than U.S. investments by others. In fact, capital inflows from abroad currently finance 50 percent of the annual capital investment required to meet the needs of the four most important goals. With a Japanese savings rate of about three times that of Americans, largely, we must agree that increasing our savings rate will help our country for years to come. I believe the IRA will go a long way toward helping our financial institutions provide the loans to business that they must.

Permit the maximum savings benefit available to individuals and businesses. In the future, perhaps the IRA will provide a further impetus to increased American capital inflows to help finance our economy's productive activities during retirement. For example, our national saving rate has contributed to U.S. economic growth over the years, we are beginning to see why continued reliance on these inflows is not a viable policy. Over long periods, for advanced industrial countries, domestic investment tracks closely the supply of domestic saving. Ultimately, the U.S. must move from a position of current account deficit to surplus and capital outflows as foreign savers receive the returns on their investment in the U.S. If that is to happen without a relative reduction in U.S. living standards, U.S. productive capacity must be increased and so must U.S. savings.

The most important reason to save

It's clear to see how this is a bill whose time has come, however ... the most important reasons for saving are the needs of the most basic unit of our society. It's time we get back to the family. Only by allowing American families to save more can we further our own investment in the next $500 increase.

Perhaps with the added savings from IRAs we can further our own investment in the U.S. rather than U.S. investments by others. In fact, capital inflows from abroad currently finance 50 percent of the annual capital investment required to meet the needs of the four most important goals. We must agree that increasing our savings rate will help our country for years to come. I believe the IRA will go a long way toward helping our financial institutions provide the loans to business that they must.

Permit the maximum savings benefit available to individuals and businesses. In the future, perhaps the IRA will provide a further impetus to increased American capital inflows to help finance our economy's productive activities during retirement. For example, our national saving rate has contributed to U.S. economic growth over the years, we are beginning to see why continued reliance on these inflows is not a viable policy. Over long periods, for advanced industrial countries, domestic investment tracks closely the supply of domestic saving. Ultimately, the U.S. must move from a position of current account deficit to surplus and capital outflows as foreign savers receive the returns on their investment in the U.S. If that is to happen without a relative reduction in U.S. living standards, U.S. productive capacity must be increased and so must U.S. savings.
spouses would be allowed to contribute up to $2,000 to their own IRA, thus increasing the current $250 limit to the same level as other workers.

New Kind of IRA Option
Taxpayers will be offered a new choice of IRA, "IRA Plus". Contributions will not be deductible, but if the assets remain in the account for at least 5 years, all income will be tax free when it is withdrawn. The penalty for early withdrawal of any time will be applied to the withdrawal, unless they meet one of the four exceptions below.

Taxpayers can contribute up to $2,000 to either an old IRA or the new IRA. They can also allocate any portion of the $2,000 limit to the different accounts (e.g., $1,000 to a traditional IRA and $1,000 to the new IRA).

Penalty-Free Withdrawals for Important Purposes
The 10 percent penalty on early withdrawals (those before age 59 1/2 or 5 years for the new IRA) will be waived if the funds are used to buy a first home, to pay educational expenses or retraining expenses. The withdrawals will still be for the income tax due on the withdrawal, but no penalty will apply. Parents or grandparents can make penalty-free withdrawals for college or home expenses of a child or grandchild. Children and grandchildren can make penalty-free withdrawals in excess of 7 percent of the income of their parents and grandparents. An individual wanting to go back to school after being in the workforce can allocate a maximum of 25 percent of their income to educational withdrawing expenses. The withdrawal rules apply across generations and between spouses.

Penalty-Free Withdrawals for IRA Plus Accounts
Similar penalty-free withdrawal rules will apply to 401(k) and 403(b) employer sponsored plans for purposes of buying a first home, education or unemployment costs. Penalty-free withdrawals are already allowed for medical expenses for these plans. Section 401(k) and 403(b) plans are employer-sponsored plans allowing employees to make pre-tax contributions out of their paychecks. Currently, on an employee makes a contribution to a 401(k) or 403(b) plan, withdrawals are generally subject to a penalty tax like that applied to early withdrawals from IRAs.

Conversion of IRAs into IRA Plus Accounts
Taxpayers will be allowed to "convert" their old IRA savings into IRA Plus Accounts without penalty. They must, however, pay the ordinary income tax due on previously deducted contributions, as well as any earnings transferred. If the conversion is made before 1997, the taxpayer can spread the tax payments over a 4-year period.

By Ms. MOSELEY-BRAUN:
S. 13 A bill to require a Congressional Budget Office analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one committee reports, the other committee has 30 days to report or be discharged.

Mandates Cost Disclosure Legislation
Ms. MOSELEY-BRAUN. Mr. President, 2 years ago, when I came to the Senate, I started asking Federal agencies for information about the cost of Federal mandates on State and local governments. The costs of Federal mandates were significant issue when I served in State and local government in Illinois. State and local officials believe their budgets are unduly pressured because the Federal Government has added additional requirements to existing State and local governments, without the funding necessary to cover the additional costs.

To my surprise, most of the Federal establishment appeared to be totally unaware of the impact that Federal mandates have on State and local governments. There was almost a total absence of information on the mandates issues, and much of the government did not even know what a mandate was.

The first bill I introduced in the Senate in 1993 was designed to help ensure that this important issue was addressed. I am reintroducing this legislation today.

My bill was the first piece of legislation introduced in the 103d Congress to address the issue of unfunded mandates. It tried to ensure that Federal officials would not ignore the cost impact, in addition to the benefit, of any mandates they vote to enact. I am also co-sponsoring S. 1 because it incorporates this component of my bill, and I will work for its passage.

Mr. President, this legislation does not prohibit the Federal Government for issuing new mandates, nor does it repeal any existing Federal mandates. Instead, it simply requires that the Senate have information on any mandates in proposed legislation before it is considered by the full Senate.

The legislation adds a section to committee reports on proposed bills. This new section, which would be prepared by the Congressional Budget Office, would include information on: No. 1. The extent to which Federal funds, either contained in the bill or otherwise, cover the costs of complying with the mandates.

In addition, the legislation requires the Congressional Budget Office to issue an annual report on the cumulative costs of complying with Federal mandates in all enacted bills, together with an analysis of the extent to which Federal funds cover the costs of complying with the mandates.

For purposes of the CBO analysis, a Federal mandate is a provision in a reported or enacted bill that requires the creation or expansion of a State and/or local service or activity; requires standards different from existing State and/or local service or activity; requires contracting procedures different from or in addition to those required under existing State and/or local law or practice.

Constitutional reports already require a CBO analysis of the proposed reported bill's impact on the Federal budget. In addition, committee reports are required to contain information on the regulatory impact and major gap—the impact of the legislation on State and local governments.

I am well aware, Mr. President, of the budget pressures that have encouraged the Federal Government to add mandates on State and local governments, and I am not suggesting that every mandate is inappropriate. I do believe, however, that the Senate should know what it is doing, that it should know the impact a proposed bill has on State and local governments, so that Senators can cast informed votes.

I think my colleagues will agree that the Senate should have information on the impact Federal mandates have on State and local governments, and that the time to have that information is before the Senate votes on the floor. I urge the Senate to promptly enact this simple but necessary piece of legislation.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

SEC. 1. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974.

Section 202 of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"(I) FEDERAL MANDATES.—

(1) The Director shall analyze each bill or joint resolution reported in the Senate or the House of Representatives to determine—

"(A) the cost to State and local governments of complying with any Federal mandates in the reported bill or joint resolution; and

"(B) the extent to which Federal funds, either in the bill or joint resolution, or otherwise, cover the costs of complying with the mandates.

(2) The Director shall annually determine the cumulative costs of complying with Federal mandates in all bills or joint resolutions enacted in the preceding year and the extent to which Federal funds cover the costs of complying with such mandates.

(3) For purposes of this subsection, the term 'Federal mandate' means a provision that—

"(A) requires creation or expansion of a State or local service or activity; and

"(B) requires standards different from existing State or local service or practice in delivering a service or in conducting an activity; and

"(C) creates additional personnel or other administrative costs for State and local governments; or

"(D) requires contracting procedures different from or in addition to those required under State or local law or practice."

SEC. 2. REPORT REQUIRED FOR SENATE CONSIDERATION.

Paragraph 31 of rule XXVI of the Standing Rules of the Senate is amended—
(1) in subparagraph (c) by striking ``(a) and (b)'' and inserting ``(a), (b), and (c)'';
(2) by redesignating subparagraph (c) as subparagraph (d); and
(3) by inserting after subparagraph (b) the following:
``(c) Each such report shall also contain an evaluation by the Congressional Budget Of-
office of any Federal mandates in the bill or joint resolution as required by section 202(i)
of the Congressional Budget Act of 1974.''.

NOTICE
Incomplete record of Senate proceedings.
Today's Senate proceedings will be continued in the next issue of the Record.
Wednesday, January 4, 1995

Daily Digest

HIGHLIGHTS
First session of the One Hundred Fourth Congress convened.
House passed congressional accountability measure.

Senate

Chamber Action
Routine Proceedings, pages S1-S171
Measures Introduced: One hundred forty-nine bills and thirty-eight resolutions were introduced, as follows: S. 1-149, S.J. Res. 1-12, S. Res. 1-25, and S. Con. Res. 1.
Reports of a Committee: Pursuant to the order of the Senate of December 1, 1994, the following reports were filed:
Administration of Oath of Office: The Senators-elect were administered the oath of office by the Vice President.
Measures Passed:
   Notification to the President: Senate agreed to S. Res. 1, providing that a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to inform the President of the United States that a quorum of each House is assembled. Subsequently, Senators Dole and Daschle were appointed by the Vice President.
   Notification to the House of Representatives: Senate agreed to S. Res. 2, informing the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.
   Hour of Daily Meeting: Senate agreed to S. Res. 3, fixing the hour of daily meeting of the Senate at 12 o'clock meridian, unless otherwise provided.
   Electing President pro tempore: Senate agreed to S. Res. 4, electing the Honorable Strom Thurmond, of South Carolina, as President pro tempore of the Senate.
   Notifying President of the Election of President pro tempore: Senate agreed to S. Res. 5, notifying the President of the United States of the election of Senator Thurmond as President pro tempore of the Senate.
   Election of Secretary of the Senate: Senate agreed to S. Res. 6, electing Sheila Burke as Secretary of the Senate.
   Election of Sergeant at Arms and Doorkeeper of the Senate: Senate agreed to S. Res. 7, electing Howard O. Green, Jr., as the Sergeant at Arms and Doorkeeper of the Senate.
   Election of Secretary for the Majority: Senate agreed to S. Res. 8, electing Elizabeth B. Greene as the Secretary for the Majority.
   Notification to the President: Senate agreed to S. Res. 9, notifying the President of the United States of the election of a Secretary of the Senate.
   Election of Secretary for the Minority: Senate agreed to S. Res. 10, electing C. Abbott Saffold as the Secretary for the Minority.
Notification to the House: Senate agreed to S. Res. 11, notifying the House of Representatives of the election of Senator Thurmond as President pro tempore of the Senate.

Notification to the House: Senate agreed to S. Res. 12, notifying the House of Representatives of the election of a Secretary of the Senate.


Majority Committee Appointments: Senate agreed to S. Res. 15, making majority party appointments to certain Senate committees for the 104th Congress.

Minority Committee Appointments: Senate agreed to S. Res. 16, making minority party appointments to Senate committees under paragraph 2 of Rule XXV for the One Hundred and Fourth Congress.

Subsequently, the resolution was modified.

Amending Senate Rules: Senate agreed to S. Res. 17, to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate.

Subsequently, the resolution was modified.

Reappointment of Senate Legal Counsel: Senate agreed to S. Res. 18, relating to the reappointment of Michael Davidson as Senate Legal Counsel.

Majority Committee Appointments: Senate agreed to S. Res. 20, making majority party appointments to certain Senate committees for the 104th Congress.

Displaced Staff Member: Senate agreed to S. Res. 25, relating to section 6 of S. Res. 458 of the 98th Congress.


Pending:

Harking Amendment No. 1, amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn.

A unanimous-consent time agreement was reached providing for further consideration of the pending amendment on Thursday, January 5, with a vote on a motion to table the amendment to occur thereon.

Senate will continue consideration of the resolution on Thursday, January 5.

Measure Indefinitely Postponed:

Committee Funding: Senate indefinitely postponed further consideration of S. Res. 19, to express the sense of the Senate that the Committee on Rules and Administration when it reports the committee funding resolution for 1995-96 it should reduce funding for committees by 15% from the level provided for 1993-94.

Unanimous-Consent Agreements:

Select Committee on Ethics: Senate agreed that, for the duration of the 104th Congress, the Select Committee on Ethics be authorized to meet during the session of the Senate.

Time for Rollcall Votes: Senate agreed that, for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midpoint, beginning at the last 7½ minutes, and when rollcall votes are of 10 minutes' duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Authority to Receive Reports: Senate agreed that, during the 104th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Recognition of Leadership: Senate agreed that the majority and minority leaders may daily have up to 10 minutes on each calendar day following the prayer and disposition of the reading, or the approval of, the Journal.

House Parliamentarian Floor Privileges: Senate agreed that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress.

Printing of Conference Reports: Senate agreed that, notwithstanding the provisions of Rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Authority for Appropriations Committee: Senate agreed that the Committee on Appropriations be authorized during the 104th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to
suspend Rule XVI, pursuant to Rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendment shall be printed.  

Authority for Corrections in Engrossment: Senate agreed that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.  

Authority to Receive Messages and Sign Enrolled Measures: Senate agreed that, for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States and— with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives, that they be appropriately referred, and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.  

Privileges of the Floor: Senate agreed that, for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, an that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.  

Referral of Treaties and Nominations: Senate agreed that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.  

Appointments:  

Commission on the Roles and Capabilities of the U.S. Intelligence Community: The Chair announced the following appointment made by the Republican Leader, Senator Dole, during the sine die adjournment: Pursuant to provisions of Public Law 103-359, the appointment of Senator Warner and David H. Dewhurst, of Texas, as members of the Commission on the Roles and Capabilities of the United States Intelligence Community.  

National Bankruptcy Review Commission: The Chair announced the following appointment made by the President pro tempore, Senator Byrd, during the sine die adjournment: Pursuant to provisions of Public Law 103-394, and upon the recommendation of the Republican Leader, the appointment of James I. Shepard, of California, as a member of the National Bankruptcy Review Commission.  

Commission on Protecting and Reducing Government Secrecy: The Chair announced the following appointment made by the Democratic Leader, Senator Mitchell, during the sine die adjournment: Pursuant to provisions of Public Law 103–236, the appointment of Senator Moynihan and Samuel P. Huntington, of New York, as members of the Commission on Protecting and Reducing Government Secrecy.  

John C. Stennis Center for Public Training and Development: The Chair announced the following appointment made by the Democratic Leader, Senator Mitchell, during the sine die adjournment: Pursuant to provisions of Public Law 100-458, Sec. 114(b)(1)(2), the reappointment of William Winter to a six-year term on the Board of Trustees of the John C. Stennis Center for Public Training and Development, effective Oct. 11, 1994.  

Nominations Received: Senate received the following nominations:  

Robert E. Rubin, of New York, to be Secretary of the Treasury.  

Robert E. Rubin, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the African Development Fund; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.  

Ronna Lee Beck, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.  

Linda Kay Davis, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.  

John C. Stennis Center for Public Training and Development: Eric T. Washington, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.  

(See next issue.)  

Messages From the House:  

Communications:  

Petitions:  

Statements on Introduced Bills:  

S9±10 (continued next issue)
House of Representatives

Chamber Action

Bills Introduced: [Bills and resolutions introduced today will be printed in a future issue of the Record.]

Reports Filed: The following reports were filed subsequent to the sine die adjournment of the One Hundred Third Congress:
- Report entitled “Activities of the Committee on Education and Labor During the 103d Congress” (H. Rept. 103–872, filed on December 13, 1994);
- Report entitled “Summary of Activities of the Committee on Standards of Official Conduct During the 103d Congress” (H. Rept. 103–873, filed on December 13, 1994);
- Report entitled “Activities and Summary Report of the Committee on the Budget During the 103d Congress” (H. Rept. 103–874, filed on December 19, 1994);
- Report entitled “Legislative Review Activity During the 103d Congress of the Committee on Ways and Means” (H. Rept. 103–875, filed on December 20, 1994);
- Report entitled “Activities of the Committee on Post Office and Civil Service for the 103d Congress” (H. Rept. 103–876, filed on December 20, 1994);
- Report entitled “Summary of Legislative Activities of the Committee on Public Works and Transportation, One Hundred Third Congress” (H. Rept. 103–877, filed on December 22, 1994);
- Report entitled “Activities Report of the Committee on Veterans’ Affairs, House of Representatives, 103d Congress” (H. Rept. 103–878, filed on December 23, 1994);
- Report entitled “Activities of the Permanent Select Committee on Intelligence During the 103d Congress” (H. Rept. 103–879, filed on December 23, 1994);
- Report entitled “Legislative Review Activities of the Committee on Foreign Affairs During the 103d Congress” (H. Rept. 103–880, filed on December 29, 1994);
- Report entitled “Activities of the Committee on Armed Services for the 103d Congress” (H. Rept. 103–881, filed on December 29, 1994);
- Report entitled “Activity of the Committee on Energy and Commerce for the 103d Congress” (H. Rept. 103–882, filed on January 2);
- Report entitled “Activities of the Committee on the Judiciary During the 103d Congress” (H. Rept. 103–883, filed on January 2);
- Report entitled “Activities of the House Committee on Government Operations During the 103d Congress” (H. Rept. 103–884, filed on January 2);
- Report entitled “Activities of the Committee on Small Business During the 103d Congress” (H. Rept. 103–885, filed on January 2);
- Report entitled “Activities of the Committee on Agriculture During the 103d Congress” (H. Rept. 103–886, filed on January 2);
- Report entitled “Final Report on the Activities of the Merchant Marine and Fisheries Committee, 103d Congress” (H. Rept. 103–887, filed on January 2);
- Report entitled “Summary of Activities of the Committee on Science, Space, and Technology for the 103d Congress” (H. Rept. 103–888, filed on January 2); and
- Report entitled “Report on the Activities of the Committee on Appropriations During the 103d Congress (H. Rept. 103–889, filed on January 2).

Election of Speaker: By a yea-and-nay vote of 228 yeas to 202 nays, with 4 voting “present”, Roll No. 2, Newt Gingrich of the State of Georgia was elected Speaker of the House of Representatives over Richard A. Gephardt of the State of Missouri. Representatives Thomas of California, Fazio, Roukema, and Schroeder acted as tellers. The Speaker was escorted to the Chair by Representatives Gephardt, Armey, DeLay, Bonior, Boehner, Fazio, Collins of
Representative Dingell administered the oath of office to the Speaker, who subsequently administered the oath to Members-elect present en bloc.  

Party Leaders: It was announced that Representatives Armey and Gephardt had been elected majority and minority leaders, respectively, and that Representatives Delay and Bonior had been appointed majority and minority whips, respectively.

House Officers: House agreed to H. Res. 1, electing the following officers of the House of Representatives: Robin H. Carle, Clerk; Wilson S. Livingood, Sergeant at Arms; Scott M. Faulkner, Chief Administrative Officer; and Reverend James David Ford, Chaplain.

On division of the question, rejected an amendment that sought to name certain minority employees to the positions of Clerk, Sergeant at Arms, and Chief Administrative Officer.

Notify Senate: House agreed to H. Res. 2, to inform the Senate that a quorum of the House had assembled and had elected Newt Gingrich, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives.

Notify President: House agreed to H. Res. 3, authorizing the Speaker to appoint a committee of two members to join with a like committee of the Senate to notify the President that a quorum of each House has assembled and that the Congress is ready to receive any communication that he may be pleased to make. Subsequently, the Speaker appointed Representatives Armey and Gephardt to the committee.

Inform President: House agreed to H. Res. 4, authorizing the Clerk of the House to inform the President that the House of Representatives had elected Newt Gingrich, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives.

House Rules: House agreed to H. Res. 6, adopting the Rules of the House of Representatives for the One Hundred Fourth Congress.

By a yeas-and-nay vote of 421 yeas to 6 nays, Roll No. 7, the House agreed to section 102 of the resolution regarding truth-in-budgeting baseline reform; (See next issue.)

By a yeas-and-nay vote of 418 yeas to 13 nays, Roll No. 9, the House agreed to section 104 of the resolution regarding a ban on proxy votes in any committee or subcommittee; (See next issue.)

By a yeas-and-nay vote of 279 yeas to 152 nays, Roll No. 11, the House agreed to section 106 of the resolution regarding limitations on tax increases; (See next issue.)

By a yeas-and-nay vote of 430 yeas to 1 nay, Roll No. 12, the House agreed to section 107 of the resolution regarding a comprehensive House audit; and (See next issue.)

By a yeas-and-nay vote of 249 yeas to 178 nays, Roll No. 13, the House agreed to section 108 of the resolution providing that the Majority Leader and Minority Leader, or their designees, be authorized to call up for consideration on January 4, 1995 (or thereafter) H.R. 1, the “Congressional Accountability Act of 1995”, subject to one hour of debate, equally divided between the Majority Leader and Minority Leader, or their designees, and subject to one motion to recommit by the minority, which could include amendments; and (See next issue.)

House agreed to title II of the resolution which provided for House administrative reforms; changes in the committee system; oversight reform; Member assignment limit; multiple bill referral reform; accuracy of committee transcripts; elimination of “rolling quorums”; prohibition on committees sitting during House consideration of amendments; accountability for committee votes; affirmation of minority’s rights on motions to recommit; waiver policy for special rules; prohibition on delegate voting in Committee of the Whole; accuracy of the CONGRESSIONAL RECORD; automatic rollcall votes; appropriations reforms; ban on commemoratives; numerical designation of amendments submitted for the CONGRESSIONAL RECORD; requirement for the Pledge of Allegiance as the third order of business each day; publication of signators of discharge petitions; protection
of classified materials; structure of the Permanent Select Committee on Intelligence; abolition of legislative service organizations; and miscellaneous provisions and clerical corrections. (See next issue.)

Rejected the Bonior motion to commit title II to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith containing an amendment that changes from three to four years the Speaker term limits; contains language regarding majority-minority committee staff ratios on committees; language regarding the striking of waivers from budget resolutions; language regarding a ban on gifts from lobbyists; language regarding certain limitations on income from royalties received by any Members, officer, or employee of the House; and language amending existing rules creating the position of Director of Non-Legislative and Financial Services (rejected by a recorded vote of 201 ayes to 227 noes, Roll No. 14).

H. Res. 5, the rule which provided for the consideration of the resolution, was agreed to earlier by a yea-and-nay vote of 251 yea 181 nays, Roll No. 5. Agreed to order the previous question on the resolution by a yea-and-nay vote of 232 yea to 199 nays, Roll No. 3. Pages H10–19, H22–23

Earlier, objection was heard to a unanimous consent request to consider the resolution. Rejected the Bonior motion to commit H. Res. 5 to the Committee on Rules with instructions (rejected by a yea-and-nay vote of 196 yea to 235 nays, Roll No. 4). Pages H19–22

Congressional Accountability Act: By a yea-and-nay vote of 429 yea, Roll No. 15, the House passed H.R. 1, to make certain laws applicable to the legislative branch of the Federal Government. (See next issue.)

Legislative Program: The Majority Leader announced the legislative program for the week of January 9. Agreed that the House will adjourn from Thursday to Monday; and adjourn from Monday, January 9 until Wednesday, January 11; and adjourn from Wednesday, January 11, until Friday, January 13. (See next issue.)

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of Wednesday, January 11. (See next issue.)

Minority Employees: House agreed to H. Res. 7, providing for the designation of certain minority employees. (See next issue.)

Meeting Hour 104th Congress: House agreed to H. Res. 8, fixing the daily hour of meeting for the 104th Congress. (See next issue.)

**Steering and Policy Committees Funding:** House agreed to H. Res. 9, providing amounts for the Republican Steering Committee and the Democratic Policy Committee. (See next issue.)

**Employee Position Transfers:** House agreed to H. Res. 10, providing for the transfer of two employee positions. (See next issue.)

**Sacrifice and Courage of Warrant Officers Hilemon and Hall:** House agreed to H. Con. Res. 1, recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994. (See next issue.)

**Committee Elections:** House agreed to the following resolutions to designate committee memberships:

- H. Res. 11, Designating majority membership on certain standing committees of the House.
- H. Res. 12, Designating minority membership on certain standing committees of the House.
- H. Res. 13, Electing Representative Bernard Sanders to standing committees of the House. (See next issue.)

**House of Representatives Page Board:** Pursuant to section 127 of Public Law 97–377, the Speaker appointed as members of the House of Representatives Page Board the following Members: Representatives Emerson and Kolbe. (See next issue.)

**House Office Building Commission:** Pursuant to the provisions of 40 United States Code, sections 175 and 176, the Speaker appointed Representative Armey as a member of the House Office Building Commission, to serve with himself and Representative Gephardt. (See next issue.)

**Select Committee on Intelligence:** Pursuant to clause 1 of rule 48 and clause 6(f) of rule 10, the Speaker appoints as members of the Permanent Select Committee on Intelligence the following Members: Representatives Combest, Chairman, Dornan, Young of Florida, Hansen, Lewis of California, Goss, Shuster, McCollum, Castle, Dicks, Richardson, Dixon, Torricelli, Coleen, Pelosi, and Laughlin. (See next issue.)

**Morning Hour Debate:** It was made in order that the House may convene 90 minutes earlier than the time otherwise established by order of the House on Mondays and Tuesday of each week solely for the purpose of conducting “morning hour” debates under certain conditions. (See next issue.)

**Clerk’s Authorization:** Read a letter from the Clerk of the House wherein, under clause 4 of Rule III of the Rules of the House of Representatives, she designates Ms. Linda Nave, Deputy Clerk, to sign any and all papers and do all other acts under the name
of the Clerk of the House which she would be authorized to do by virtue of such designation, except as provided by statute, in case of the Clerk’s temporary absence or disability.

(See next issue.)

**Senate Messages:** Message received from the Senate today appears on page H23.

**Quorum Calls—Votes:** One quorum call (Roll No. 1), thirteen yea-and-nay votes, and one recorded vote developed during the proceedings of the House today and appear on pages H1–2, H3–4, H19, H22, H22–23 (continued next issue).

**Adjournment:** Met at noon and adjourned 2:24 a.m. on Thursday, January 5.

### Committee Meetings

No committee meetings were held.

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**CONGRESSIONAL PROGRAM AHEAD**

**Week of January 5 through 7, 1995**

**Senate Chamber**

On Thursday, Senate will resume consideration of S. Res. 14, amending paragraph 2 of Rule XXV of the Standing Rules of the Senate, with a vote on the motion to table Harkin Amendment No. 1, relating to the imposition of cloture, to occur at 11:30 a.m.

Senate may also consider S. 2, to make certain laws applicable to the legislative branch of the Federal Government.

**Senate Committees**

(Committee meetings are open unless otherwise indicated)

- **Committee on Banking, Housing, and Urban Affairs:** January 5 and 6, to hold hearings to examine issues involving municipal, corporate and individual investors in derivative products and the use of highly leveraged investment strategies, 10 a.m., SD-106.
- **Committee on the Budget:** January 5, to hold joint hearings with the Committee on Governmental Affairs on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments, and to strengthen the partnership between the Federal Government and State, local and tribal governments, 9:30 a.m., SH-216.
- **Committee on Governmental Affairs:** January 5, to hold joint hearings with the Committee on the Budget on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments, and to strengthen the partnership between the Federal Government and State, local and tribal governments, 9:30 a.m., SH-216.
- **Committee on the Judiciary:** January 5, to hold hearings on a proposed constitutional amendment to balance the Federal budget, 10 a.m., SD-226.

**NOTICE**

For a listing of Senate committee meetings scheduled ahead, see page E30 in today’s RECORD.

**House Chamber**

The program will be announced.

**House Committees**

- **Committee on the Budget:** January 6, to hold an organizational meeting, 10 a.m., 210 Cannon.
- **Committee on Economic and Educational Opportunities:** January 5, to hold an organizational meeting, 9:30 a.m., 2175 Rayburn.
- **Committee on the Judiciary:** January 5, to hold an organizational meeting, 11 a.m., 2141 Rayburn.
- **Committee on Rules:** January 5, to hold an organizational meeting, 1 p.m., H-313 Capitol.
- **Committee on Science:** January 5, to hold an organizational meeting, 1 p.m., 2318 Rayburn.
- **Committee on Transportation and Infrastructure:** January 5, to hold an organizational meeting, 10 a.m., 2167 Rayburn.
- **Committee on Ways and Means:** January 5, to hold an organizational meeting, 11 a.m., and to hold a hearing on the Contract With America, 1 p.m., 1100 Longworth.

**Joint Meetings**

- **Joint Economic Committee:** January 6, to hold hearings on the employment-unemployment situation for December, 9:30 a.m., SD-538.
Next Meeting of the SENATE
10 a.m., Thursday, January 5

Senate Chamber

Program for Thursday: At 10:15 a.m., Senate will resume consideration of S. Res. 14, amending paragraph 2 of Rule X XV, with a vote on the motion to table Harkin Amendment No. 1, relating to the imposition of cloture, to occur at 11:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, January 5

House Chamber

Program for Thursday: No legislative business is scheduled.