House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. Sensenbrenner].

DESIGNATION OF SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, January 5, 1995

I hereby designate the Honorable James Sensenbrenner, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are grateful, O God, that Your spirit is with us wherever we are and is sufficient for all our needs. If we are on the mountaintop full of joy and anticipation, You are there in our jubilation, and if we walk through the valley of the shadow of death, You support us with Your strong and abiding grace. May our spirits be open to Your spirit, and our wills to Your will, that we will walk the path of life with confidence and with peace.

In Your name we pray. Amen.

THE JOURNAL

The Speaker pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule 1, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The Speaker. The Pledge of Allegiance this morning will be led by the gentleman from Florida [Mr. Foley].

Mr. Foley led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPORT ON CONTRACT WITH AMERICA

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

Mr. Boehner. Mr. Speaker, we have 99 days left in our pledge to the American people with our Contract With America. Yesterday the House fulfilled its promise when we decided to apply the laws that apply to other Americans to the House itself.

We cut the number of committees and subcommittees, we cut committee staff by one-third, we decided to limit the terms of committee chairmen, we opened committee meetings to the public in all cases except those that involve national security, and we decided to change the rules to require a three-fifths majority to raise taxes. We are going to eliminate baseline budgeting and have real numbers for the first time, and we announced we are going to have a complete, comprehensive audit of the House and its books over the past year.

There are 10 items that we are continued to commit to bring to the floor over these next 99 days. Republicans in the House are committed to doing that. We are committing to the American people to continue to live up to the contract that we made with you.

THE NEED FOR REAL LOBBYING REFORM

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

Mrs. Kennelly. Mr. Speaker, a famous Hartford resident once said that everybody talks about the weather, but nobody does anything about it.

Well, to paraphrase Mark Twain, some people talk about reform, but they do not always do it.

Yesterday, we considered fundamental reform—a ban on gift giving. Yet, despite the majority's purported commitment to sweeping reform, some of the most zealous congressional reformers opposed this relatively minor change.

That is not right, and the American people deserve better.

Last November, Washington was sent a very strong message that business as usual must stop. That means we should have passed the gift ban.

I urge our friends on the other side of the aisle to follow through on their commitment to reform, and to pass legislation such as the gift ban to crack down on special interests and special influence. There can be no true congressional reform without it.

PROMISES MADE AND KEPT

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

Mr. Solomon. Mr. Speaker, yesterday was a great success. It was an exciting day for this House and for the American people.

Our opening day was about promises made and about promises kept, and we began to keep those promises yesterday. We fulfilled the first part of our Contract With America with a bipartisan coalition, and we thank you on that side of the aisle, because it means we are going to work together. We look forward to continuing to work in a bipartisan fashion with our Democratic colleagues on the other side of the aisle to pass the rest of this contract for...
SUPPORT URGED FOR LOBBYIST GIFT BAN

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

Ms. DE LAURO. Mr. Speaker, Democrats were proud to join Republicans yesterday in passing many necessary procedural reforms. Those reforms continue the work begun by Democrats to make the House more accountable to the people. But, Republicans failed to act on the most important reform, the one central to our ability to restore faith in Government—the ban on gifts from lobbyists.

The American people are fed up with a Congress bought and paid for by the special interests. Perks and privileges betray the public trust. Until Democrats and Republicans unite to end the corrupting influence of the moneyed interests on this body, we have failed to deliver the change that the American people have demanded.

So I ask my Republican counterparts to join Democrats in telling the influence peddlers that this House is not for sale—not for the price of a free meal; not for the price of a junket to a tropical island; not for sale at any price. Let us pass the gift ban and begin restoring the People's House to the people.

A HISTORIC DAY FOR CONGRESS

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

Mr. FOLEY. Mr. Speaker, what a proud day for a freshman from Lake Worth, FL, to step on to the floor of the House of Representatives and be sworn in, but, more importantly, pass the promises that I made on the campaign trail; to see Members of Congress, Republicans and Democrats alike, elected by the people of the United States of America, bring respect and honor to this House of Representatives. We started a historic day, a historic opportunity, to bring trust back to this institution.

There is much to be done in the 104th Congress. We know we will work with our friends on the Democratic aisle on welfare reform, immigration reform, balancing the budget, stopping violent criminals, protecting our children, and restoring American families to achieve the American dream.

Mr. Speaker, with good, continued cooperation and good will, we can continue to keep the promises we made to America. The 104th Congress will truly be successful.

GIVE AND TAKE NEEDED IN HOUSE

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

Mr. RICHARDSON. Mr. Speaker, yesterday belonged to the Republican majority, and there were moments of grace and class, and we did pass some needed reforms. But there was an absence of bipartisanship and an absence of openness in the process.

The Republicans wrote two for two. Out of two bills we considered, there were two closed rules, two gag rules, where the minority was unable to offer alternatives.

The American people voted for less government and more ethics and accountability. They did not vote for arrogant government, for one-party coronations. They voted for bipartisanship and an end to gridlock. We wanted to raise the gift ban, the royalties issues, and the frequent flier issue, but were shut off.

Mr. Speaker, the best contract with America is give and take, compromise, openness, and bipartisanship. Regrettably, yesterday was not a good start.

TRUST AND FAITH IN CONGRESS BEING RESTORED

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

Mr. JONES. Mr. Speaker, I wish to express my thanks to the American people for the opportunity of allowing me to participate in what clearly was yesterday's congressional revolution.

During 40 years of Democratic control of Congress, this House never saw so much reform in one single day, honoring our promise to the American people. We began our journey by reforming the way Washington works by passing nine congressional reform measures, knowing full well that cleaning up our own House must be a first priority, before we can carry America's agenda.

I am particularly pleased of our reform measures that have brought greater accountability to this House. Included in these reforms I am especially pleased with the ordering of a full and thorough audit, which will hopefully restore the public's faith in Congress.

In addition, we have finally ended the arrogance of Congress, by forcing Congress to live by the same laws it imposes on everyone else.

Mr. Speaker, with continued diligence, we can restore America's trust and faith in Congress. I look forward to our continued success, and pledge my unending support to fulfill our promise to the American people.

INTRODUCTION OF THE SENIOR CITIZENS' EQUITY ACT

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

Mr. BUNNING. Mr. Speaker, yesterday I, along with my colleagues, Mr. HASTERT, Mrs. KELLY, and Mrs. THURMAN, and over 125 other Members of Congress, introduced the Senior Citizens' Equity Act aimed at alleviating the financial burdens the Clinton administration has piled on older Americans.

This legislation has four main components. First it will allow our seniors to earn more without losing their Social Security benefits. Many older Americans must continue working to pay for life's necessities. Their Social Security benefits simply do not go far enough.

Next it would repeal the Clinton tax increase on Social Security benefits. This was one of the most outrageous proposals in his tax bill 2 years ago.

Our bill also includes tax incentives for long-term health care and clearly defines the 'adult-only' housing under the fair housing amendments so retiring Americans can continue and grow without fear of discrimination suits.

I am committed to seeing this legislation enacted. I especially look forward to working with Chairman ARCHER on this bill. He has long supported
changes to the Social Security earnings test which will stop punishing older Americans who are contributing to society.

I urge the other 314 Members of Congress to join us in supporting the Senior Citizens Equity Act.

GIVING THE GOVERNMENT BACK TO THE AMERICAN PEOPLE

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

Mr. TIAHRT. Mr. Speaker, yesterday was a triumph for the American people and the House of Representatives. We accomplished something that has been rarely accomplished in the past. We kept our promises that we made to the American taxpayer. Working with a bipartisan coalition we passed on the floor rules to cut committees and staff, ban proxy voting, term limits for chairmen of committees, and limitations on tax increases.

We are going to give the government back to the American people, a smaller, more effective government that is accountable to them, the American taxpayer. I look forward to continuing our bipartisan work to pass the rest of the Contract With America. It is what we promised the American people we would do. It is a promise we are going to keep.

FREQUENT FLYER MILES REFORM

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

Mr. BARRETT of Wisconsin. Good morning, Mr. Speaker.

Mr. Speaker, we had a good start to our legislative session yesterday when we passed the Congressional Accountability Act, but we missed an important opportunity because we did not pass the important ban on personal use of frequent flyer miles. Now why did we not pass this important ban?

Well, several weeks ago the new incoming Speaker, Newt Gingrich, said this is a Mickey Mouse issue. Well, before we cut spending, cut taxes and get government off of America's back, we began the process of cleaning up our own act. Specifically we passed two measures making Congress both more accountable and more open. We limited the terms of committee chairmen, we raised congressional hearings to C-SPAN cameras, the media and the public.

It was a historic first day. There is much to be done, Mr. Speaker, but I look forward to the continued success of this House in making it the people's House once again.

IT WAS A GOOD START

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

Mr. CRAPO. Mr. Speaker, yesterday we truly did get off to a good start. We began fulfilling many of the promises to reform this Congress and to do what the American people have asked us to do, and we did it in a bipartisan fashion.

Yes, there are a few detractors who are trying to point to what could have been done in addition yesterday, but there are very few that we will hear who will criticize the reforms that were put into place yesterday, and it was a good start.

And what those few detractors do not point out is that the gift ban has been committed to and will come forward and will be enforced in this Congress. Yet the way the vote was structured yesterday, had we voted to support the motions that were put into place, they would have stalled the critical reforms that we did put into place. They would have stalled the term limits that were put into place on our committee chairmen, and our Speaker and other leadership. They would have stalled the effort to reform the House and to do what the American people have asked us to do, and we did it in a bipartisan fashion.

CLEANING UP OUR ACT

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

Mr. CHRISTENSEN. Mr. Speaker, yesterday truly was a historic day in America's history. After 40 years of Democratic control, we finally began to make the process of this institution truly the people's House. Joining this congressional revolution, which began with nine major reforms, I stand here honored, humbled, and grateful for the opportunity to serve the people of Nebraska and the American people.

The American people spoke last November, and we are listening. They said, "Cut government spending, cut taxes, quit being overly intrusive in our lives, and clean up your act."

Well, before we cut spending, cut taxes, and get government off of America's back, we began the process of cleaning up our own act. Specifically we passed two measures making Congress both more accountable and more open. We limited the terms of committee chairmen, and our Speaker and other leadership. They would have stalled the effort to reform the House and to do what the American people have asked us to do, and we did it in a bipartisan fashion.

We had a good start yesterday. Let us continue in the bipartisan fashion we made.

DISMANTLING THE IDIOCRACY OF UNFUNDED MANDATES

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

Mr. HAYWORTH. Mr. Speaker, 1 year ago today I announced my candidacy to represent the Sixth District of Arizona.

During these past 365 days, I have listened and learned a lot traveling the width and breadth of the district that in square mileage is the size of the State of Tennessee.

One recurring and overwhelming sentiment shared by my constituents is an absolute repudiation of unfunded Federal mandates.

In fact, one mayor in my district has coined an interesting term for the entire process of oppressive overregulation—he now calls the Federal bureaucracy the idiocracy.

It is estimated that this idiocracy will cost State and local governments nearly $16 billion in 1995 alone. That comes at the expense of my children's future, the prosperity of the hard-working men and women of my district, and commonsense governance.

During these next 99 days, we have a historic opportunity to restore—the Jeffersonian ideal of a limited and frugal Federal Government as we enact our Contract With America. Let us work together to dismantle the idiocracy.

ABORTION CLINIC KILLINGS

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

Ms. FURSE. Mr. Speaker, I rise today with great sadness, but with great outrage. Two more people have lost their lives because they work at abortion clinics. They were simply doing their job, and it was legal; yet lawlessness again prevailed, and another tragedy has occurred.

I want to make it clear abortion is legal in this country, but murder is illegal and immoral. This violence is a coordinated effort. It is led by anti-abortion extremists throughout the country, and unfortunately experts in my home State of Oregon say that it, Oregon, is a communication hub for fanning the flames of violence.

In the last Congress I fought to pass the freedom of access to clinic entrances bill, which is now the law, and I call upon the law enforcement communities of this country to make sure that those who are exercising their legal right to work in abortion clinics and to have access to abortion, those rights must be protected. We must in this House set aside our partisan differences and protect our citizens.
O U R  P A R T N E R S H I P  I N  R E F O R M

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

Mr. NEY. Mr. Speaker, we surely all learned during our campaigns that the American people, whether they are Republican, Democrat, or Independent, have the willingness to become involved in the energetic give and take of public debate. We saw that same energy on this floor for 13 hours yesterday come forth from both sides of the aisle. But when we looked at the final tally on that scoreboard up there, we had the support of our Democrat colleagues for our contract with the people of this country.

Let me say, you can pick apart what we could not do yesterday. We can pick apart what you did not do when you had ample time over a period of years. However, that is not the direction that the people of this country want. There is time left to do other good things for the citizens of our country.

We extend to this side of the aisle not the dollars have been spent. So keep watching as we reveal and we open the doors to the people's House.

R E F O R M  P R O C E S S  S H O U L D
I N C L U D E  B A N  O F  L O B B Y I S T  G I F T S

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

Mr. BENTSEN. Mr. Speaker, last night this House proclaimed its intentions to pursue a course of reform. Member after Member asserted they were acting on the will of the people and taking the lead to change the way we do business.

Far enough, let us not stop, but let us not restrict, but move on and tackle the issues which the people of the 25th District desire to be addressed—a lobbyist gift ban and campaign finance reform. My constituents want to change business as usual—end free trips, curb the influence of special interests, reform campaign finance, and stop the money chase. You cannot have one without the other.

I just defeated a man who spent $3 million of his own money. As long as we engage in a bidding war for campaign dollars, we shall never be free from the influence of outside interests. To quote Willie Nelson, "We came to play, not just for the ride." Let us stay and do the job to reform campaign finance and ban lobbyist gifts.

H I S T O R I C  C O N G R E S S I O N A L  R E F O R M S :

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

Mr. LONGLEY. Yesterday was a great day for this country. We instituted nine historic reforms in our congressional revolution, and we have begun a journey of restoring trust and confidence in the American Government.

I am especially pleased with our passage requiring super majorities to raise taxes. For too long it has been too easy to raise taxes and spend the people's money, and in fact the budget process has been rigged in favor of tax increases rather than spending cuts.

Yesterday on the floor of this House I sat with my 6-year-old daughter and my 10-year-old son. We are not only taxing our families to death today, but we are spending our children's money today, that they will be forced to repay tomorrow. That must be stopped. I look forward to continuing our work to earn the trust of all Americans.


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

Mr. BURR. Mr. Speaker, in our Contract With America, my Republican colleagues and I promised that on the first day of the 104th Congress we would make dramatic changes in the way Congress does business.

Yesterday, during my first day as a new Representative from North Carolina's Fifth Congressional District, we kept our word. We voted to make Congress live under the laws it imposed on the rest of the country, to cut congressional committee staffs by one-third, and to limit the term of committee chairmen, and yes, the Speaker of the House.

Our first day in office was the most productive first day in congressional history, and I was encouraged that many of the reforms were supported by Republicans and Democrats alike.

During the next 99 days and throughout the next 2 years we now face the challenge of passing the reforms demanded by my constituents and by all the American people. The American people want, demand, and deserve the reforms. Today I urge my colleagues to join me in fulfilling the wish of the American people.

W H O  W A S  H E L P E D  A N D  W H O  W A S  H U R T  A F T E R  F I R S T  D A Y ' S  A C T I O N S?

(Mrs. CLAYTON asked and was given permission to address the House for 1
This way we can keep our promises and democratic colleagues to balance the look forward to working with my keeping promises that were made. I was hurt by what we did.

Do not get me wrong. Mr. Speaker, we passed important reforms, many of which Democrats had pushed last Congress.

But who did we help, and who did we hurt? The jobless remain unemployed. Those without health care still don’t have it. Our young have no new direction. The chill of winter is certain to claim the lives of some homeless people. And, no hope was given to small farmers.

We have been asked to meet the challenge of change, but what did we change on day one and day two of this Congress? I ask my colleagues in the majority, what did we do to reinforce families? What did we do to restore the American dream? What did we do last night to take back our streets? Who did we help?

I would suggest that when it is summed up, all we did was make a move for news; those suffering citizens got nothing.

A GOOD BEGINNING TO CONGRESSIONAL REFORM

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

Mr. GANSKE. Mr. Speaker, yesterday was a beginning. We ended Congress’ special exemption from the laws that they have passed for others. We reduced committees and subcommittees and committee staff. We determined that budgets should be done with zero baselines, with honest numbers. We opened up the House books.

Most of these bills passed with bipartisan support. It was the beginning of keeping our promises that were made. I look forward to working with my Democratic colleagues to balance the budget and to reform the welfare state. This way we can keep our promises and our Contract With America.

A CALL TO ADDRESS THE REAL NEEDS

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

Mr. FATTAH. Mr. Speaker, I think it was Emerson who said, “If we make our Deal with life for a penny and we get no more, then there’s no one to blame except ourselves.” There was a lot of motion yesterday, but very little action on the issues that affect the heartland of our Nation.

I would like to compliment the majority on a day in which they accomplished what they set out to do and ask them to raise their vision slightly now to focus on the real problems of our land. How to create jobs in this country, how to provide training and opportunity so Americans can come to work and earn a decent wage.

We all started a new job yesterday. There are some Americans, millions of them, who have a job to go to. Before we put ourselves on the back too much, let us look now at the real needs of this Nation, and as those who have been given the tremendous responsibility to help shape the future of this land, let us now dedicate our work and our actions to those issues.

WHAT A DIFFERENCE A DAY MAKES

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

Mr. CHRYSLER. What a difference a day makes, Mr. Speaker. Yesterday was a great and historic day for the American people and the House. Yesterday was all about promises made and promises kept.

We were sent a strong message in November. The people want less government, lower taxes, they want to let people keep more of what they earn and save and they want to let people make their own decisions about how they spend their money, not government. They want a government that works for them and not against them.

We fulfilled the first part of our Contract With America with an overwhelming bipartisan coalition and we will continue to work in a bipartisan fashion to pass the rest of the Contract With America in the next 99 days.

I was proud to be part of the beginning of this historic revolution and to keep my promises to create a new agenda for Congress and a new direction for America.

A POSITIVE FIRST STEP

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

Mr. DOOLITTLE. Mr. Speaker, all too often politicians make promises, but don’t keep them. That is in large part the cause of cynicism among the American people about their government institutions.

Last night and early this morning, the American people witnessed monumental change in the House of Representatives as we kept our promises. With votes from both sides of the aisle we began to deliver on the Contract With America.

It was a first step to restore the bonds of trust between the American people and all of us, their elected representatives. By changing the very way this institution operates—cutting committees, cutting staff, banning ghost voting, auditing the House books, and using honest budgeting we have set a positive tone for fulfilling the rest of our promises during the next 99 days.

DELIVERING ON PROMISED REFORM

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

Mr. SHADEGG. Mr. Speaker, yesterday was truly a historic day. For me it was a personal privilege to represent the people of the Fourth Congressional District of Arizona and to be here with my 9-year-old son and my 13-year-old daughter. Yesterday was all about promises for many reasons. We set the tone for a very different U.S. Congress. We proved that the American people asked to trust us and that we could be trusted, that we promised reforms and that we delivered on those reforms.

The people in my district thought it an outrage that the laws we impose on the rest of America do not apply to the Congress. Yesterday we applied those laws to the U.S. Congress. The people of America thought it an outrage that if our committee and our committee staffs had grown bloated and oversized and we cut those committees and we cut those committee staffs. We began the premise and the process of fulfilling the promises we had made to the American people. In the next 99 days, we will carry forward real reforms, reforms which will truly change the lives of Americans.

I invite the people of the Nation to look in and to join us in this great and historic process.

THE POWER OF GOOD IDEAS

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

Mr. TALENT. Mr. Speaker, yesterday the House made an excellent start in holding this body accountable to the people, cutting its costs. What particularly impressed me about what happened yesterday was the strong bipartisan majorities that supported most, if not all, of the measures that were brought before the House.

The following measures and many others as well passed by unanimous or near unanimous votes: Substantial cuts in committee staff, an independent auditor to examine the books of the House, banning of proxy voting, congressional compliance, that this body would finally be brought under the same laws that it has passed for everyone else.

Yesterday, Mr. Speaker, what we heard was the sound of gridlock breaking. It was broken not by partisanship or by arm-twisting but by the power of good ideas. I look forward to the power of good ideas dominating in this House for the next 100 days, substantial support from both sides of the aisle toward an agenda that brings this body back to the people of the United States.
OPENING CONGRESS TO THE PEOPLE

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

Mr. BUNN of Oregon. Mr. Speaker, I was delighted yesterday to see the promises that we have made be delivered on. Yet we have got a number more to do. One of the keys that happened yesterday was opening the process and shining light on what Congress does. I have to admit, I was amazed last month when I showed up as a new Member and I had my temporary identification. I asked a police officer, "Where am I allowed to go in this building?"

He said, "I just about everywhere you want but a committee room."

I said, "What do you mean? Aren't the committees open to the public?"

He said, "They're not only not open to the public, but at least some committees are not even open to other Members."

We have made a change to that. We are going to let people see what goes on here and I believe we are going to deliver on all the promises that we have made to America.

CONTRACT WITH AMERICA: THE PEOPLE'S CONTRACT

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

Mr. HEINEMAN. Mr. Speaker, My name is FRED HEINEMAN, from the Fourth Congressional District in North Carolina. You will never detect a southern dialect in my speech because I was born and bred in the Bronx. The people of North Carolina did not concern themselves with where I lived or whether I was a Republican or Democrat when they recruited me from the NYPD to be their chief of police. Nor did they ask me if I was a Republican or Democrat when I responded to a 911 call. Likewise, I did not ask them if they were a Republican or Democrat when I responded to their call for assistance.

As a freshman Member of Congress I am privileged to serve with my colleagues who come here from professional life, to wit: three doctors, a dentist, a veterinarian, several lawyers, and others in various professions. I am sure that they were not asked what their political commitments were when questioned about serving their clients.

Having conducted a cursory study of the background of my colleagues across the aisle, I find I am privileged to be in the company of professionals who I am sure are committed to working for the good of the people. So I see 435 legislators coming from various backgrounds to deal with the business of the people of this country as well as to impact profoundly on the rest of the world. Must we change and be other than ourselves when we come to Congress? Can we resist our commitments when we work by day and work for the people without regard to politics. I look at the Contract With America as the people's contract and for them to join us in the fulfillment of the people's agenda for change.

I look forward to bipartisanship.

A SUCCESSFUL BEGINNING

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

Mr. SCARBOROUGH. Yesterday was truly an exciting day not only for people all across America but especially for the people of the First Congressional District of Florida. I think like people across the country, we have become too cynical about our Government. We live in a cynical age in American politics and, as was first eloquently voiced as an arrogant capital. But yesterday that arrogance was stripped away as we kept the promise that we made throughout this campaign. It was a campaign about ideology, not about being a right-wing fanatic or a left-wing liberal. It was about commonsense approaches to our problems that are facing us. We addressed the issues, we had a commonsense approach to make Congress abide by the same laws that we made Americans abide by, and by enacting commonsense reform that is going to allow this Congress once and for all to move into the 21st century, creating a second American revolution that will not only build on the Contract With America but the original contract established in the Constitution of the United States.

INTRODUCTION OF THE SENIOR CITIZENS EQUITY ACT

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

Mr. HASTERT. Mr. Speaker, yesterday, I along with Representative BUNNING, Representative KELLY, Representative THURMAN, and over 100 others introduced the Senior Citizens Equity Act, 1 of the 10 pieces of legislation proposed as part of the Contract With America.

The Senior Citizens Equity Act recognizes that it is time we change our laws so that our Nation's seniors are treated fairly.

First, this legislation sharply curtails the impact of the Social Security earnings limitation on our seniors who continue to remain productive in the workplace. For far too long we have penalized working seniors who earn little more than the minimum wage by taxing them at rates higher than those of millionaires. It is time that we ease this burden for those seniors who need to work to supplement their pension and Social Security income.

This bill would also repeal the $25 billion tax increase on seniors that was approved by the last Congress. That new tax imposed exorbitantly high income tax rates on senior citizens simply because they drew Social Security benefits and earned as little as $34,000 a year. It also set a dangerous precedent. For the first time in the history of the Social Security Program, Social Security funds were directly tapped to pay for Government programs.

Some argue that we cannot repeal this tax because it will increase the deficit. But Americans know that the Federal budget deficit is not the result of them paying too little in taxes—but rather, it is the result of the Government wasting too much.

Finally, this bill includes provisions that enables Americans and their employers to make their own preparations for future long-term care—and to do so without the Federal Government taxing the money set aside for that purpose. The costs of long-term care are high and it is time that Congress begin to help Americans prepare for the future.

Mr. Speaker, I commend this legislation to the attention of my colleagues and urge its quick discussion and adoption. The senior citizens of this country deserve no less.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT TO OUT-LAW RETROACTIVE TAXES

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

Mr. ROYCE. Mr. Speaker, today I am introducing a Constitutional amendment to outlaw retroactive taxation. It is the same wording that I introduced last session under House Joint Resolution 248. Last session it was cosponsored by 146 Members.

I introduced it in response to President Clinton's retroactive tax increase which reached back even before he was sworn into office. Even the new Russian Constitution protects those citizens from the Government retroactively raising taxes on their people. I think it is time, Mr. Speaker, that the American public, the American taxpayers have the same protections.

Even someone accused of a crime is given the right that there will not be laws passed which come into play retroactively. Taxpayers should have that same right.

MAKING FAMILY PLANNING CLINICS SECURE

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

Mrs. SCHROEDER. Mr. Speaker, a little later this morning we will be having a press conference in which I will call upon Attorney General Janet
Reno to please give to the Judiciary Committee as rapidly as possible the findings from the task force she has set up as to what we can do to make women’s lives much more secure as they attend family planning clinics. People forget that women get all of their health care almost from family planning clinics during their reproductive years, and the domestic terrorism that has been going on is absolutely unacceptable.

The people saying that if women want this they have to go out and hire private armies to secure it is ridiculous. This Constitution guarantees equal protection of the law. It never says you get your constitutional rights only if you can hire an army to enforce it for you. That is what the Federal Government is there for.

So I certainly hope that we can get those recommendations back from our law enforcement community and we can move on it.

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**SPECIAL ORDERS**

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

- The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GEPhardt] is recognized for 5 minutes.
  - [Mr. GEPhardt addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]
- The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. EHLERS] is recognized for 5 minutes.
  - [Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]
- The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.
  - [Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]
- The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOMOlon] is recognized for 60 minutes as the designee of the majority leader.
  - Mr. SOMOlon. Mr. Speaker, I wanted to make a couple of observations this morning. Much has been said on the other side of the aisle about the fact that the Democrat Party was unable to offer amendments to the rules changes that were offered yesterday. That was true, but the truth is in the 200-year history of this Congress, when the opening day activities begin, the minority party submits a rules package to the Congress for their approval and there has never been any opportunity to amend that opening day document.
    - We this year, because we had campaigned for years and years in the minority to open up this House to openness and fairness, and accountability, had proposed a number of major changes to the rules of the House. What we did is we took the old rules of the 103rd Congress which had been proposed year after year out of the Democratic Party, and we brought those rules to the floor with certain changes. And there were eight significant changes that we wanted to make. They were reforms that the American people have been asking for this Congress to enact for many, many years, because we had failed to enact those reforms, this Congress had dropped in esteem in the eyes of the American people to something like 20 percent. And that is embarrassing to a Member like me that holds this body in the greatest esteem.
    - So we offered these changes, and we also offered, every Member, not just Democrats but Republicans and Democrats alike, the opportunity to vote on those things that we were going to make from the rules that we had been operating under the Democrat leadership all of those years. They were changes like reducing the committees and subcommittee reorganization, and staffs. We eliminated three full committees in addition to more than 20 subcommittees and that resulted in reducing this congressional bureaucracy by more than 600 jobs.
- The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPhardt] is recognized for 5 minutes.
  - [Mr. GEPhardt addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]
- The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTR] is recognized for 5 minutes.
  - [Ms. KAPTR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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**REPUBLICAN REFORMS**

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 1995, the gentleman from New York [Mr. SOMOlon] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOMOlon. Mr. Speaker, I wanted to make a couple of observations this morning. Much has been said on the other side of the aisle about the fact that the Democrat Party was unable to offer amendments to the rules changes that were offered yesterday. That was true, but the truth is in the 200-year history of this Congress, when the opening day activities begin, the minority party submits a rules package to the Congress for their approval and there has never been any opportunity to amend that opening day document.

- We this year, because we had campaigned for years and years in the minority to open up this House to openness and fairness, and accountability, had proposed a number of major changes to the rules of the House. What we did is we took the old rules of the 103rd Congress which had been proposed year after year out of the Democratic Party, and we brought those rules to the floor with certain changes. And there were eight significant changes that we wanted to make. They were reforms that the American people have been asking for this Congress to enact for many, many years, because we had failed to enact those reforms, this Congress had dropped in esteem in the eyes of the American people to something like 20 percent. And that is embarrassing to a Member like me that holds this body in the greatest esteem.
    - So we offered these changes, and we also offered, every Member, not just Democrats but Republicans and Democrats alike, the opportunity to vote on those things that we were going to make from the rules that we had been operating under the Democrat leadership all of those years. They were changes like reducing the committees and subcommittee reorganization, and staffs. We eliminated three full committees in addition to more than 20 subcommittees and that resulted in reducing this congressional bureaucracy by more than 600 jobs.

Why is that significant? We never like to put people out of work. But the truth is over the last several decades this Congress has just grown and grown and grown. The number of committees and subcommittees and staff had proliferated to a point that this is where gridlock really existed. A lot of press and the media used to say that was caused by Democrats and Republicans, because we Republicans controlled the White House and the Democrats controlled both bodies of this Congress.

That was not entirely true, and it became evident when Democrats won control of the White House and President Clinton was elected. And then that was supposed to end all gridlock, but lo and behold, gridlock continued. So it was not Republicans and Democrats.

- So then the media blamed it on conservatives and liberals. What it boiled down to it was not Republicans and Democrats, it was not liberals and conservatives, it was the bureaucracy of this Congress.
    - One good example of this is when President Clinton offered up last year his health care reform package, and lo and behold, that package was sent to three different committees in this Congress, referred jointly to three different committees and dozens and dozens of subcommittees.
    - What did that mean? That meant that bill was dead on arrival because of all of the little fiefdoms that had to begin to look at that piece of legislation.

- We in this rules package yesterday made one great significant change to that and the Speaker of this House now is going to take any piece of legislation that comes before this body, if it is offered by the gentleman from Missouri [Mr. VOLKMER] or the gentlewoman from Connecticut [Ms. DELAURO], it is going to be assigned to one primary committee. That can be the Committee on Commerce, it could be the Committee on Rules, which I am the chairman of, but it will go to one primary committee. If there is another jurisdiction involved such as maybe a tax significance of some kind, then the Committee on Commerce will send that little portion on over to Ways and Means with instructions to act on it and get it back. But it means that this bureaucracy, this gridlock is going to be broken because we have shrunk the size of this Congress. And incidentally, we are not through doing it yet; we are going to continue.

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ever become chairman of the Committee on Rules in this House. Because the Rules Committees are controlled by the majority party, and because the Democrats have had such a wide majority of Members, I just thought that was impossible.

But the truth of the matter is the American people spoke, and they spoke very loud. In this election, we had to compromise at even higher levels. We are going to send the example that that is what we want to do to the Federal Government as well. We want to carry on the second part of the Reagan revolution that ended in 1983.

You know, Ronald Reagan came in here in 1981, and we were able to push through the Reagan program, which really began to tighten the belts of the Federal Government. We dealt with entitlements, and in doing so, and all of those that voted for all of those tough measures, we had to go back and face the electorate 2 years later in the Reagan administration's term. And behold, we lost an awful lot of Republicans, because all of the special interest groups went after them. "You cut my entitlement program. I am not voting for you." We lost a lot of good conservative Democrats, because they voted with us, too, because it was a coalition of Republicans and conservative Democrats that ran through the first 2 years of the Reagan programs, and we began to turn this country around.

After the election in 1982, after 2 years of Ronald Reagan, we no longer had that kind of coalition. We no longer had 192 Republicans to go with about 60 conservative Democrats, because we now were down to about 173 Republicans. We lost about 20 of those conservative Democrats.

So now Ronald Reagan could no longer have the votes on the floor of these two bodies to carry out his revolution. So he had to become a compromiser President.

You might keep this in mind, because Bill Clinton is going to have to make this decision very shortly. Ronald Reagan had to decide whether he was going to be the very strong or a compromiser. He chose the latter. He wanted to accomplish what he wanted to accomplish in this Congress regardless of political or philosophical persuasion. He has instructed me to try to have open rules and fair rules be the norm of this Congress.

You are going to go back to the days of Tip O'Neill when we had open and unfettered debate on this floor for the most part. That does not mean that every rule is going to be open, that every rule is not going to be restricted. Because there are times when we are dealing with national security, when we are going to debate the national defense budget which the chairman up there sits on the committee. We are going to have to have a structured rule. We will have to have limited debates. But we will make sure the liberals and the conservatives both have their amendments in order so that we can have a reasonable debate.

There are times when we will be debating intelligence matters that might affect the national security of this country, and we might have to have structured, restricted rules in those cases. There are other cases when we will be dealing with the U.S. Tax Code. That is something that is extremely complex, and you cannot bring bills on the floor and just have unfettered debate and amendments offered on any part of that Code. It would be a disaster.

When we develop budgets over a 2-year period, you have to be able to depend on the revenues that are coming in that 2-year period. There are times when we will not have open and free, unfettered debate. We will have open discussions with limited amendments, and I can assure you I am going to follow Speaker Gingrich's suggestions that the open rule be the norm. When I go to the organizational meeting this afternoon, I will be instructing the other members of the committee to do just that.

In regard to minority rights, there is a chart next to me, and this is why I took the well today, to talk about how legislation will come to this floor. The truth of the matter is that under the rules of the House that we adopted yesterday which provide for openness and fairness, and I key in on fairness and accountability, in being fair, we want to be fair to the minority as well. I know what it was like to be persecuted as a minority. I key on fairness and accountability, in being fair, we want to be fair to the minority as well. I know what it was like to be persecuted as a minority.

The truth of the matter is when a piece of legislation, any one of these pieces of legislation that were in our 100 days contract, when they were introduced yesterday, they were assigned to committees.

The Fiscal Responsibility Act will be brought to the floor. It is a balanced-budget amendment to the Constitution
and a line-item veto giving the President a tool to eliminate wasteful spending.

We are setting hearings. And, Mr. Speaker, I am including at this point in the RECORD the January tentative committee activity for hearings on the 100-days contract.

January Tentative Committee Activity

Thursday, 1/25/95
W&M—Hearing: Contract Overview.

Friday, 1/26/95

Committee:

COM: Commerce

INR: Int’l Relations

HOV: House Oversight

ECOP: Economic Opportunity

ECOP: Hearing: Role of Gov’t in Education & Workplace Policy (or 1/22).

Wednesday, 1/24/95

W&M—Hearing: Contract Savings & Invest.

Propositions:

AGR: Agriculture

APP: Appropriations

BNK: Banking

COM: Commerce

ECOP: Economic Opportunity

GOV: Gov’t Reform & Oversight

HRV: Housing & Community

INR: Int’l Relations

JUD: Judiciary

NATS: National Security


RUL: Rules

SMB: Small Business

STN: Stand. Off. Conduct

SCI: Science

TRN: Trans & Infrastructure

VET: Veterans’ Affairs


And I would point to the chart here which shows what happens to a piece of legislation if there is a balanced-budget amendment, and that has now been sent to, as primary jurisdiction, the Committee on the Judiciary. When that Committee on the Judiciary finishes its hearings and when it marks up the balanced-budget amendment and when it is finished, it will send that bill to the Committee on Rules.

Now, in the meantime, let us say it happens today, on Thursday, the committee offers the bill reported and views are requested.

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That means that for Friday, Monday, and Tuesday, the next 3 legislative days, that that bill is available for the minority to file their views, and they have the opportunity then to read that legislation. They have the opportunity to discuss with other Members who do not serve on the Committee on the Judiciary what they might want in those views. We have to wait 3 days. That takes us from today through next Tuesday just for the filing of those minority views. Then the committee files the report with this body right here, with the Clerk, and that is on Wednesday. Then Thursday, and this is already next Thursday, a week from now, there are 3 days for every single Member of this body to see that piece of legislation and to be able to review it.

Then the bill comes to the Committee on Rules upstairs, where we will meet, and we will then put out a rule which would allow whatever amendments are going to be allowed, whatever substitutes or alternatives. Then the bill will finally be able to come to this floor on the 10th day, on Wednesday.

So that is why you do not see legislation on the floor here today on these issues because we do intend in the new majority to honor the rights of the minority, and I am going to come back with every bit of persuasion that I possess that we honor these rights for Members to be able to know what they are voting on, to be able to have that right, to vote and to offer amendments on the floor of this House.

Having said that, if I might, I would ask that my report on the issue of restrictive rules, which we compiled during the 103rd Congress be put in the RECORD. This does show that during the 103rd Congress, 73 rules that came to this floor, of that number, 56 percent of them were restricted or closed rules. Now, that is 70 percent. We are going to try to turn that around.

I am going to say to you now today, we are shooting to have 70 percent of those rules open so that as the minority and even the majority Members over here will have the right to work their will on the floor of this Congress.

I ask that that be put into the RECORD.

The document referred to is as follows:

Open Versus Restrictive Rules 95th–103rd Cong.

<table>
<thead>
<tr>
<th>Congress (years)</th>
<th>Total rules</th>
<th>Number</th>
<th>Percentage</th>
<th>Total rules</th>
<th>Number</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>95th (1977–78)</td>
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<td>179</td>
<td>15.5</td>
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<td>30</td>
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<tr>
<td>96th (1979–80)</td>
<td>211</td>
<td>161</td>
<td>76.3</td>
<td>333</td>
<td>66</td>
<td>50.1</td>
</tr>
<tr>
<td>97th (1981–82)</td>
<td>190</td>
<td>90</td>
<td>47.3</td>
<td>102</td>
<td>47</td>
<td>46</td>
</tr>
<tr>
<td>98th (1983–84)</td>
<td>155</td>
<td>64</td>
<td>41.3</td>
<td>109</td>
<td>37</td>
<td>34</td>
</tr>
<tr>
<td>99th (1985–86)</td>
<td>115</td>
<td>57</td>
<td>50.0</td>
<td>100</td>
<td>54</td>
<td>54</td>
</tr>
<tr>
<td>100th (1987–88)</td>
<td>123</td>
<td>63</td>
<td>51.3</td>
<td>101</td>
<td>53</td>
<td>52</td>
</tr>
<tr>
<td>101st (1989–90)</td>
<td>104</td>
<td>47</td>
<td>45.2</td>
<td>104</td>
<td>35</td>
<td>33</td>
</tr>
<tr>
<td>102nd (1991–92)</td>
<td>109</td>
<td>37</td>
<td>34.0</td>
<td>103</td>
<td>33</td>
<td>32</td>
</tr>
</tbody>
</table>

1Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The percentage numbers are open as a percent of total rules granted.

2Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.


Open Versus Restrictive Rules: 103rd Cong.

<table>
<thead>
<tr>
<th>Rule number/date reported</th>
<th>Rule type</th>
<th>Bill number and subject</th>
<th>Amendments submitted</th>
<th>Amendments allowed</th>
<th>Disposition of rule and date</th>
</tr>
</thead>
</table>
Having said all that, Mr. Speaker, I yield to the gentleman from Connecticut [Ms. DeLAURO]. Ms. DeLAURO. I thank the gentleman from New York for yielding this opportunity to me. I just want to make a comment with regard to the closed rules. I have sat in this Chamber day after day, as the gentleman from New York has, and I have great respect for my colleague. I have listened to his personal opposition to closed rules and the opposition of other
Republicans on the issue of closed rules. I just would like to take a second to lift some quotes here. Here is one by Representative DREIER, “Each time a closed rule is foisted on the House, Members of Congress are denied the opportunity to represent their constituents.”

A quote from the Honorable Mr. SOLONOM: “The people are sick and tired of political gamesmanship. They want back into their own House. They want it open and democratic and not closed and dictatorial.”

Representative PRYCE: “With every closed rule, millions of voters are disenfranchised when their duly elected Representatives are prevented from offering relevant amendments to bills that we consider.”

These are all quotes from the last session of the Congress. The gentleman has also commented that in fact part of what occurred here is the American public wanted to see change, wanted to see the process open, and wanted to see reform, I agree with the gentleman. I think we can find many strides the last Congress to deal with reform in passing the Accountability Act. We passed it again last night. But I would just say this to you, that yesterday, something that really happened on the floor probably is a first in the House; there were two closed rules, two gag rules offered on the first day.

The second of the closed rules was hidden within the closed rule, so it was a closed rule inside a closed rule.

Now, the point is that if you want to have change, you cannot be talking in two directions and saying that the Democrats did it a year ago, therefore, “We have a right to do it now.” The issue is if you truly believe that the process should be open. We had a historic opportunity yesterday on the floor of this House to demonstrate two things: openness of this process. There should have been an opportunity for Democrats to amend the Accountability Act and to deal with a vote on a gift bill. There should have been this very historic day and turned it into that opportunity to say to the American people that in fact we have changed, we have reformed this body, this institution; we opened up the process and people can amend and debate on this floor and we have separated ourselves from the special interests who have an overwhelming effect in this body and who have a direct effect on legislation.

On both of these instances, the opportunity was missed. I say that more in sorrow than I do in outrage or anger because I think that the public is demanding reform, an opportunity to do so, but you cannot say it and then not do it. And it is not good enough to say, “You are not here. It is not your opportunity to do it.” We cannot have that on the floor of this House.

Mr. SOLONOM. What the gentlewoman says makes a lot of sense. I am going to throw out a challenge to the gentlewoman because we probably will adjourn this first of the session of the 104th Congress, hopefully, sometime in October, although in an off year, and a coming presidential year, we could be here until December. I say to the gentleman from Missouri [Mr. VOLKMER], that I hope that does not happen.

But I want to throw out a challenge to him to come to this floor to judge us by our overall performance, and particularly I want the gentlewoman to hold me accountable. I want the gentlewoman to sit down here with me on the floor of this Congress in October or November, and let us see how we judge it at that time. I am going to pledge to the gentlewoman to try to turn this around; instead of having 70 percent closed rules and restricted rules, we are going to have 70 percent open and unrestricted rules, if we possibly can.

Let us judge our performance then, in October or thereabouts.

Ms. DELAURO. I would be happy to cooperate with my colleague. I also believe it is one thing for me to hold anybody accountable but we are all accountable to the American public. That is what is at issue. That is what happens on the floor of this House. It is the people who send us here who hold us accountable for our openness, our sincerity, or compassion, our actions, for the work we do in terms of the things that they send us here to do on their behalf and to raise their standard of living, to separate out the special interests in this body. Ultimately, they will be the deciders. But I am happy to accept the gentleman’s challenge.

Mr. SOLONOM. I look forward to it.

Mr. Speaker, let me yield to a very important member of the Committee on Rules, the gentleman from California [Mr. DREIER], from Carmel, CA, who was the cochairman of the congressional task force appointed by the Speaker to reform this House and who had more input into the legislation we adopted yesterday than any other Member I know.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding this opportunity to me. I would like to simply rise in strong support of the case that the gentleman has made.

Quite frankly, having just entered the Chamber, I would like to associate myself with the remarks of my friend from Connecticut, Ms. DELAURO, who has just talked about the need for accountability, compassion, concern, responding to the wishes of the American people. That is exactly what happened here just a few hours ago. Before we adjourned the first day of the 104th Congress, by creating the kind of openness that my friend said is absolutely essential if we are going to effectively do our job.

And it seems to me, as we look at the challenges ahead over the next 99 days, we are going to easily tackle every one of these problems. But we have to do it.

We have to do it not only because we stood on the steps of the Capitol on September 27 and signed that contract, letting the American people know we would bring to the floor in the first 100 days those 10 pieces of legislation, but because so many of them are the right thing to do.

We are not simply putting into place legislation which was structured, as many in the media have said, based on political partisanship, but the kind of things that we on this side of the aisle have been trying for years and, in many cases, decades, to bring to the floor of the Congress.

Now, I think the point that the chairman of the Committee on Rules is making is that we are in a position where we have been denied the opportunity to even have a hearing on so many of these measures. That is what we are planning to do. We want to create a fair and an open process here, which unfortunately, the pattern of leadership that we have seen at least over the last decade and a half, the last 15 years, has been such that we have unfortunately not been able to have the kind of openness we would like.

I would like to congratulate the chairman of the Committee on Rules for his special order, and I want to thank him.

Mr. SOLONOM. Let me first of all just say to the gentleman that we really appreciate all the work that he did, the work he did particularly on realignment of the committee jurisdictions and reducing the size of the committees and subcommittees. That has really helped to make this a functioning body in the next 2 years. I know that the gentleman has not finished yet.

Mr. DREIER. That is just what I was going to say.

Mr. SOLONOM. I know the gentleman has not finished it yet.

Mr. DREIER. That is exactly what I was going to say. There are many people who would like to believe that January 4th ended the process of political and congressional reform. Nothing could be further from the truth because we need to continue.

My friend knows we passed a resolution in the Republican conference which calls for further review of the reforms that have been implemented. What we plan to do is to continue this process because we cannot reverse 40 years of one-party control and what existed here overnight.

So I thank my friend and appreciate his remarks.
Mr. SOLOMON. I say to the gentleman from New York, Mr. VOLKMER, we have now placed the House under all the laws of the United States that affect all private business and industry.

Mr. VOLKMER. All right. So let us tell the American people we still got a ways to go.

But my problem is what was done yesterday on that bill is that we in the House, or we in the minority, will never, never have an opportunity to change one word in that law, not one word.

Now that is not part of the rule; that is legislation. We should have been given an opportunity to offer amendments to that legislation.

Mr. SOLOMON. Well, I understand. Mr. VOLKMER. I am very disappointed.

Mr. SOLOMON. I understand the gentleman's logic, and I share that view to a certain extent, and, as a matter of fact, I even spoke on the fact that I did not want to see the accountability bill, if it were going to be changed in any way, come to this floor under a closed rule. There was talk, as the gentleman knows, that some of the 1-minutes saying that we were afraid. As the gentleman realizes and knows as well as I—

Mr. VOLKMER. Yes, and others.

And so I recognize, and I think the gentleman recognizes, that there are opportunities and times when there would be restrictions on amendments. Now at other times there may not be that restriction, but sometimes there are. So I believe the sponsors of the legislation, the committee chairman and others, that have worked on that legislation, and other Members would like to have some idea of what amendments are going to be brought up. With a strictly open rule and nothing said, there is no opportunity. I can bring an amendment up here on the floor, blindsiding somebody on it as long as it is germane and it is in order. At times there have been provisions that the chairman of the Committee on Rules have said, “You’re going to have to have them in the CONGRESSIONAL RECORD within a certain length of time, or by a certain date, or by a certain hour of a certain date.”

Does the gentleman plan to use that type of restriction on amendments?

Mr. SOLOMON. Excuse me. I walked over on this side. I just wanted to show the gentleman we are cooperating.

Mr. VOLKMER. Right.

Mr. SOLOMON. We want to look out for the rights.

Mr. VOLKMER. Well, I would much rather have 70 percent open rules than 70 percent closed rules. I have always said that. I agree with the gentleman that Members, all Members, have been sent here to be able to participate in the debate on the legislation, offer amendments, and have their ideas expressed also.

Mr. SOLOMON. The gentleman is absolutely right. The gentleman makes some sense, too, and, as I told the gentleman from Missouri [Mr. VOLKMER], my good friend, who is the former chairman of the Committee on Armed Services and now the ranking minority member, that when the defense budget comes before the Committee on Rules, we want to be able to sit down with him because we cannot bring that bill to the floor under an open debate. We would be here for 3 months debating just that one bill.

Mr. VOLKMER. Right.

Mr. SOLOMON. And what we will do, we will negotiate with the minority, we will make sure if someone has an issue, there is the Strategic Defense Initiative. We cannot allow 50 amendments on the Strategic Defense Initiative, but what we will do is we will allow a liberal’s point of view, we will allow a conservative, and we will compromise. In other words, we will have three amendments dealing with that issue.

One thing we will eliminate is this business of king of the hill, and that is something, as the gentleman knows—the gentleman, I think, shares my view—that there is no place in this body for a king-of-the-hill procedure. What a king-of-the-hill procedure is is that one amendment might pass with 280 votes, and then another amendment will follow right behind it, wipe that out, and only 188 vote for one with the fewer votes wins. Well, no more of that. I have spoken to Speaker GINGRICH about that. We are going to try to do away with this kind-of-the-hill procedure, and we are going to let the best amendment win, or the best alternative amendment win, the one with the most votes will win. That is how it should be.

There might come a time when we want to allow the printing of the amendments in the CONGRESSIONAL RECORD prior to debate. We might go so far as to have those amendments numbered so they will be easier to identify. I know the gentleman from Missouri [Mr. VOLKMER] is a very diligent Member of this House, and he reads the amendments, and sometimes it is hard to follow which amendment is being called up at certain times. One Member may have 10 amendments resting in the desk, and he calls up an amendment, and we do not know what it is, with the number there. If we number those amendments, it will make a lot more sense.

So, there will be times on complex issues when we will do that. Otherwise we will try to bring bills to the floor under an open rule process and let the Members offer amendments as they see fit right from the floor.

Mr. VOLKMER. The last comment I would like to make to the gentleman from New York [Mr. SOLOMON] is that I could understand in the resolution that we had yesterday, as far as the actual rules changes, and I could understand the provision there for closed rules. We have always had that. We have never had anything, as long as I have been here, any different. So, I am not objecting to that.

But I do have a strong disappointment, a very strong disappointment, in the majority in requiring a closed rule.

I know the gentleman did not have a Committee on Rules, but I could read, too, the gentleman from New York, in here the provision in regard to what we call the compliance legislation, and what I am saddened by is that that bill, which is a good bill, has overwhelming support, we all supported it last year, and it went to the Senate and died, so it still has not become law. I listened to the speeches here this morning, and I do not know why we have now placed the House under all the laws of the United States that affect all private business and industry.
month by the time we get it on this calendar with all this 100 days business. The chances are it would have been next July or August, and one never can tell around here what happens. Bills disappear. They hide. They are never seen again.

We wanted to pass that bill. Seventy-three new Republicans, all of them, wanted that bill acted on yesterday. They wanted to have it done. We sent that bill over again to the Democrats that were working on it. Mr. Swett, who was a good Member of this body who is no longer here now, was not here, but other Members were. The gentleman from Maryland [Mr. HOYER] was one, I believe, and, in other words, to get their impact on the bill. But the truth of the matter is I do not think that the 13 new Democrats who were here last year, they did not have a chance to vote on it.

I do not think they objected. They all voted for the bill yesterday afternoon. At any rate, what we have done is, we have now passed that bill. It will now go to the Senate. The Senate will revise it, as is their prerogative, and the bill back. If it is different, will either come back to us for the amendment process or it will go to conference, one or the other. They could send a Senate bill over here, in which case we would have a chance to revisit it, and you, the gentleman from Connecticut, will have an opportunity at that time to work your will on the bill, too.

Ms. DELAUAO. Mr. Speaker, I would just like to echo my comments.

Mr. SOLOMON. Mr. Speaker, does the gentlewoman wish me to yield to her?

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield further, the gentleman is missing a little bit of the point.

I will admit that when it goes into the conference, the Democrats who are on the conference committee, those few, may have an opportunity to make some changes in the bill, but, remember, it is only the bill that passed this House going to bill that passed the Senate that is going to be in the conference. It was clear to me yesterday, listening to the debate, that there were other Members who would have had amendments to that bill. If they had been permitted to offer them, they would have liked to offer those amendments. They did not get that opportunity, and they will never get that opportunity in the next 2 years. We will not revisit this bill.

Mr. SOLOMON. Mr. Speaker, if I may just reclaim my time for 1 minute, I would have to disagree with the gentleman that they will never get the opportunity. We are going to try to be as fair as we can, and if there are other issues, we are going to try to revisit many of these issues that were discussed yesterday on the floor.

We heard the gentleman from California [Mr. DREIER] say that his committee and the Committee on Rules are going to mark up additional bills, and certainly your representatives on the committee, on Rules and other committees are going to have an opportunity for input, and we will revisit the issue, and we will have another day to debate whatever amendments you wanted to offer.

So I think, on the gentleman's concerns, that he is going to be presently surprised at the openness when we are going to be able to revisit many of these issues.

Mr. VOLKMER. You will have another compliance bill?

Mr. SOLOMON. We could very well, yes.

Mr. VOLKMER. Another accountability bill?

Mr. SOLOMON. Yes.

Ms. DELAUAO. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from Connecticut.

Ms. DELAUAO. Mr. Speaker, I would like to echo the sentiments of my colleague. That is many respects is what I think was hoped for in terms of change, particularly by the American public, and as far as the rules are concerned, I truly believe in the gentleman's objection, because again, he talks on this floor about open rules all the time. And that is just for this opportunity to come up and to pass this bill, I would just say that it was business as usual, so that we do not have the opportunity.

I worked personally very, very hard on the accountability legislation in the last session. My colleague, Dick Swett, did also, and I complimented my colleague, the gentleman from Connecticut, Mr. CHRIS SHAYS. I think that bill was long overdue.

But there was not an opportunity for the minority to have a debate and a discussion about it. If we are to change this body, this body now in charge. The Republicans have the majority, so that with bills getting lost, the calendar becomes your calendar in terms of scheduling. If it is your side that has to say that for the sake of reform and openness and what we have talked about in this bill, then we have to have delay. Let the process be opened up so we can have a debate about a variety of issues.

That is the point I am trying to make, that we cannot portray change when in fact we are looking at business as usual. And I think we need to be very mindful and very careful about that as we go down the next several months.

Mr. SOLOMON. Mr. Speaker, the gentlewoman sounds just like JERRY SOLOMON.

Mr. Speaker, I have got to prepare to organize the Rules Committee. It is going to be a fair and open and accountable Rules Committee this year. So I am going to have to close this special order, and I thank the body for indulging me.
I do not believe that that is very fair at all. In fact, I say that goes back to previous years in this House when we had what we call just strictly gag rules.

Every Member of this body, whether Republican or Democrat, comes here with ideas, because that is what government is all about. Whether it is your right of independence, or the Constitution, whether it is all the laws of this land, at one time they were nothing more than an idea in someone’s mind. And that idea was promoted by that person and finally was accepted by everybody, and they were put down in writing. Back when this country was founded, they took a trip, they spent their money, air fair, vacation. You want to get that ledge incorporated in our rules in this House in this body. That legislation like lobbying reform, that at that time the majority party, the Democratic Party, last year passed overwhelmingly and sent to the Senate, where it was filibustered by the Senate from Kansas and others, where it was killed, we need that legislation. Yet that legislation, those rules changes, that would have prohibited these Members from taking these meals, from taking these trips, from taking the vacations, is not in here at all.

There is nothing in our rules today, nothing in the language. While we have people out in our district and all over this land freezing because they are too cold, because they cannot pay their heating bills, there is nothing in our rules that says that we cannot have Members going off to Jamaica, to the Virgin Islands, to the warm climates of Florida, Arizona, all paid by lobbyists at their expense. If you want to go fishing out in the deep water, we will pay for that. There is nothing in here that is going to prohibit that.

We need that. Yet yesterday, when the minority in their committal resolution offered to have that incorporated in our rules that would have prohibited that, the majority refused and voted overwhelmingly against that.

So I wonder how many of those, instead of being here with you and I today, are now being prepared to spend this nice weekend in a nice warm climate somewhere with some lobbyists, because they sure did not want that legislation yesterday to become part of the rules, because if it became part of the rules, they could not, would not be able to do it. I wonder how many in this next week, when we are not going to be working here, folks. You are not going to see anybody else on this floor. There is not going to be any more work this week, there will not be anything done next week. How many of them that voted against including lobby reform, gifts by special interests, vacations, and golf trips and what have you, how many of them are off on those trips in this next 10 days?

I am very disappointed that the majority has not—and has not—included lobbying reform, has not included prohibiting those trips, those gifts, et cetera, in this legislation, and in fact strongly opposed it yesterday and voted against it, and actually voted against it.

I think that I as a member, and as the general public, we should let the majority know in this body that you no longer feel that the lobbyists should have control of this body, that the lobbyist should be prohibited from giving gifts and vacations, et cetera, to Members of the House of Representatives.
guarantee you, your taxes are going to go up.

What it means basically, this means, if you read it, it is a tax rate. What tax rate are we talking about? The top tax rate. That is 39 percent. Who does that apply to? That only applies to people making over $200,000. Those are the ones that are protecting. Those are the three-fifths that they have to vote on.

If you want to put it on the top people you have to do three-fifths, but if you want to put it on the middle income people, you have to do that. You can do it by majority vote. Of, if you would rather, according to their rules, if you would rather change our whole tax system and go to the value added tax, the VAT, and really put it to the lower- and middle-income people, because that is what a VAT does, it really does, that is a majority vote. That is not three-fifths.

So when they say that we are going to require a three-fifths vote for tax increase, that is not right, folks. It is not even right for income tax. It is only the rate. That is what exactly it says. It says “Federal income tax rate increase.” It does not say “a Federal income tax increase,” it says “a Federal tax increase.”

So this Congress will not take a three-fifths vote. I question the constitutionality of it, as others did during the debate, but folks, that is the top rate. It is only the wealthy. If you want to increase their taxes, you have got to do a three-fifths, but if you want to increase the tax on the lower or middle income, you can do it by a majority.

That is what the Republican Party says. That is the new rule. That is the way they say they are going to protect those people.

Who are those people? You ought to look at their Federal election returns that they filed and see who gives them the money. You ought to take a look at the people who do the lobbying up here in Washington, DC, and take the Members for the trips. They are those people that have that high tax rate, so we are kind of giving them a guarantee with this rule that we are not going to touch them, and in return, maybe you just take some Members for a trip now and then, so everybody—the Member, he gets a trip, he gets some meals, he gets some freebies, and the lobbyist is not going to have his taxes increased. He is going to save a bunch of money.

That is basically a part of this rule that was done yesterday. What really amazed me during that whole debate, during that whole 20 minutes from this side when they discussed it, not once, not one Member on this side says that the Members from Pennsylvania, who was handling that section of the rule change, ever mentioned that it was only for income tax rate increase that we were requiring a three-fifths.

They keep saying it was on income tax raised, that you could not raise the income tax except for three-fifths. That is not right. That is not correct. They can raise the taxes on middle and low income with a majority vote. It just means that you do not raise on higher income, except by three-fifths.

The SPEAKER pro tempore (Mr. SENSENBRENNER). Under the Speaker’s announced policy of January 4, 1995, the Chair recognizes the gentleman from Massachusetts [Mr. FRANK] for 60 minutes.

[Mr. FRANK of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(To the following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous matters:)

Mr. DELAURO, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. CLAYTON, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. GEPAHRDT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(To the following Members (at the request of Mr. VOLKMER) to include extraneous matters:)

Mr. CAMP.

Mr. EMERSON in six instances.

Mr. KLECKZA.

Mr. TRAFICANT.

Mr. RICHARDSON.

ADJOURNMENT

Mr. VOLKMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o’clock and 47 minutes p.m.), pursuant to its previous order, the House adjourned until Monday, January 9, 1995, at 2 p.m.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 12. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion under section 911 of such Code; to the Committee on Ways and Means.

H.R. 13. A bill to amend the Federal Election Campaign Act of 1971 to provide for contributions by multicandidate political committees and to limit contributions in House of Representatives elections from persons other than individual in-State residents; to the Committee on House Oversight.

By Mr. LEACH:

H.R. 14. A bill to repeal the exemption from disclosure requirement for municipal securities, and to require the Securities and Exchange Commission to public model disclosure forms to facilitate compliance with the disclosure requirements; to the Committee on Commerce.

H.R. 15. A bill to amend the Federal Reserve Act to provide for the appointment of the presidents of the Federal reserve banks by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. DINGELL:

H.R. 16. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 17. A bill to establish the Federal Bankruptcy Agency, to abolish the positions of the Comptroller of the Currency and Director of the Office of Thrift Supervision, to consolidate and reform the regulation of insured depository institutions; to the Committee on Banking and Financial Services.

H.R. 18. A bill to enhance competition in the financial services industry by providing prudential framework for the affiliation of banks and securities firms; to the Committee on Banking & Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH and Mr. SCHUMER (for themselves, Mr. FRANK of Massachusetts, and Mr. BEREUTER):

H.R. 19. A bill to encourage foreign countries to accord national treatment to U.S. banking, securities, and insurance organizations that operate or seek to operate in those countries; to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 20. A bill to provide a framework to improve risk management techniques at financial institutions, including the prudential use of derivative products; to the Committee on Commerce, and in addition to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 21. A bill to amend section 3 of the United States Housing Act of 1937 to more accurately determine the median income for Rockland County, NY, for purposes of housing programs administered by the Secretary of Housing and Urban Development; to the Committee on Banking and Financial Services.

H.R. 22. A bill to establish the position of Coordinator for Counterterrorism within the Office of the Secretary of State; to the Committee on International Relations.

H.R. 23. A bill to direct the Secretary of Health and Human Services to establish a schedule of preventive health care services and to provide for coverage of such services
in accordance with such schedule under private health insurance plans and health ben-
fit programs of the Federal Government, and for other purposes; to the Committee on
Commerce, and in addition to the Commit-
tees on Agriculture, National Security, and
Strengthening the Private Sector, for a period to be subse-
cuently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
By Mr. Smith of New Jersey (for him-
self, Mr. Franks of New Jersey, and Mr.
Minge):
H.R. 24. A bill to amend the Solid Waste
Disposal Act to provide congressional au-
thorization for State control over transpor-
tation of municipal solid waste, and for other purposes; to the Committee on Com-
merce.
By Mr. Bliley:
H.R. 25. A bill to amend part B of title
XVIII of the Social Security Act to make
technical corrections relating to the enact-
ment of the Social Security Act Amend-
ments of 1994, and for other purposes; to the Committee on Commerce, and in addition to the Commit-
tees on Agriculture, National Security, and
National Aeronautics and Space Admin-
istration, for further consideration of such measures as may be necessary to effectuate the intent of section 312 of Public Law 99-40, and for purposes of organizing committees of the whole for the purpose of reporting the bill, and for other purposes; to the Committee on Commerce.
By Mr. Roemer (for himself, Mr. Dickey,
Mr. McHale, Mr. Hoekstra, Mr. Hayes, Mr. Parker, Mr. Steak,
Mr. Goss, Mr. Taylor of Missis-
sippi, Mr. McHugh, Mr. Holden, Mr.
Bentsen, Mr. Jacobs, Ms. Furse, Mr. Brown of California, Mr. Slough,
Mr. Fish, Mr. Pascrell, Mr. Polk, Mr. Up-
ton, Mr. Pomroy, Mr. Andrews, Mr.
Edwards, Mr. Barrett of Wis-
consin, and Ms. Kapu):
H.R. 26. A bill to provide for return of ex-
cess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight.
By Mr. Bartlett of Maryland (for himself,
Mr. Shay, Mr. Stump, Mr. McHugh,
Mr. Inglis of South Carolina, Mr.
Canady, Mr. Sensen-

brenner, Mr. Foley, Mr. Baker
of California, Mr. Walsh, Ms. Harman,
Mr. Goss, Mr. Dickey, Ms. Dunn, Mr.
McHugh, Ms. Gelb, Mr. Robertson,
Mr. Rohrabacher, Mr. Han-
cock, Mr. Istook, Mr. Knollenberg,
Mr. Castle, Mr. Meyers of Kansas,
Mr. Horn, Mr. Goodlatte, Mr. Smith
of New Jersey, Mr. Saxton, Mr.
Spence, Mr. Schiff, Mr. Do
dillette, Mr. Baker of Louisiana, Mr.
Chrys-
er, Mr. Bachus, Mr. Crapo, Ms.
Prince, Mr. Gekas, Mr. Portman, Mr.
Torkildsen, Mr. Kim, Mr. Green-
n, Mr. Franks of California, Mr.
Baucus, Mr. Sublett, Mr. Amase,
Mr. Geerman, Mr. Pearson, Mr.
Hayworth, Mr. Stupak, Mr. Lein-
berg, Mr. Price, Mr.感, Mr. Portman,
Mr. Torkildson, Mr. Kim, Mr. Green-

came, Mr. Franks of California, and Mr.
Baucus):
H.R. 27. A bill to permit Members of the
House of Representatives to use their unspent official allowances for reduction of the national debt; to the Committee on House Oversight.
By Mr. BateMan:
H.R. 28. A bill entitled "The Volunteer
Firefighter and Rescue Squad Worker Pro-
tection Act"; to the Committee on Economic and
Educational Opportunities.
By Mr. Bereuter:
H.R. 29. A bill to amend the Housing Act of
1969 to authorize the Secretary of Agri-
culture to guarantee the repayment of loans
made by private lenders for the development of
low- and moderate-income rental housing in rural
areas; to the Committee on Banking and Fi-
nancial Services.
By Mr. Gonzalez:
H.R. 30. A bill to amend and extend certain
laws relating to housing and community de-
velopment, and for other purposes; to the Com-
mittee on Banking and Financial Serv-
ices.
By Mr. Gonzalez (for himself, Mr. Kan-
orisky, and Mr. Murphy):
H.R. 31. A bill to enhance the supervi-
sion and regulation of the activities of
financial institutions, and for other pur-
poses; to the Committee on Banking and Fi-
nancial Services.
By Mr. Bereuter:
H.R. 32. A bill to extend the Conservation
Reserve Program for 10 years and the Wet-
lands Reserve Program for 5 years to provide
funding for the establishment of demonstra-
tion projects; to the Committee on Agricul-
ture.
By Mrs. Lambert Lincoln:
H.R. 33. A bill to transfer the Fish Farming
Experimental Laboratory in Stuttgart, AK,
from the Department of Agriculture to the
Department of Commerce, and for other
purposes; to the Committee on Re-
sources.
H.R. 34. A bill to amend the Internal Re-
venue Code of 1986 to retroactively restore a
100 percent deduction for the health insur-
ance costs of self-employed individuals; to the Committee on Ways and Means.
By Mr. Fawell:
H.R. 35. A bill to amend the Employee Re-

currence of the Survivor Benefit Pay-
ment Act of 1990, to extend through
February 28, 1995, the temporary special regula-
tions extending the date for discontinuance of compensation and

pension paid by the Secretary of Veterans Affairs shall be the date on which the recipi-

ent dies, rather than the last day of the pre-
ceding month, in the case of a veteran with
a surviving spouse, and for other purposes; to the Committee on Veterans' Affairs.
By Mr. Young of Alaska:
H.R. 39. A bill to authorize the Magnuson
Fishery Conservation and Management Act to improve fisheries management; to the Com-
mittee on Resources.
By Mr. Bilirakis:
H.R. 40. A bill to provide benefits under the
Survivor Benefit Plan to surviving spouses of certain members of the Armed Forces retired
before September 21, 1972; to the Committee
on National Security.
By Mr. Condit:
H.R. 41. A bill to require the Secretary of Agri-
culture to issue a rule clarifying the use of the term "fresh" in labeling of poultry,
and for other purposes; to the Commit-
tee on Agriculture.
By Mr. Bilirakis:
H.R. 42. A bill to amend the act of Septem-
ber 30, 1961, to exclude professional baseball from the antitrust exemption applicable to
certain television contracts; to the Com-
mittee on the Judiciary.
H.R. 43. A bill to amend title 5, United States
Code, to provide that the Civil Service
Retirement and Disability Fund shall be ex-
cluded from the budget of the U.S. Govern-
ment; to the Committee on Government Re-
form and Oversight.
H.R. 44. A bill to prohibit the provision of
financial assistance from the Federal Gov-
ernment to any person who is more than 60
days delinquent in the payment of any child
support obligation; to the Committee on
Government Reform and Oversight.
By Mr. Conyers:
H.R. 45. A bill to apply the antitrust laws of
the United States to major league base-
ball; to the Committee on the Judiciary.
By Mr. Bilirakis:
H.R. 46. A bill to amend the Solid Waste
Disposal Act to exempt leachate rinse water
degradation system from subtitle C permit
requirements; to the Committee on Com-
merce.
By Mr. Bilirakis (for himself, Mr. Jacobs,
Mr. Bunning, and Mr. Owens):
H.R. 47. A bill to provide that professional
baseball teams, and leagues composed of
such teams, shall be subject to the antitrust
laws; to the Committee on the Judiciary.
By Mrs. Collins of Illinois:
H.R. 48. A bill to require the Federal Com-
munications Commission to prescribe rules
to lower market entry barriers for small
business, business concerns owned by women
and members of minority groups, and non-
profit entities that are seeking to provide telecommunication services and information services; to the Committee on Commerce.
By Mr. BLUTE (for himself, Mr. Bachus,
Mr. Bereuter, Mr. Canady, Mr.
Bachus, Mr. Crapo, Ms. Prince,
Mr. Gekas, Mr. Portman, Mr.
Torkildson, Mr. Kim, Mr. Green-
ncame, and Mr. Bachus):
H.R. 49. A bill to amend the United States
Fishery Conservation and Management Act to authorize the Secretary of Agri-
culture to negotiate reduced annual rental
rates for environmentally sensitive land to
conservation uses by enabling farmers to meet con-
servation compliance requirements through the
early withdrawal, modification, re-en-
rollment, or enrollment of lands in the con-

servation reserve; to best achieve such con-


servation purposes with sharply limited re-

sources by permitting the Secretary of Agri-
culture to negotiate reduced annual rental

payments in exchange for granting farmers
a survival support obligation; to the Commit-
tee on Agriculture.
By Mr. Bilirakis:
H.R. 50. A bill to eliminate certain welfare
benefits with respect to individuals on pro-

bation and parole violators, and to facili-
tate sharing of information with police of-

fers; to the Committee on Ways and Means,
and in addition to the Committees on Commerce, Agriculture, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself and Mr. MINETA):

H.R. 51. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Government Reform and Oversight.

By Mrs. DOUGHERTY of Indiana:

H.R. 52. A bill to amend title 18, United States Code, to specify the use of computers in or affecting commerce as a basis for Federal prosecution of certain obscenity offenses; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 53. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Ways and Means.

H.R. 54. A bill to repeal the provisions of law under which pay for Members of Congress is automatically adjusted; to the Committee on Government Reform and Oversight and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 55. A bill to make Members of Congress ineligible to participate in the Federal Employee Retirement System; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLEMAN (for himself and Mr. RICHARDSON):

H.R. 56. A bill to direct the Secretary of Transportation to carry out a demonstration project to establish a highway corridor from Chihuahua, Mexico, through El Paso, TX, to Denver, CO; to the Committee on Transportation and Infrastructure.

By Mrs. COLLINS of Illinois:

H.R. 57. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare Program for services of registered nurses as assistance at surgery; to the Committee on Ways and Means.

H.R. 58. A bill to amend title XVIII of the Social Security Act to reduce infant mortality through improvement of coverage of services for infants and children under the Medicaid Program; to the Committee on Commerce.

By Mr. BILIRAKIS (for himself and Mr. TEDEDA):

H.R. 59. A bill to amend title X, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on National Security.

By Mrs. COLLINS of Illinois:

H.R. 60. A bill to amend the Solid Waste Disposal Act to enhance Environ- mental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for the recycling and management of used oil and to reduce emissions of lead into the ambient air, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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.

H.R. 61. A bill to amend the Internal Revenue Code of 1986 to facilitate the rehabilitation of public housing using the low-income housing credit; to the Committee on Ways and Means.

H.R. 62. A bill to require the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs to submit a joint report addressing the question of U.S. Government responsibility for providing benefits and services to disabled individuals who served with certain voluntary organizations that provided significant assistance to the Armed Forces of the United States stationed in the Republic of Vietnam during the Vietnam era; to the Committee on National Security.

H.R. 63. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services for infants and children under the Medicaid Program; to the Committee on Commerce.

H.R. 64. A bill to improve coordination in the formulation of telecommunications policy within the executive branch, and for other purposes; to the Committee on Commerce.

By Mr. BILIRAKIS (for himself and Mr. TEDEDA):

H.R. 65. A bill to amend title X, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on National Security.

H.R. 66. A bill to strengthen the authority of the Equal Employment Opportunity Commission to enforce nondiscrimination policies in Federal agencies and in the formulation of telecommunications policy within the executive branch; to the Committee on Economic and Educational Opportunity, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 67. A bill to provide for disclosures for insurance in interstate commerce; to the Committee on Commerce.

H.R. 68. A bill to provide for the mandatory registration of handgun and assault weapon; to the Committee on the Judiciary.

H.R. 69. A bill to provide for the mandatory registration of handgun and assault weapon; to the Committee on the Judiciary.

H.R. 70. A bill to permit exports of certain domestically produced crude oil, and for other purposes; to the Committee on Re- source, Energy and Environment and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois:

H.R. 71. A bill to provide for the mandatory registration of handgun; to the Committee on the Judiciary.

H.R. 72. A bill to provide for disclosures for insurance in interstate commerce; to the Committee on Commerce.

H.R. 73. A bill to prohibit rental car companies from imposing liability on renters with certain exceptions, to prohibit such companies from selling collision damage waiver insurance to passengers, and to require automobile rental agreements of not more than 30 days, and for other purposes; to the Committee on Commerce.

H.R. 74. A bill to provide for the manufacture, importation, or disposal of a handgun or an assault weapon to be held strictly liable for damages that result from the use of the handgun or assault weapon; to the Commit- tee on the Judiciary.

H.R. 75. A bill to amend title XVIII of the Social Security Act to provide payment for dental services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 76. A bill to amend title XIX of the Social Security Act to require State Med- icaid Programs to provide coverage of screen- mammography and screening pap smears; to the Committee on Commerce.

H.R. 77. A bill to authorize the Secretary of Health and Human Services to fund adolescent health demonstration projects; to the Committee on Commerce.

H.R. 78. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once the retailer marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to re- fund any amounts of money obtained by so increasing the price of such consumer com- modity; to the Committee on Commerce.

H.R. 79. A bill to require the Secretary of Housing and Urban Development to establish energy conservation standards for public housing projects and to carry out a program to demonstrate the effectiveness of energy conservation measures in public housing projects; to the Committee on Banking and Financial Services.

By Mr. KAN ORSKI (for himself and Mr. HINCHY):

H.R. 80. A bill to foster economic growth, create new employment opportunities, and strengthen the industrial base of the United States by providing credit for businesses and by facilitating the transfer and commercialization of government, university, or military inventions, discoveries, licenses, processes, and technologies, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Science, Judiciary, Ways and Means, for a period to be subsequent determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois:

H.R. 81. A bill to amend title XIX of the Social Security Act with respect to requiring State plans for appropriately responding to the closing of hospitals, and for other purposes; to the Committee on Ways and Means.

H.R. 82. A bill to provide for the mandatory registration of handgun; to the Committee on the Judiciary.

H.R. 83. A bill to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, CA, and to require a boundary adjustment for the national forest to reflect the land exchange,
H.R. 84. A bill to reform the House of Representatives, and for other purposes; to the Committee on Ways and Means.

H.R. 85. A bill to provide for greater disclosure and accountability for Federal government travel; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight.

H.R. 86. A bill to oppose Cuba's admission as a member of international financial institutions; to the Committee on Banking and Financial Services.

H.R. 87. A bill to deny visas to aliens involved with the foreign expropriation of property of U.S. persons; to the Committee on the Judiciary.

H.R. 88. A bill to amend the Internal Revenue Code of 1986 to enhance tax equity and fairness by imposing an alternative minimum tax on corporations importing products into the United States at artificially inflated prices; to the Committee on Ways and Means.

H.R. 90. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Commerce.

H.R. 91. A bill to amend the Safe Drinking Water Act to assure the safety of public water systems; to the Committee on Commerce.

H.R. 92. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for the States to use Federal funds for solid waste actions in their States; to the Committee on Commerce.

H.R. 93. A bill to grant the power to the President to require the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, to provide for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 94. A bill to provide that of amounts available to a designated agency for a fiscal year that are not obligated in the fiscal year, up to 50 percent may be used to pay bonuses to agency personnel and the remainder shall be deposited into the general fund of the Treasury and used exclusively for deficit reduction; to the Committee on Government Reform and Oversight.

H.R. 95. A bill to require that the Federal Government procure from the private sector, 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.

H.R. 96. A bill to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft while intoxicated; to the Committee on the Judiciary.

H.R. 97. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to property of the United States if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

H.R. 98. A bill to amend title 4, United States Code, to make English the official language of the Government of the United States; to the Committee on Economic and Educational Opportunities.

H.R. 99. A bill to provide for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, for other purposes; to the Committee on Ways and Means.

H.R. 100. A bill to provide for the protection of wild horses, to authorize the President to provide for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 101. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 5-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 and related help to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

H.R. 102. A bill to amend the Internal Revenue Code of 1986 to expand the tax-exempt status of Christa McAuliffe Fellowships; to the Committee on Ways and Means.

H.R. 103. A bill to amend the retroactive period during which farm insolvency transactions are exempt from the prior law alternative minimum tax; to the Committee on Ways and Means.

H.R. 104. A bill to rescind the fee required for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 105. A bill to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered; to the Committee on Commerce.

H.R. 106. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamps benefits to purchase nutritional supplements of vitamins, minerals, or vitamins and minerals; to the Committee on Agriculture.

H.R. 107. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained age 65, and for other purposes; to the Committee on Ways and Means.

H.R. 108. A bill to require certain entities receiving United States funds from the International Fund for Ireland to comply with the MacBride Principles; to the Committee on International Relations.

H.R. 109. A bill concerning paramilitary groups and British security forces in Northern Ireland; to the Committee on International Relations.

H.R. 110. A bill to repeal the Service Contract Act of 1965; to the Committee on Economic and Educational Opportunities.

H.R. 111. A bill to amend the Merchant Marine Act of 1936 to authorize State maritime academies to reimburse qualified individuals for fees imposed for the issuance of certain entry level merchant seamen licenses and merchant mariner's documents, and for other purposes; to the Committee on National Security.

H.R. 112. A bill to provide that certain members of the United States military during World War II constituted active military service for purposes of any law administered by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.
Relations.

By Mr. GEKAS:
H.R. 113. A bill to delay for 2 years the required implementation date for enhanced vehicle emission and maintenance programs under the Clean Air Act, to require the Administrator of the Environmental Protection Agency to reissue regulations relating to such programs for the redesignation of certain areas, and for other purposes; to the Committee on Commerce.

By Mr. GOSS:
H.R. 114. A bill to amend the Marine Mammal Protection Act of 1972 to provide for State disapproval of issuance of permits for the taking of marine mammals in protected State waters; to the Committee on Resources.

By Mr. GOSS (for himself, Mr. BLUTE, Mr. BOEHNER, Mr. INGLIS of South Carolina, Mr. PORTMAN, Mr. ROBERTS, and Mr. HORN):
H.R. 115. A bill to reduce the Official Mail Allowance of Members of the House and to prohibit certain other mailing practices, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, 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. GOSS:
H.R. 116. A bill to prohibit travel by Members, officers, and employees of the House of Representatives on lobbyist expense; to the Committee on House Oversight.

By Mr. GOSS (for himself and Mr. JOHNSTON of Florida):
H.R. 117. A bill to protect the ecologically fragile coastal resources of south Florida by prohibiting offshore oil and gas activities and by canceling Federal leases in the area of the Outer Continental Shelf adjacent to the south Florida coast; to the Committee on Resources.

By Mr. GREENWOOD (for himself and Mr. PALLONE):
H.R. 118. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Commerce.

By Mr. GREENWOOD:
H.R. 119. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of drugs approved by the Food and Drug Administration for the treatment of multiple sclerosis; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUNDERSON (for himself and Mr. PETRI):
H.R. 120. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GUTIERREZ:
H.R. 121. A bill to prohibit the possession or transfer of semiautomatic firearms; to the Committee on the Judiciary.

By Mr. HAMILTON:
H.R. 122. A bill to improve the operations of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules, and in addition to the Committee on Oversight, House Oversight, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN:
H.R. 123. A bill to amend the act commonly known as the National Environmental Policy Act of 1969 to limit the authority of States to regulate gambling devices on vessels; to the Committee on Transportation and Infrastructure.

By Mr. ARCHER (for himself, Mr. BREWSTER, Mr. BAKER of Louisiana, Mr. BUNNING, Mr. CRAPO, Mr. WALSH, Mr. COMBEST, Mr. GILCHREST, Mr. CASE, Mr. RIFESTA, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. GEXAS, Mr. DEAL, Mr. HEFFNER, Ms. DANNER, Mr. BARRETT of Nebraska, Mr. MINGE, Mr. KINGSTON, Mr. EMERSON, Mr. BERESTER, Mr. ROBERTS, Mr. BURTON of Indiana, Mr. HOUTGREN, Mr. POMEROY, Mr. HOEKSTRA, Mr. PARKER, Mr. LIGHTFOOT, Mr. OXLEY, Mr. CALVERT, Mr. CRANE, Mr. HUTCHINSON, and Mr. SOLOMON):
H.R. 124. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers engaged in certain agriculture-related activities a credit against income tax for property used to control environmental pollution and for soil and water conservation expenditures; to the Committee on Ways and Means.

By Mr. JACOBS:
H.R. 125. A bill to amend the Animal Welfare Act to provide living conditions for calves raised for the production of veal; to the Committee on Agriculture.

By Mr. ARCHER (for himself, Mr. CALVERT, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. LEACH, Mr. CRANE, Mr. COMBEST, Mr. PRYCE, Mr. MCDERMOTT, Mr. WOLF, Mr. SMITH of Texas, Mr. BONILLA, Mr. OXLEY, Mr. SHAYS, Mr. GANSKE, Mr. FOLEY, Mr. HANSEN, Mr. FAXON, Mr. ROYCE, Mr. COBLE, Mr. RAMSTAD, Mr. GALLEGGY, Mr. GOS, Mr. GREENWOOD, Mr. STUMP, Mr. MONTGOMERY, Mr. MOODHEAD, Mr. PETRI, Mr. GOODLING, Ms. HARMAN, Mr. LIVINGSTON, Mr. STEARNS, Mr. BEREUTER, Mr. SAXTON, Mr. BILIRAKIS, Mr. HANCOCK, Mr. SAM JOHNSON, Mr. CONDIT, Mr. FRANK of New Jersey, Mr. KLUCK, Mr. QUILLEN, Mr. SHAW, Mr. YOUNG of Florida, Mr. BAKER of California, Mr. BUNNING, Mr. PACKARD, Mr. ROTH, and Mr. MILLER):
H.J. Res. 6. 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. ARCHER:
H.J. Res. 7. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. FOWLER (for herself, Mr. JONES, Mr. WELDON of Florida, Mr. CANARY, Mr. DEUTCH, Mr. GOS, Mr. MEEHAN, Mr. SMITH of Michigan, Mr. GANSKE, Ms. DANNER, and Mr. HANCOCK):
H.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress of office for Representatives and Senators in Congress; to the Committee on the Judiciary.

By Mr. SERRANO:
H.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States regarding voting rights for residents of U.S. territories; to the Committee on the Judiciary.

By Mr. SHERMAN:
H.J. Res. 10. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. HAMILTON:
H.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States pertaining to prayer; to the Committee on the Judiciary.

By Mr. EMERSON:
H.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to provide for a balanced budget for the U.S. Government, and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mr. EMERSON (for himself and Mr. HANSEN):
H.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States prohibiting the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. EMERSON:
H.J. Res. 14. 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. EMERSON (for himself and Mr. HANSEN):
H.J. Res. 15. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. JACOBS:
H.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. JACOBS:
H.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. ORTON:
H.J. Res. 18. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. ORTON:
H.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States concerning the right of a citizen to bear arms; to the Committee on the Judiciary.

By Mr. O'BRIEN:
H.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States allowing Congress to provide for a balanced budget and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. BUNNING:
H.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States allowing Congress to provide for a balanced budget and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. BUNNING:
H.J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Commerce.

By Mr. BUNNING:
H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States pertaining to prayer; to the Committee on the Judiciary.

By Mr. EMERSON (for himself and Mr. HANSEN):
H.J. Res. 24. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Commerce.
vote of both Houses of the Congress if the
revenues must be agreed to by two-thirds
that congressional resolutions setting forth
amendment to the Constitution to require
Committee on the Judiciary.
H.J. Res. 26. Joint resolution proposing an
amendment to the Constitution of the Unit-
people of the United States; to the Commit-
ed States with respect to the proposal and
House Oversight.
H. Con. Res. 5. Concurrent resolution ex-
pressing the sense of the Congress relating to
Kalavryta, Greece, during the Second World
war; to the Committee on International Re-
By Mr. SCHAEFER, Mr. KENNEDY of Massachu-
setts, Ms. DUNN, Mr. PAYNE of Vir-
in the expression of self-determination by
Committee on Appropriations.
H. Res. 19. Resolution to establish a Select
Committee on POW and MIA Affairs; to the
Committee on Rules.
By Mr. KING:
H. Res. 18. Resolution to establish a Select
Committee on House Oversight.
By Mr. SOLOMON:
H. Res. 17. Resolution requiring Members
of the House of Representatives to pay $600
from the official expenses allowance for each
instance of extraneous matter printed in
the Congressional Record entitled "Extensions of Remarks": to the
Committee on House Oversight.
By Mr. ACOSTA:
H. Res. 16. Resolution requiring Members
of the House of Representatives to pay $600
from the official expenses allowance for each
instance of extraneous matter printed in
the Congressional Record entitled "Extensions of Remarks": to the
Committee on House Oversight.
By Mr. GOSS:
H. Res. 15. Resolution expressing the sense of the House of Representa-
tives with a transparent and substantial ma-
terial; to the Committee on House Oversight.
H. Con. Res. 7. Concurrent resolution ex-
pressing the sense of the Congress relating to
the slaughter of Greek civilians in
the slaughter of Greek civilians in

H. Res. 14. Resolution requiring Members
of the House of Representatives to pay $600
from the official expenses allowance for each
instance of extraneous matter printed in
the Congressional Record entitled "Extensions of Remarks": to the
Committee on House Oversight.
By Mr. KING:
H. Res. 18. Resolution to establish a Select
Committee on POW and MIA Affairs; to the
Committee on Rules.
By Mr. KLUG:
H. Res. 19. Resolution requiring that travel
awards from official travel of a Member, offi-
cer, or employee of the House of Representa-
tives be used only for official travel; to the
Committee on House Oversight.
H. Res. 20. Resolution requiring the appro-
priate committees of the House to report leg-
sislation to transfer certain functions of the
United States to provide for 4-year terms for
Members of the House of Representatives
and to provide that Members may not serve
more than three terms; to the Committee on
House Oversight.
By Mr. COBLE:
H. Con. Res. 2. Concurrent resolution ex-
pressing the sense of the Congress that re-
tirement benefits for Members of Congress
should not be subject to cost-of-living ad-
justments; jointly, to the Committees on
House Oversight.
By Mr. CLARK:
H. Con. Res. 3. Concurrent resolution ex-
presing the sense of the Congress that the
Office of Personnel Management should pro-
cede certain vocational rehabilitation serv-
ces in its administration of the Civil Service
Disability Retirement Program; to the Com-
mittee on Government Reform and Oversight.
By Mrs. COLLINS of Illinois:
H. Con. Res. 3. Concurrent resolution ex-
presing the sense of the Congress that the
Office of Personnel Management should pro-
cede certain vocational rehabilitation serv-
ces in its administration of the Civil Service
Disability Retirement Program; to the Com-
mittee on Government Reform and Oversight.
By Mr. EMERSON:
H. Con. Res. 4. Concurrent resolution rec-
ognizing the cultural importance of the
many languages spoken in the United States
and indicating the sense of the House (the
Senate concurring) that the United States
should maintain the use of English as a lan-
guage common to all peoples; to the Com-
mittee on Economic and Educational Oppor-
tunities.
By Mr. ACOSTA:
H. Con. Res. 5. Concurrent resolution ex-
presing the sense of the Congress that any
Federal agency that utilizes the Draize rab-
bit eye irritancy test should develop and
validate alternative ophthalmic testing pro-
cedures that do not require the use of animal
test subjects; to the Committee on Com-
merce.
The Senate met at 10 a.m., and was called to order by the Honorable Dan Coats, a Senator from the State of Indiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths. —Proverbs 3:5, 6.

Mighty God who knowest all things, Thou knowest the future of the 104th Congress in microscopic detail. Infuse the minds and hearts of the Senators with the reality that You have a perfect plan for the days that lie ahead. Help them to take this seriously, that they may walk and work in the light of God’s direction. Grant them grace to follow the wisdom of Solomon, the wisest man who ever lived, that they may trust in the Lord with all their heart, that they may acknowledge Him in all their ways, and be guided through the milieu of legislation with all its difficulties, its pressures, its conflicts. Give them the confidence in God which guided our Founding Fathers through all the complications of revolution and the establishment of a new nation.

Thy will be done in this place as it is in Heaven.

In the name of Him who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER.

The clerk will please read a communication to the Senate from the President pro tempore [Mr. Thurmond].

The legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Dan Coats, a Senator from the State of Indiana, to perform the duties of the Chair.

STROM THURMOND, President pro tempore.

Mr. COATS thereupon assumed the chair as Acting President pro tempore. The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:15 a.m. is reserved for the two leaders.

Mr. COCHRAN addressed the Chair. The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, for the information of Senators, after the leader time, which will expire at 10:15 this morning, the Senate will resume consideration of Senate Resolution 14, the committee ratio resolution.

There is pending the Harkin amendment to the cloture rule on that resolution. Under a previous unanimous consent agreement, the time for debate on the Harkin amendment is divided as follows: 30 minutes under the control of Senator Byrd; 45 minutes under the control of Senator Harkin.

Following the debate time at 11:30 this morning, the majority leader or his designee will make a motion to table the Harkin amendment.

Therefore, all Senators should be aware that there will be a 15-minute rollover vote at 11:30 this morning on the motion to table the Harkin amendment.

If the Harkin amendment is tabled, the Senate will immediately adopt the underlying resolution and begin consideration of S. 2, the congressional coverage bill. Senators should also be on notice that amendments are possible to S. 2. Therefore, additional rollover votes are possible throughout the day.

Also, it is the intention of the leadership to try to complete action on S. 2 this week.

MAKING MAJORITY PARTY APPOINTMENTS TO THE GOVERNMENTAL AFFAIRS COMMITTEE

Mr. COCHRAN. Mr. President, I send a resolution to the desk which has been cleared by both sides.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 26) making majority party appointments to the Governmental Affairs Committee for the 104th Congress.

Mr. COCHRAN. Mr. President, I know of no controversy surrounding the resolution.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 26) was agreed to as follows:

Resolved, That the following shall constitute the majority party’s membership on the following standing committee for the 104th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. Grassley, Mr. McCain, and Mr. Smith.

Mr. COCHRAN. Mr. President, for clarification and explanation to the Senate, the resolution will permit the Governmental Affairs Committee, which is conducting a hearing this morning on the unfunded mandates legislation to proceed with that hearing while the Senate is in session. We hope that hearing will enable us to bring that legislation to the floor as soon as possible after the disposition of the congressional coverage bill, which we discussed earlier in the announce-ment.
Mr. President, I reserve the remainder of the leader time.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN. I thank the Chair.

The remarks of Mr. HEFLIN pertaining to the introduction of Senate Joint Resolution 13 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions."

THE DEATH OF DR. ARCHIE H. CARMICHAEL

Mr. HEFLIN. Mr. President, I rise for a point of personal privilege to lament the death yesterday of Dr. Archie H. Carmichael III of Tuscumbia, Sheffield, and Muscle Shoals, AL. He was a very distinguished physician. He was an internist. Dr. Carmichael graduated from Vanderbilt Medical School and practiced for many years in the Shoals area. His grandfather, Archie H. Carmichael, served as a Member of Congress. He comes from a very distinguished family in Alabama. It is sad that he has passed away.

At some later date, I will have more to say about Dr. Carmichael.

Mr. COCHRAN addressed the Chair. The PRESIDENT pro tempore. The distinguished Senator from Mississippi.

COMMENDING SENATOR HEFLIN

Mr. COCHRAN. Mr. President, first let me commend the distinguished Senator from Alabama for his introduction of the resolution on the subject of a constitutional amendment to balance the budget.

As the Senator knows, it has been an item of high priority in terms of planning for the legislative agenda for this new session of Congress. It is one of the three legislative measures that we hope to call up at the earliest time on the calendar for the attention of the Senate, for debate and for action.

We welcome, commend, and appreciate the efforts of the Senator from Alabama for this initiative. He has worked for many years on this subject and in a very effective and constructive way.

BILLS CONSIDERED READ A SECOND TIME

Mr. COCHRAN. Mr. President, I ask unanimous consent that all bills read a first time on January 4, 1995, be considered to have had their second reading and that objection to further proceedings thereon have been made.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the clerk to call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDING PARAGRAPH 2 OF RULE XXV

Mr. HEFLIN. Mr. President, I will be at committee hearings on the balanced budget amendment shortly, but I would like to oppose the Harkin amendment. It is my judgment that the rules have been effective over the years and I do not feel that we should change the rules pertaining to cloture and the right of extended debate.

We sometimes have different alignments pertaining to membership relative to our parties and therefore Senate rules affect us. The rule regarding the right to extended debate can be a two-edged sword at times, and I do not believe it should be changed.

But, in my judgment, the Senate is a deliberative body and the Senate ought not just be a smaller House of Representatives. I think that the present rules are operating effectively. I add my voice to those that are advocating that we continue with the present rule that we have.

I yield the floor.

AMENDING PARAGRAPH 2 OF RULE XXV

The PRESIDENT pro tempore. Under the previous order, the hour of 10:15 a.m. having arrived, the Senate will now resume consideration of Senate Resolution 14, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of rule XXV.

The Senate proceeded to consider the resolution.

Pending: Harkin amendment No. 1, to amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority of all Senators duly chosen and sworn.

AMENDMENT NO. 1

The PRESIDENT pro tempore. The time on the Harkin amendment shall be divided, with 30 minutes under the control of the Senator from West Virginia [Mr. Byrd] and 45 minutes under the control of the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, parliamentary inquiry. I understand we are under a time limit. Could the Chair inform the Senator what the time elements are right now that we are under?

The PRESIDENT pro tempore. The time on the Harkin amendment shall be divided, with 30 minutes under the control of the Senator from West Virginia [Mr. Byrd] and 45 minutes under the control of the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. I thank the Chair.

Mr. President, continuing the debate we had last night and to inform Senators who may not have been here and who were attending receptions for newly elected Senators, etc. cetera, I understand that, but let me bring Senators and their staffs up to date as to where we are.

At 11:30 today, if I am not mistaken, we will have a vote, I understand a trial motion made by the majority leader to table the amendment that Senator LIEBERMAN, Senator ROBB, Senator PELL, and I offered yesterday to change the cloture rule, rule XXII. Our amendment would change rule XXII to provide for a new procedure for ending filibusters in the Senate.

We did not throw out the filibuster completely, but our amendment makes a very modest approach toward ending the gridlock that has gripped this place over the last several years and is increasing in intensity in gridlock in this place.

But our proposal says—and let me make it very clear what our proposal or our amendment says—that on the first cloture vote you need 60 votes to end debate. Then, if you do not get the 60 votes, you can file another cloture motion. You have to wait 2 more days, you have another vote. Then you need 57 votes to end cloture. If you do not get it, you can file another cloture motion—again you need the 16 signatures to do that—wait 2 more days and then you get another vote and then you need 54 votes to end debate. If you do not get that, you can file one more cloture motion, wait 2 more days, and then you need 51 votes to get cloture and move to the merits of a bill.

Utilizing the different steps along the way, this would provide that, to get to the merits of a bill, a determined minority of the Senate who wanted to filibuster could slow it down for 19 days, 19 legislative days, which would be about a month. That is just getting to the bill.

There are other hurdles as a bill goes through the Senate. In fact there are six. There is the motion to proceed, there is the bill itself, there is the appointment of a majority of the Senate to file amendments, disagreeing with the House, and then there is the conference report. So there are a minimum of six hurdles. That is not counting amendments.

Of course, when a bill comes to the floor someone could offer an amendment and that amendment could be filibustered. All we are saying is that in that first initial time you need 19 days. If you added up all the hurdles under our proposal you could slow a bill down for a minimum of 57 days, 57 legislative days. That would translate into about 3 months. So it is a modest proposal. We are not saying get rid of the filibuster, but we are saying at some point in time a majority of the Senate ought to be able to end debate and get to the merits of the legislation.

A distinguished group of American independents, Republicans and Democrats, formed a group called "Action Not Gridlock." Former Senator Mac
Mathias, Republican, was on the board. Former Senator Goldwater, former Governor of Arizona, Republican, once said that there were distinguished Democrats on it; also, independents. They commissioned a poll last summer that showed that 80 percent of independents, 74 percent of Democrats, and 79 percent of Republicans said that when enough time was consumed, it was time to end debate. But after debate, majority ought to be able to get the bill to the floor. That a majority ought to be able, at some point, to end the debate.

So, the American people want this. They want us to get away from gridlock.

Let me show again the Senators what I am talking about in terms of gridlock what has happened in the last two sessions of Congress. We can see the use of filibuster going back to 1917 and going up here to 1994. In the last session of Congress, we had twice as many filibusters as we had from 1981 to 1986, the last time Republicans were in charge of the Senate. We had 10 times more filibusters in the last Congress than we did in the entire years from 1879 to 1900. Add up all those years, we had about as many filibusters in the last Congress than we did in all those years. I am saying 10 times more in the Congress, on an average in Congress, than we did in the years during that period of time.

Prof. Bruce Oppenheimer, from the University of Houston, wrote an article in 1985, I believe it was, about Congress reconsidered. He made an important point. Let me read from Professor Oppenheimer's treatise. He said,

Congress in the late 20th century is under more severe time constraints than at any point in its history. Pressures in the political and social environment have periodically forced Congress to deal with problems of time.

For example, in the early part of the 19th century most Members of Congress were not full-time politicians. They could not stay in Congress for large stretches of time. Crops needed planting and harvesting, small businesses required regular attention. Transportation was slow and arduous. But what has happened now, as Professor Oppenheimer has pointed out, is that the time pressures on Congress have increased precipitously. And because of the increased workload of Congress there is more time pressure and, therefore, the power of one Senator to threaten to filibuster is increased. I think Senators ought to keep that in mind.

So what we have is a situation where in the 103rd Congress we had 32 filibusters, twice as many as we had in the entire years from 1879 to 1900. Not so much because more Senators are using the filibuster. It is because a handful of Senators understand that one Senator, because of the increased time pressures here, one Senator threatening a filibuster can hold this place up. And thus we have had gridlock.

I think, Mr. President, that it is important or at least noteworthy, let me put it that way, it is noteworthy that the first vote of this new Congress in the Senate will be a vote on whether we slay this dinosaur called a filibuster. It will be our first vote. It will take place at 11:30, a little over an hour from now. We believe that voters have said, that they want this place to change. That they want us to be more productive. Or is it going to be “business as usual”? Stick with a filibuster.

You know the very word “filibuster” conjures up images of this past, horses and buggies, outdoor privies, lamplighters. The very word itself conjures up the 18th and 19th century. So, the first vote of this session, are we for change? Or are we for the status quo? Did we get the message in the election? Or are we going to give the American people more of the same of what they had over the last several years?

Senators hold the key to gridlock. One hundred Senators here at 11:30 hold the key to gridlock. Now is a good time to open the door to fresh ideas and to a new approach.

I say to my friends on the other side of the aisle, this could be one of the most productive sessions of the Senate in recent history. I may not agree with everything the Republicans are proposing, but they are in the majority and they ought to have the right to have us vote on the merits of what they propose.

Now, as a member of the minority, I ought to have the right to debate. I have the unrestricted right of amendment; Nongermane amendments. You will hear a lot of talk about we do not want this body to become like the House. No, I do not either. You will hear about protections for minorities. And for small States and things like that. Those protections are written into the Constitution of the United States and cannot be taken away by constitutional amendment. We have the right of unfettered debate in the Senate with nongermane amendments. We do not have a rules committee that tells us what we can offer and what we cannot offer. This gives the protections to the minority. And, yes, the right to slow things down. I want that right as a minority. I want to be able to slow down things if I think they are going too fast or going in the wrong direction. But, I do not believe that I as a member of the minority ought to have the right to just stop something, because I think it is wrong, that that is rule by minority.

Well, I just say if we do not use this key that we have, this key to open the door to get rid of the filibuster, if we do not, I can assure Senators and I can assure Flake, that this trend in the use of filibuster is going to continue. This line next time will be even higher. I can assure you that will happen unless we get rid of the filibuster. If we maintain the filibuster, the American people will look to the Senate and say “We elected a bunch of new Senators but ‘business as usual.'”

Maybe I just might give a fair warning to my friends on the other side of the aisle. I think the American people were fed up with the way this place was operating. If they see it as “business as usual” and we continue this filibuster, my fair warning to my friends on the other side, 2 years from now it could be the other way around.

I know it is a tough vote. It will be a tough vote for Senators to come here and to vote to give up a little bit of their personal power, their personal privileges that they have here. I mean, I have a lot of power. One Senator has a lot of power under the present filibuster rules. I think for the good of this institution and for the good of this country we have to give up a little bit of our privilege and a little bit of our personal power for the good of this country. I do not blame Republicans for using the rules as they did last time. They used it fairly.

They used the rule that exists to stop legislation that they considered bad. I do not know if that is the proper procedure for us. We have protections for the minority. As the USA Today editorial pointed out, the Constitution of the United States divides powers, provides for the separation of powers, splitting Congress into two parts and dividing Government among three branches, guaranteeing basic rights in the Constitution. We have those that protects the minority.

But I will close with my opening remarks, with this quotation. It is one thing to provide protection against majoritarian absolutism; it is another thing again to enable a vexatious or unreasonable minority to paralyze the Senate and America’s legislative process along with it.

I could not have said it better, and it was said by Senator ROBERT DOLE, February 10, 1971.

If Senator DOLE thought the filibuster was bad in 1971, certainly when we have a new Congress where the Republicans have increased at least threefold on an annual basis since then. So it is time to get rid of this dinosaur. It is time to move ahead with the people’s business in a productive manner.

Mr. President, I yield the floor, and I retain the remainder of my time.

Mr. BYRD addressed the Chair. The President pro tempore. The distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Iowa is a man of whom I am very fond. I admire him greatly. I admire his spunk, his courage, his tenacity, his determination to do what he thinks is the right thing. He serves on the Appropriations Committee and is a fine member of that committee and an excellent chairman of a subcommittee, but he is wrong in this instance.

He refers to the matter of unlimited debate as a dinosaur. He refers to unlimited debate as a dinosaur. He calls
the filibuster a dinosaur and has introduced a measure now that will kill this dinosaur. Mr. President, what he is doing here is, he is bringing a sledge hammer into the Chamber to kill a beetle—a beetle—not a dinosaur.

I note the presence on the floor of our colleague who is also a cosponsor of the resolution, the Senator from Connecticut. Does he wish to speak at this point? I would be happy to yield the floor for now.

Mr. LIEBERMAN. Mr. President, I thank the distinguished Senator from West Virginia. I would be most happy to listen. While I by no means think him very much for his courtesy.

Mr. BYRD. Mr. President, freedom of speech is of ancient origin. The Senators in the Roman Republic exercised freedom of speech. There were no inhibitions on the freedom of speech. The same thing was true with respect to the members of Parliament. Henry IV, who reigned from 1399 to 1413, publicly declared that the Commons and the Lords should have freedom of speech. There would be no inhibitions on their right to be able to be questioned concerning their speeches.

In 1689, when the Commons designated William III of Orange and Mary as joint sovereigns, the Commons first extracted from William and Mary assurance that they, William III and Mary, would agree to a Declaration of Rights, to which they did agree. And then, in December of 1689, that Declaration of Rights was put in the form of legislation, and it has since been known as the English Bill of Rights.

In that English Bill of Rights, freedom to speak in Parliament was assured, and no member of Commons or the Lords could have his speech questioned or challenged in any place, I believe the words are, "out of Parliament." In that English Bill of Rights, there is that guaranteed protection of freedom of speech. It is found in article 9 of the English Bill of Rights, and our forefathers copied that language almost word for word as it appears in article I of the United States Constitution.

So there is the evidence from ancient times of the desire of free men and the needs of free men to be able to speak freely.

There were early examples of extended debate, unlimited debate, the so-called filibuster, the "dinosaur." Cato utilized this dinosaur in the year 60 B.C. to prevent Caesar from having his way. Caesar wanted to stand as a candidate for consul. He had to be in Rome, the city itself, in order to stand as a candidate. But he was not in the city. He also wanted to be awarded a triumph. He had to be outside the city and come into the city for a triumph. So Caesar's friends in the Senate offered to allow Caesar to stand for consul, the office of consul, while absent from Rome.

Cato frustrated the friends of Caesar by filibustering. The Roman Senate adjourned at sunset each day, and Cato used the time—to this is Cato II, Marcus Porcius Cato Uticensis who committed suicide in the year 46 B.C. after Caesar won the battle of Thapsus. Cato committed suicide because he knew that Caesar was coming to Utica. Cato urged the officers and other people in the military to flee, and he offered to give them the money so that they might leave Utica before Caesar arrived. He advised his own son to go to Caesar and to surrender to Caesar, but Cato did not take his own advice. He stayed in Utica and committed suicide in 46 B.C.

But in the year 60 B.C., Cato spoke at length in the Roman Senate to spin out the day, and he defeated the designs of Caesar's friends by the use of a filibuster. We have a successful filibuster in the Roman Senate 2,055 years ago. I have not yet read that anybody arose on the Senate floor on that occasion to accuse Cato of resorting to a dinosaurian action to frustrate the wishes of Caesar and the designs of his friends in the Senate.

Unlimited debate—the filibuster—is of ancient origin.

Well, the distinguished Senator from Iowa says, "I cannot find it in my Constitution that we must have unlimited debate in the Senate." I do not find it either. But we will find in this Constitution that each House may determine the rules of its own proceedings.

Mr. HARKIN. Might I ask an inquiry on that one point?

Mr. BYRD. Why, yes. Mr. HARKIN. Because it is an important point the Senator raises. It raises a question—

Mr. BYRD. Will the Senator speak on his own time?

Mr. HARKIN. Mr. President, I will speak on my own time to propound the question.

Mr. BYRD. Except for the question. He may ask me a question. If he wants to make a statement, I hope he will make it on his own time. Mr. HARKIN. I wish to propound a question.

Under the Constitution then, under the clause that each body can establish its own rules, inquiry: Can the Senate establish a rule that is clearly in contradiction to the Constitution of the United States?

Mr. BYRD. The Senate has not established a rule that is clearly in contradiction to the Constitution of the United States. Senators have had the liberty of unlimited debate in the Senate since 1806. In 1806, the rules were codified. Originally, in the Continental Congress, there was the previous question, and the previous question was provided in the original rules of the Senate up until 1806, at which time the rules were codified, and that provision for the previous question, which was to cut off debate, was dropped from the rules, in 1806. So we have had unlimited debate in the Senate a long time.

Aaron Burr, in 1805, when he left the Senate after presiding over the impeachment trial of Samuel Chase, urged the Senate to "discard"—I believe he used the word "discard"—the previous question.

Therefore, for almost 200 years now, the Senate has been without the previous question, which cuts off debate. The Senate is to determine its own rules, and in being the judge of its own rules it elected to dispose, get rid of, the previous question. The House of Representatives has the previous question, but the Senate does not. That was the judgment of the Senate. It has a right to make that judgment under the Constitution, and the Senate does not need to ask for a vote today. Henry Clay wanted to bring back the previous question. Stephen A. Douglas wanted to bring back the previous question, but it was a very unpopular proposal among Senators.

How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has used 14 minutes of his time and has 16 minutes remaining.

Mr. BYRD. I thank the Chair. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 28 minutes remaining of his time.

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank my colleague from Iowa and rise to congratulate him for his determination and consistency in tackling the thorny problem of reform of the Senate cloture rule.

I do so from the vantage point of 34 years in this body, during all of which I have supported cloture motions with but two exceptions: One involving debate on United States policy toward South Africa and the other legislative reapportionment.

I believe it apparent that rule XXII as it stands has not served the Nation well, nor does it place this institution in a favorable light in the eyes of our people. Time after time in recent years, and with increasing frequency, two-fifths of the Senate, not a majority, determined the outcome of many of the issues before us.

Now the Senator from Iowa puts before us a proposed rule change which is ingenious and accommodating. It allows the advocates of cloture to keep trying to close debate at progressively lower thresholds, starting at three-fifths and gradually reducing it through four steps to a simple majority. Debate could continue for up to 13 days until that lowest threshold is reached, and even then, of course, the motion could still decline to invoke cloture.

It seems to me this is a reasonable proposal and one which would, I believe, provide ample opportunity to colleagues on this side of the aisle to
So I hope the Senate will give serious and thoughtful consideration to the proposal of the Senator from Iowa and not reject it out of hand. It goes to the heart of what people expect of this body and should be treated accordingly. I might add in that connection that there are several precedents on reform of our own rules to allow the majority to prevail, the larger constitutional issue of majority rule may need to be addressed.

For the moment, I trust we give full and fair consideration as we consider Senator Harkin's creative effort to change rule XXII.

I yield the floor.

Mr. HARKIN. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 25 minutes remaining.

Mr. HARKIN. I thank the Chair.

I yield such time as he may consume to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair and colleague from Iowa, and I thank the Chair.

I am very privileged to be a cosponsor with the Senator from Iowa of this amendment, and I congratulate him on his willingness to charge the fortress here, to try to remove one of the hurdles to having a truly representative and productive body.

The filibuster may have made some sense at one point; it may have been a reasonable idea, but it in fact has been badly misused in our time. You can pick your favorite statistic, but the one that I saw a while ago was that there were more filibusters in the last session of the Senate than in the first 108 years combined. Others will tell you there have been more since 1990 than the preceding 140 years combined.

What we have is a system where we have come to a point in the history of this Chamber where the filibuster, the ability of one Member to stand up and stop the body from functioning effectively and to block the will of the majority, is a contributor to gridlock and to our inability to produce and, therefore, to public frustration which is in the air and we are attempting as best we can to respond to them.

The other body in its wisdom took some steps yesterday that I think are reflective of that mood and responding to it, and there are many things we can do in this Chamber along with those that were done yesterday in the other body. I think one of the most important is to alter the current rules of debate so they allow a single Senator or, in the synthetic filibusters, not the real filibusters that we have had in our time, allow a minority to threaten to debate interminably and by that means to block the majority from working its will.

I have just enormous respect for the distinguished Senator from West Virginia and, as I said in the Chamber last night, he is clearly the expert in this Chamber on the rules of the body and not only knows the rules of the body but knows from whence they come, their history, so when I speak in opposition to his position I do so with some humility and respect, and I hope to be able to show that the majority would rule; that there were other protections in the system for the minority. One was what we referred to as the republican form of government—small—small—small—which is to say the various checks and balances built into the system, the requirement in our system, to adopt a law, of the support of the Senate, the House, and the signature of the President.

Ultimately, if the minority rights were still threatened, an individual could go to court, and over our history it has been clear that the courts interpreting the Constitution have been there to protect the minority. But this was to be a majoritarian body. And this filibuster has turned that, in my opinion, upside down and the Senate minority to rule. Some who support the status quo on the filibuster say that it is there to protect the rights of the minority. But what about the rights of the majority? Some say that there is a danger inherent in the current procedure of a tyranny of the minority over the majority, inconsistent with the intention of the Framers of the Constitution.

It is inconsistent in another specific way with the Constitution, and I will mention this briefly because it has been mentioned before. The Constitution states only five specific cases in which there is a requirement for more than a majority to work the will of this body: Ratification of a treaty, override of a Presidential veto, impeachment, adoption of a constitutional amendment, and expulsion of a Member of Congress. In fact, the Framers of the Constitution considered various cases in which a supermajority might have been required and rejected them. And we by our rules have effectively amended the Constitution—which I believe, respectfully, is not right—and added the opportunity of any Member or a minority of Members to require 60 votes to pass almost any controversial bill in this Chamber.

It is wrong. It has also made this a less accountable body. And I think accountability of elected officials is at the heart of democracy and all we stand for. It is less accountable in two ways. One, when we are allowed to defeat a measure on a procedural vote such as a filibuster, it cloaks us from having to stand up and vote on the merits, on the bill itself, and therefore, to some extent, it undermines accountability and the record that we take back to our constituents.

Second, in another sense it makes it hard on the majority and those of us on this side of the aisle—and the majority...
Mr. President, I think the chairman very much appreciates the PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I represent a State that is very large in area but small in numbers of people. The State of Nevada until recent years was a State that had very, very few people. We have had rapid growth in southern Nevada in recent years and now we have many more people residing in the State of Nevada. But it is still a very small State in the numbers of people. During the last century, the State of Nevada had so few people in it that there was talk in this Chamber about doing away with the State of Nevada, there were so few people in it.

Mr. President, during those years a Senator from the State of Nevada had the same power as a Senator from the very populous State of New York. The Founding Fathers in their wisdom set up this Government so that a State like Nevada, a State like Alaska, a State like Vermont, having few people, would still have the ability to represent the people in that State on the same basis as those States that had large numbers of people.

Mr. President, I believe that the Founding Fathers were right. The power of the filibuster, even though it, in my opinion, has been abused in recent years, allows Senators representing lightly populated States to enjoy the same voting strength as other States. I have done it on one occasion in this Chamber. I was in my first year in the Senate and there was an issue that came up that was important to the State of Nevada, and I spoke on this floor for a long time. I was told that I hold the record for speaking longer on a filibuster than any first-year Senator. I am proud of the fact I did that, because it was an issue that mattered greatly to the people of Nevada.

So I approach this issue not on numbers of how many times there has been a filibuster; I approach it on the basis of the effort made by my good friend, Senator LIEBERMAN and Senator HARKIN. You can say anything you want to about it, but it is the end of the filibuster because any leader knows that he could schedule four votes, and on the fourth vote the filibuster would be over.

Mr. President, I speak as a Senator from the State of Nevada. I believe that the Founding Fathers were right in putting up the Constitution in the manner in which they did. I believe that if we are going to have the legislative form of Government that they set up, we do need to protect the integrity of States that are small in population like the State of Nevada.

So I want Members of this body to know that I will exercise my right as a Senator from the State of Nevada to speak as long as I can if, in fact, the
motion to table does not prevail because any State that is small in numbers should be on this floor protecting their individual States.

Changes in the Senate rules that allows this institution to operate more efficiently are welcome; however, the full-scale elimination of one of the most sacred rules of the Senate—the filibuster—would be injurious to an efficient Senate. In fact, it has the potential to result in the tyranny of the majority.

I do not support the patently abusive use of the filibuster that we saw last session. There were many instances of overwhelmingly supported legislation being killed because of partisan use of the filibuster. There is no doubt that this contributed to much of the gridlock we witnessed in the 103d Congress.

Few would argue that we saw the death of legislation that would have significantly improved the credibility of this body. The elimination of lobbyist gift giving and campaign finance reform are just a couple of examples of legislation that perished because of spirited filibuster.

Those who chose to invoke the filibuster for partisan dilatory purposes were responsible for grinding Senate business to a halt. The numbers cited earlier by the Senator from Iowa—52 filibusters in the 103d Congress compared to a total of 16 in the entire 19th century—evidences its abuse by an obstinate partisan minority.

Having said all that, however, I do not support the elimination of the privilege. I say privilege because that is what I believe the filibuster to be. A unique privilege—to be used sparingly and only in those instances when a Member believes the legislation involves the gravest concerns to his or her constituents.

It is a unique privilege which distinguishes the exceptionally deliberative operations of the Senate from the often passionate, bullish operation of the House. It is a unique privilege that serves to aid small States from being trampled by the desires of larger States. Indeed, I view the use of the filibuster as a shield, rather than a sword. Invoked to protect rights, not to suppress them.

In the House, the State of California has 52 Members in its delegation. My State, Nevada, has two Members. If California wants to roll Nevada on the House on a particular piece of legislation, that is its prerogative. But when that legislation makes its way to the Senate, one State will not be able to roll another simply by virtue of its size. In the Senate, we are all equal regardless of which State we represent.

The people of Nevada know that in the Senate, Nevada stands on equal footing with the State of California and the State of Texas. They know that as a Senator to engage in a protracted debate, I will—after careful deliberation—do so.

I would never allow the interests of Nevadans to be trampled simply because of the size of our State. Mr. HARKIN addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond to my friend from Nevada in two ways.

First of all, when he talks about our Founding Fathers, the Senator from Iowa is referring to James Madison.

Mr. BYRD. Mr. President, this time will be charged against Mr. HARKIN. Mr. HARKIN recognized. The PRESIDING OFFICER. That is correct.

Mr. HARKIN. James Madison, in Federalist No. 58—I just want to read it. I will give the Senator a copy.

If more than a majority were required for a decision, 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.

The Senator from Nevada talks about small States. The Senator from Rhode Island, who spoke earlier, who is a cosponsor of this amendment, represents a State with two Congressmen per State, like other States. As he pointed out, in his 34 years here, he has never voted to sustain a filibuster. He has voted consistently for cloture to end debate.

Yet, I believe that the Senator has represented his State well. I believe that Rhode Island has not been the worse for that. Quite frankly, I think they have prospered because of the representation of Senator Pell.

The Constitution of the United States set up mechanisms to protect our small States—divided Government, checks and balances, vetoes, and so on. We have the right in the Senate to amend, to offer amendments.

The Senator from West Virginia has more than once mentioned the British Bill of Rights and about how no Member of Parliament is to be questioned in any other forum or speech or debate held on the floor of Parliament or in the House floors. That was adopted in our Constitution, article I, section 6. It is called the speech and debate clause. I think maybe the Senator from West Virginia represents the rights of his State in protecting the speech and debate clause with unlimited debate. No one is challenging the speech and debate clause. No one is challenging the right of Senators to speak freely under article I, section 6.

This means invoking the Constitution does it say they can speak forever. I also point out that even under the British Bill of Rights of 1689, there was still the previous question that the British House had to end debate and move to the merits of legislation. I do not think we ought to confuse article I, section 6 with a Senate rule adopted in 1917 regarding cloture.

So I want to respond to the Senator from Nevada that I understand he wants to protect what he should, and he has done a darn good job of it, I might add. But there are other protections—to protect our States and to make sure the big States do not run roughshod over us.

I yield the floor.

Mr. BYRD. Mr. President, how much time do I have remaining? The PRESIDING OFFICER. The Senator has 1 minute of the 5 that were yielded to him. The Senator from Nevada has 1 minute left.

Mr. REID. Mr. President, I say respectfully to my friend from the State of Iowa that checks and balances and vetoes would not help the State of Nevada or the State of Alaska if the 52 Members of the congressional delegation from California decide they want to do something that would affect the State of Nevada. The only thing I can do to take on one of those big States is to exercise my ability to talk on this floor and explain my position in detail. Checks and balances has nothing to do with protecting a small State. Vetoes have nothing to do with it, unless you have the ear of the Chief Executive of this country. The filibuster is uniquely situated to protect a small State in population like Nevada.

Mr. BYRD. Mr. President, the proponents of the amendment have pointed out a number of times that most of the so-called filibusters have occurred in the last year, or last 2 or 3 years, and according to the chart, that is incorrect. What they are talking about is what Mr. President, and what has gone around over this land is the idea that the failure to give unanimous consent to take up a matter constitutes a filibuster.

Mr. President, let us read the rules. We do not need the Harkin amendment to stop so-called filibusters on motions to proceed. We do not need that. Let us read the present rules. I urge Senators to read the rules of the Senate. Read the rules of the body to which they belong long before they start proposing that the rules be changed.

Here is paragraph 2 of standing rule VIII:

All motions made during the first 2 hours of a new legislative day to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.

In that case it will be debated. Here we have paragraph 2 in Rule VIII of the Standing Rules of the Senate which says, in plain English words, that any motion made during the first 2 hours on a new legislative day to take up a matter is nondebatable.
What more do we need? Mr. President, I have been majority leader of this Senate twice. I have been leader of the minority once, for a period of 6 years. And there is no other Member of this body who has been majority leader other than I, except Mr. Dole. I know what the powers of the majority leader are. The largest arrows in the arsenal is the right of first recognition. So any majority leader can walk on this floor and certainly find a way to be recognized during the first 2 hours of a legislative day. Who determines whether it will be a filibuster or a filibuster after filibuster? There is no filibuster after filibuster. The Senate is plagued with filibuster after filibuster. There is no filibuster. The majority leader can recess over until the next day, or he can move to adjourn, in which case the next meeting of the Senate will be considered as a new legislative day. During the first 2 hours of that new legislative day, any motion to take up a matter is nondebatable. With all these powers that a majority leader has, why can he not use paragraph 2 of rule VIII of the Standing Rules of the Senate to get around so-called filibusters on motions to proceed? I have a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. BYRD. Has rule VII, has rule VIII, either of the two rules, been used once in the past Congress?

The PRESIDING OFFICER. The Chair is informed that they have not been used.

Mr. BYRD. There you are. Why do we not use the rules we now have? No, we do not do that. We ask unanimous consent to take up a matter and somebody objects over here. That is called a filibuster, and immediately a clouture motion is put in. Well, some would say that is a waste of time. You have to wait 2 days. The majority leader does not have to wait 2 days. He can go on to something else, just like the Chair reads the 16 names who are signatories of the clouture motion. He can go to something else. And 2 days later, the following day plus one, the clouture motion will ripen, and there will be a vote. So that is called a filibuster.

I daresay if you count those so-called filibusters in that red bar on the chart there, you will find most of them are clouture motions that were entered on requests to proceed that were objected to and which, if a clouture motion then was filed. That is no filibuster. We go on to something else. We do not spend 2 days debating that matter. We go on to something else. That is no filibuster. But in order to enhance their arguments that we need to do away with the so-called filibuster rule, they spread it all over the country that the Senate is plagued with filibuster after filibuster after filibuster. There is no question but that our friends on the other side, in my opinion, have recently abused the rule. But as I say, the rule is there. The majority leader has the power and he can move to proceed, and that is nondebatable under rule VIII.

Let me hasten to say that after that first 2 hours in a new legislative day, of course, any motion to proceed is debatable. I am willing to cure that. Let us change the rule and allow for a debatable motion with a limit thereon of, say, 2 hours on any motion to proceed to take up a matter, or on in the Senate with the exception of a measure affecting a rule change. I am for that. So there can be no excuse about holds on bills, and any majority leader worth his salt is not going to honor a 'hold' except for a few days. When he gets ready to move, he will send word to the Senator who has a hold on a bill, as I did on a number of occasions to Senator Dole. I said: Please tell the Senator I am going to move next week to take up this and so, on which he has a hold. And the hold generally goes away. If it does not, there is no one man in the Senate that can take up the Senate long. I can tie it up for as long as I can stand on my feet. That is not long.

It takes a very sizable minority in this Senate to hold up the Senate. It takes 41 Members of the Senate, a minority of 41 Members to really stop the process. And they say, well, I am for delay. We ought to have time to delay, to debate, but let us not give the minority the right to stop. The minority sometimes is right, and a minority in the Senate often represents a majority out there beyond the beltway. Moreover, an extended discussion here may convince what is a majority of the people out there as to what is really right, and it may change to a minority from a majority out there. So the minority can be right, and I say the minority should retain the right that it has had since 1806 in this Senate to stop a measure. If the measure is bad, it ought to be stopped.

Perhaps it can be amended and improved. But let us not do away with a rule here that gives this Senator, that Senator from Connecticut, that Senator from Iowa, that Senator from Nevada, that Senator from Mississippi, gives him the right to stand on his feet as long as his lungs will carry breath and his voice can be heard to stand up for the rights of his State. This is a forum of the States. There is no other forum of the States in this body. This is the forum of the States. This is a forum of the States. The States are equal in this body. But out there, for example, in New York, Pennsylvania, Wisconsin, Texas, and Florida, there is a minority of the States but a majority of the population. You take away this right of unlimited debate, you may take away the right of a whole region of this country. The people of that region may be right. They may be in the majority as to population, but in the Senate, they may be in the minority.

So, Mr. President, let us not take away this right. As long as the U.S. Senate provides the right of unlimited debate, then the people's liberties will be assured. An urge to be efficient is commendable, but not at the expense of thorough debate which educates the public and educates the Members. And there is no other forum for the Members in this body for more debate and not less.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BYRD. Mr. President, the Founding Fathers were wise. The current rules are the result of experience and trial and testing over the period going back to the beginning of this republic. The previous question was done away with, as I have already stated, almost 200 years ago. Let us retain the right to debate. The majority, if it has the majority, can presently cut off debate and avoid many of the so-called filibusters by using the rules we have already. But most of the so-called filibusters, most of the so-called filibusters, have not been filibusters.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COCHRAN. Mr. President, will the Senator yield?

I thank the distinguished Senator from Iowa [Mr. HARKIN] for yielding.

When the Senator concludes his remarks at 11:30, I will move to table his amendment and ask for the yeas and nays.

I am opposed to this amendment, and I urge the Senate to vote for the motion to table it.

It has been my experience to observe the importance of the current cloture rules on several occasions in protecting legitimate minority interests here in the Senate. On at least one occasion it was a regional minority interest at stake—the ports that are located on the Gulf of Mexico.

It is obvious that the States on the gulf coast comprise a minority of the whole membership here, but when we banded together to debate at length a proposal to write into law a preference for Great Lakes ports over gulf coast ports under the Public Law 480 program, we were successful in assuring a decision that treated all port areas fairly.

To assume that all uses of the right of unlimited debate are evil or ought to be restrained under a new cloture rule ignores the legitimate and important protection the rule now provides to all Senators, all minorities, and all regions in the country.

The one example I have cited related to a regional interest that would have been trampled under foot by a majority vote but for the leverage our region had the right to use, and did use to full advantage, under the unique Senate rule of unlimited debate.

I hope the Senate will act today to protect this rule from the injury that
would be done by the Harkin amendment.

Mr. HARKIN. Mr. President, how much time do I have remaining?

Mr. HARKIN. The distinguished Senator from West Virginia has focused most of his attention and remarks on the motion to proceed, because that is where most of the problem lies. I submitted to that same thing myself last night.

But, to do away with the motion to proceed, we do away with the possibilities of a filibuster of a motion to proceed, only takes away one hurdle of six.

The Senator from West Virginia is right. You can file a motion to proceed, you can move on to other bills and get the cloture motion filed. But if you get to a bill and you filibuster the bill, it takes unanimous consent then to move off of that and pick up some other legislation.

Now, I submit that the reason most of the time that we have had objections to motions to proceed was because there was the implied threat that, if you did move ahead, there would be a filibuster on the bill. That threat was always there.

There are six hurdles: motion to proceed, cloture, disagreement with the House, insisting on amendments, appointing conference, and a conference report. Any one of those can be filibustered. Any one of those can be filibustered.

If you take away the motion to proceed, you have only taken away one hurdle. In fact, I submit you would make the situation even worse, because at least under the motion to proceed you can move to other business.

Now, in 1975, the rules were changed.

Mr. BYRD. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. BYRD. His proposal does not correct that fact. Why does the Senator not offer a proposition that will provide cloture only by two-thirds of those present and voting or by three-fifths of those present and voting?

Mr. HARKIN. Well, if the Senator wants to propose that.

Mr. BYRD. No, I say, why does the Senator not do that? His proposal does not cure that.

Mr. HARKIN. Because, under my proposal, a Senator could stand here and talk until his breath runs out. Fifty-seven days we allow. I do not have to stand here and talk at all. You can go home. We have seen that happen last year. So we do not have that situation.

Forget about Mr. Smith goes to Washington. That is not the situation we have today.

Mr. BYRD. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. BYRD. His proposal does not correct that fact. Why does the Senator not offer a proposition that will provide cloture only by two-thirds of those present and voting or by three-fifths of those present and voting?

Mr. HARKIN. Well, if the Senator wants to propose that.

Mr. BYRD. No, I say, why does the Senator not do that? His proposal does not cure that.

Mr. HARKIN. Because, under my proposal, a Senator could stand here and talk until his breath runs out. Fifty-seven days we allow. I do not think any Senator here can speak for 57 days. So it is not as though we are taking away the right of a Senator to stand here and speak until his breath runs out.

Our amendment will allow 19 days, 19 legislative days, just to bring the bill up. Then, on the other hurdles, there is more. It is a total of 57 days that a determined Senator can filibuster a bill. And I have not even mentioned the amendment that the bill.

The Senator says we need time for more debate and not less. I agree with the Senator. I wish we could have more debates like this. I think they are good debates. Threaten to filibuster, the people go home.

I would close my remarks, Mr. President, by saying this is the first vote of this Congress in the Senate. I believe it is the most important vote of all the so-called reforms that we will be voting on. We will reform the way we do business here, and we will apply the laws that apply to businesses to Congress, and we will have gift bans and all that. Fine.

This is the single most important reform. The people of this country want this body to operate more effectively. They do not want gridlock. Yes, we want the rights of the minority protected. We want the minority to be able to debate, to amend, to speak freely. To slow things down. As Washington says, he does not like the status quo. But to enable one or two or three Senators to stop everything? No. It is time to change. This is the single most important vote and I ask Senators to heed what the public said in November. They want change in this place. Not the status quo.

Mr. DOLE. Mr. President, during yesterday’s debate, my distinguished colleague from Iowa, Senator HARKIN, incorrectly compared his current filibuster proposal with a proposal that I endorsed in 1971.

I would like to take a few moments now to set the record straight.

In 1971, rule XXII of the Standing Rules of the Senate required the affirmative vote of two-thirds of those Senators present in order for cloture to be invoked. As my colleagues know, the current rule XXII requires the affirmative vote of three-fifths of the Members duly chosen and sworn in order to invoke cloture.

With this in mind, the rules change that I endorsed in 1971 is far different from the rules change proposed today by my colleague from Iowa. My proposal in 1971 would require the number of votes required to limit debate each time a cloture petition was voted upon. On the first vote, an affirmative vote of two-thirds of the Senators present and voting would have been required to invoke cloture; on the second vote, two-thirds less one of the Senators present and voting would have been required; on the third vote, two-thirds less two, and so on until the point of three-fifths of those present and voting was reached.

In other words, under the terms of my 1971 proposal, at any time the number of votes needed to invoke cloture would have fallen below three-fifths of those Senators present and voting.

The amendment offered by my colleague from Iowa, on the other hand, contemplates that the number of votes needed to invoke cloture would decline to 51, a simple majority, after a series of attempts to invoke cloture have failed.

So, Mr. President, there should be no misconceptions about where I stand. I oppose the amendment, offered by my distinguished colleague from Iowa. And
I have never endorsed his proposal, even in principle. Thank you for giving me the opportunity to make this clarification.

Mr. LEVIN. Mr. President, I share the concern of the proponents of this proposal to modify Senate rule XXII that the right to filibuster has been abused in the Senate in recent years.

In the entire 19th century only 16 filibusters occurred. In the 26 Congresses from 1919 to 1970, there were a total of 50 votes on cloture motions, an average of less than 2 cloture motions per Congress.

However, in the 103d Congress, the Senate's majority leader was forced to file a cloture petition to cut off a filibuster 72 times. The tactic was used repeatedly to stop legislation. Filibuster was piled upon filibuster until, at one point five were pending at the same time.

While minorities in Congress have, in the past, used the filibuster on matters of fundamental principle, to force compromise, it has recently been used to reject, frustrate, and prevent compromise of the campaign finance reform bill in the last Congress, a filibuster was used to prevent a conference committee from even being formed to discuss and work out the differences between the House and Senate legislation. A filibuster for that purpose had not been seen in the more than 200 years of Senate history.

However, we must be very careful not to discard the baby with the bathwater. There are no rules of the Senate that protect the rights of the minority. Throughout American history the Senate has been the more deliberative body—sometimes for the good, other times not—but always assuring that matters of great consequence cannot be rammed through by a majority even if backed by the currents of sometimes changeable public passion.

I believe the cloture procedure should be reformed by reducing the number of opportunities for its use on the same matter. Currently, there are six opportunities for the minority to obstruct the consideration of a matter in the Senate. These opportunities include three filibusters and three cloture motions. Cloture, which requires the support of only 60 Senators, a majority, could force the required votes proposed without demonstrating majority support until the threshold is lowered to 51 votes. At that point, the measure might be defeated by a majority of 51 and the necessary additional votes to then reach a majority and invoke cloture. This might be used as a means to limit debate on the final bill, the real bill.

Mr. President, while I believe that rule XXII should be modified, I hope that our colleagues, as we begin the 104th Congress, will resist the temptation to abuse and trivialize the right to unlimited debate in the Senate to destroy the minority. Democratic leaders have not always assured that majority is involved throughout. Since a cloture petition requires the support of only 16 Senators, a minority could raise procedural roadblocks, but the final result was assured.

I am also concerned that although the proposal before us attempts to strengthen the hand of the minority frustrated in its efforts to accomplish its will by the minority, the procedure contemplated does not even assure that a majority is involved throughout. Because a cloture petition requires the support of only 16 Senators, a minority could force the series of cloture votes proposed without demonstrating majority support until the threshold is lowered to 51 votes. At that point, the measure might be defeated by a majority of 51 and the necessary additional votes to then reach a majority and invoke cloture. This might be used as a means to limit debate on the final bill, the real bill.

Mr. President, while I believe that rule XXII should be modified, while I hope that our colleagues, as we begin the 104th Congress, will resist the temptation to abuse and trivialize the right to unlimited debate in the Senate, and while I have great respect for the creative effort of Senator from Iowa to craft a reform of rule XXII, I will vote to table the amendment because I think it goes too far in weakening fundamental minority rights. However, I hope that rule XXII will not stop here. I encourage the leadership of the Senate and the Rules Committee to examine ways to reduce abuse of the filibuster, including providing for limitation of debate on motion to proceed and on motions to send a measure to conference with the House.

The PRESIDING OFFICER. Under the previous order the Senator's time has expired. The Senator from Mississippi is recognized.

Mr. COCHRAN. I move to table the Harkin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Iowa. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMBELL], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from West Virginia [Mr. ROCKEFELLER] are not here.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Georgia [Mr. NUNN] is absent because of illness.

The result was announced—yeas 76, nays 19, as follows:

[Roll call Vote No. 1 Leg.]

Yeas—76

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bond
Braun
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
Dempsey
Dodd
Dole
Domenici
Dorgan
D'Amato

Nays—19

Bingaman
Boxer
Bryan
Bumpers
Feingold
Graham
Harkin

Not voting—5

Campbell
Hollings

Senator from West Virginia.
Mr. BYRD. Mr. President, I ask unanimous consent to address the Senate for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator may proceed for 5 minutes.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. Will Senators please take their chairs.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to correct something I said last night I see in the RECORD.

I said last night that Brutus married the sister of Cato. Actually, Brutus was the son of Servilia, who was the sister of Cato—just to make that little correction for the record.

Mr. President, the Senate by a decisive vote has moved to table the matter presented to the Senate by Mr. HARKIN. This will not be the last time the Constitution is made to amend the XXII. That is why I impose on the Senate for these few minutes while there is something of a larger audience than there was last night and this morning. And I want to compliment the distinguished Senator from Iowa and the distinguished Senator from Connecticut. I thought we had some good exchanges in this debate.

But while there are Senators who are listening, let me point out to them, as I have in this debate, paragraph 2 of Rule VIII of the Standing Rules of the Senate.

Mr. President, most of the so-called filibusters have occurred on motions to proceed. Once that motion to proceed is approved, once the matter itself is taken up, generally the filibusters have gone away. It has too often been the practice here of late that when the leader asks unanimous consent to take up a matter, there is an objection heard on the other side of the aisle, and that is then called a filibuster. The leader immediately puts a cloture on it, and that is called a filibuster. The leader immediately puts a cloture on it. That is all the debate there is on that matter for the next few days. That is called a filibuster. And it goes out over the land what a horrid thing this filibuster is, and Senators stand up here with these charts and point out how many times—10 times—as many filibusters in the last year as there were in the last 10 years, 100 times, or so, or something to that effect. Well, these are actually not filibusters.

I think the rule has been abused. But I do not think we ought to take a sledgehammer to kill a beetle.

We have the standing rules here. Let me read paragraph 2, rule VIII. Senators should know what is in the current rules before they start so-called reforms of the Senate and of the rules.

Rule VIII, paragraph 2:

All motions made during the first two hours of the first session day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.

As I ascertained through a parliamentary inquiry earlier today, that rule was never used in the last session.

So, Mr. President, the rules are here. The type of filibuster, the type of so-called filibuster that we have seen recently, which is filibuster by delay, with no debate on it, is not good. But most problems with this filibuster can be addressed within the existing rules, and I have just read the rule which has not been used. It was not used in the last session. It was not used in the session before that. And yet we complain about there being so many filibusters.

Mr. President, we can handle most of the filibusters around here. If there is a sizable minority, one that consists of 41 Members, that is a large minority. That minority may represent a majority of the people outside the beltway. Who knows?

I maintain that, as long as the United States Senate retains the right of unlimited debate, then the American people’s liberties will not be endangered.

They do not have unlimited debate on the other side of the Capitol, and there are those over there who want the Senate to do away with the filibuster. But under the Constitution, each House shall determine its own rules. It is not my place to attempt to tell the other body what they should do with their rule. But this rule has been in effect since 1806 when the Senate did away with the previous question, when it revised the rules in 1806. And it did so upon the recommendation of Aaron Burr, the Vice President, who, when he left the Senate in 1805, recommended that the previous question be done away with. It had not been used but very little during the previous years since 1789. So that rule on the previous question, which is to shut off debate, was eliminated from the Standing Rules of the Senate and it has been out of there ever since.

So, Mr. President, I commend Senators for voting to table the Harkin amendment. I also commend those who differ with me. I commend those who offered the amendment to change the rule. I think the Senate has acted wisely in retaining the rule that has governed our proceedings since 1806. I hope that Senators will read the Standing Rules of the Senate.

I thank all Senators for their patience.

The PRESIDING OFFICER (Mr. SHELBY). The question now is on the adoption of the resolution.

The resolution (S. Res. 14) was agreed to, as follows:

S. Res. 14

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the 104th Congress as follows:

Strike “20” after “Armed Services” and insert in lieu thereof “23”.

Strike “21” after “Banking, Housing and Urban Affairs” and insert in lieu thereof “16”.

Strike “20” after “Commerce, Science, and Transportation” and insert in lieu thereof “19”.

Strike “20” after “Energy and Natural Resources” and insert in lieu thereof “18”.

Strike “17” after “Environment and Public Works” and insert in lieu thereof “16”.

Strike “19” after “Foreign Relations” and insert in lieu thereof “18”.

Strike “13” after “Governmental Affairs” and insert in lieu thereof “15”.

Strike “14” after “Judiciary” and insert in lieu thereof “18”.

Strike “17” after “Labor and Human Resources” and insert in lieu thereof “16”.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The PRESIDING OFFICER. The Senate will now proceed to S. 2. The clerk will report.

The bill clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The majority leader.

RESOLUTION AMENDING RULE XXV

Mr. DOLE. Mr. President, I send an unrelated resolution to the desk and ask for its immediate consideration. It has to do with committee assignments. I think it has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 27) amending rule XXV.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 27) reads as follows:

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.
The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are now on the bill to extend coverage to the Congress? Is that the bill before the Senate?

THE PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, there has been some comment concerning my activities regarding this bill at the end of last session. I want to state for the Record what happened.

Right toward the end of the session, there was an attempt to call up the bill. I had an appointment with a physician to check a basic problem—we thought it was a sheared hamstring muscle—and I asked my friend from Mississippi, Senator LOTT, if he would object to bringing the bill up until I had a chance to see it. The Rules Committee had one version of the bill and I believe Governmental Affairs had another. I wanted a chance to examine that bill. To my dismay at the time, the problem I perceived I had was not the problem and 14 hours later I underwent a very serious, major operation on my spine. I never returned to the Senate.

I did not intend to block the bill. I did have a request that I be able to see the bill, but since I never got back to the Senate, to my knowledge no attempt was made after that time to raise the bill. But I have heard comment again this morning, in the press, that I had filibusted the bill. That is not true and I think the Record should show my request was a request to examine the bill. I never had the opportunity to do that since I never got back to the Senate during that part, the last part of the session, due to that operation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the Chair. (The remarks of Mr. Bumpers and Mr. LEAHY pertaining to the introduction of S. 151, S. 152, S. 153, S. 154, S. 155, S. 156, S. 157 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I am very pleased that the first bill that the 104th Senate will consider is the Congressional Accountability Act. This bill presents the opportunity to show the country that the Senate has listened to the American people. We will demonstrate that the new Senate knows that the American people want us to end business as usual.

I appreciate the leadership that Senator LIEBERMAN has provided on this legislation over the years. He is equally committed to reforming Congress. Our views on this legislation are identical. And I am pleased that the task of congressional reform has benefited from a bipartisan approach.

I also wish to thank Senator Dole for bringing up this legislation. His commitment to this legislation is outstanding. He is a true reformer in the best sense of the word. And he is committed to ending the injustices that have existed for congressional employees for so many years. The majority leader established a number of working groups to advise him on measures that should be taken in the 104th Senate. Senator FRED THOMPSON and I were assigned to a subcommittee on Congressional Coverage. I know that Senator Thompson has worked hard on this legislation, and I appreciate his assistance in this effort. It is an auspicious beginning to his career as a Senator.

Other members of the working group included Senators NICKLES, GORTON, SMITH, STEVENS, ABRAHAM, COATS, and Hutchison.

Moreover, our efforts to ensure congressional compliance with the laws it passes benefited from Senator Roth's willingness to let this legislation be brought to the floor immediately. Additionally, Senator Glenn worked on the issue quite a few years when he chaired the Governmental Affairs Committee. I am also delighted that this bill has dozens of cosponsors, from both sides of the aisle, from both parts of the country, and all across the ideological spectrum.

This bill represents the culmination of an effort that I began several years ago, when I first attempted to offer an amendment to the Civil Rights Bill that would have brought Congress under labor and employment laws. That attempt failed, as did my attempt to amend the Americans With Disabilities Act in 1989. My amendment was accepted by the then-Senate leadership but was rendered ineffective in conference. And I was not even allowed to offer my amendment to the family leave bill when the Senate debated it in 1991.

Congress can no longer refuse to live by the laws it passes. The time is long overdue for Congress to correct this practice, and that is what this bill does. It completes the process begun in 1991 when the Senate passed the Grassley-Mitchell amendment applying the substantive provisions of the civil rights laws to the Senate. I said at that time, back then, it was a good beginning—but only a beginning. So it is with some measure of satisfaction that I find myself speaking in favor of a bill that would finally require Congress to comply with a host of employer laws it has enacted for the private sector.

Mr. President, since the 1930s Congress has passed laws that flowed from the assumption that Washington knew best. Congress set up burdensome statutory requirements on the operation of small businesses in this country. The burdens were increased through regulations issued by executive branch agencies pursuant to the statute.

At the same time, Congress repeatedly exempted itself from the effects of those laws. Laws governing America, but not Congress. Workers were granted rights, but congressional workers were not. Those who made the laws did not live by them. Congress was immune from the excesses of the regulatory state. Congress became removed from the way its work affected everyone else.

In this country, no one is above the law. But just as the Presidency suffered a tremendous loss of public confidence when an individual thought he was above the law, Congress suffered as Members thought they were above the law. Indeed, to me, this was one of the major reasons why Congress lost touch with the people. And it was one of the ways by which Congress displayed arrogance. Millions of Americans complained about the operation of Federal Government, but Congress, through its exemption from the law, could not know the depth of feeling from the grassroots. In November, the American people demanded that Congress be affected by the laws it passes. A number of Members who thought Congress should be above the law are no longer Members and no longer above the law.

Let me remind my colleagues of someone who lost an election, the Senator from Alaska. Senator McGovern believes that Congress has enacted unnecessary regulatory burdens that are strangling small business. Senator McGovern admits that he did not feel that way when he was a member of this body, but he learned the reality of the operation of that legislation when he ran a small business after leaving office. I appreciate that Senator McGovern now says that he would have legislated differently had he known what the actual effects would have been.

But Members of Congress learning of the effects of their votes only after leaving office will not solve the problem. Then, it is too late. Only if Members of Congress live with the consequences of their votes will the problem that Senator McGovern identified be corrected.

I think that President Clinton has this issue exactly right as well. When we send this bill to him, he will sign it. I hope the President has a good sense of history in Washington. I read the Washington Post review. "It's wrong for Congress to be able to put new requirements on American business as employers and then not follow that rule as employers themselves. They exempt themselves, historically, from all kinds of rules that private employers have to follow. And I think that one of the things that happens to people in government is they forget what it's like to be governed. They don't have any idea what it's like to be on the receiving end of a lot of these rules and regulations." Of course, the Founding Fathers would be astonished to know that Congress had exempted itself from so many laws that it passed for the private sector. James Madison, in Federalist 57 wrote that one of the guarantees of the people's liberty came from Congress living by whatever laws it passed. Madison wrote that Congress "Can pass no law which will not have its full operation on themselves and
their friends, as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them the communion of interest *** of which few governments have furnished examples, but without which government degenerates into tyranny *** if this spirit ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty.

Mr. President, Madison was right. Of course, the low esteem in which Congress is currently held reflects the fact that there is no longer congruence of interests between the governors and the governed. The American people will no longer tolerate a law not obligatory on the legislature as well as the people.

Under Madison’s principle, because Members of Congress would be careful before they infringed their own liberties, the people’s liberties would be zealously protected.

Unfortunately, the corollary to the principle was equally true. Members of Congress who could protect their own liberties while infringing on the liberties of others were much more likely to fail. Thus, members’ liberties or Congress enjoyed privilege through exemption. The time has come to end congressional royalism. The time has come to end the exemptions. Now, Congress must finally live under the same laws it passes for everyone else. To fulfill Madison’s promise of the Constitution. And, now, employees of Congress must finally gain the same rights that their counterparts in the private sector enjoy.

Like my colleagues, I take the notion of representative government very seriously. We are not Senators for ourselves. We do not hold this job as a matter of personal privilege. We are here to represent the interests of our constituents, our States and our country. For no other reason. I think that exemptions from the operation of law interfere with representative government. I wonder how we truly can represent people who live by one set of laws when we live under different laws. Under the current system, our votes on various regulatory issues reflect our interests and not our constituents’. This must change if representative government is truly to function. When we pass this bill, we begin to restore the American people’s faith in Congress. We will do so in five respects.

First, we ensure that Members of Congress will know firsthand the burdens that the private sector lives with. By knowing those burdens, Congress may decide that the laws indeed are burdensome, perhaps in some instances, to be more burdensome than even the exempt Congress intended. Of course, an exempt judiciary has no reason to interpret the statute in a way to protect freedom. Under this bill, the judiciary will have to come up with a plan to provide coverage for its employees as well. I look forward to that proposal, and to enactment of legislation to cover the judiciary.

The fourth general result of this legislation will be a public recognition that Congress has again discovered that it is subject to the will of the people, not the other way around. Congress will no longer be above the law. Members of Congress will no longer be first class citizens with unjustifiable special privileges.

And fifth, Members of Congress will learn themselves of the litigation explosion that is choking small business in the country. When they see directly the litigation produced by the laws they pass, Congress will be very careful about creating additional liabilities for the private sector and additional work for the Federal courts. When they see how alternative dispute resolution operates, Members of Congress may appreciate the wisdom of encouraging additional alternative dispute resolutions for all sorts of claims brought in the Federal courts.

Every indication from polls, election returns, and the mail that we have received from constituents shows that nothing makes Americans madder than knowing that they have to live by laws that their Representatives in Congress do not. They are well justified in their anger. When we pass this bill, we will show them that we recognize the unfairness of the existing exemptions and the legitimacy of their concerns.

S. 2 is the pending business under unusual circumstances. It has not been considered by any committee in this Congress. Nonetheless, it bears a close resemblance to S. 2071 from the 103d Congress.

That bill was the subject of hearings in the Governmental Affairs Committee, and it was approved by the committee for floor consideration.

Unfortunately, the bill was not able to be considered before the Congress adjourned, despite the fact that the other body had passed similar legislation.

Although the Governmental Affairs Committee did issue a report to accompany S. 2071, this particular bill does not have a committee report. Although S. 2 is quite similar to S. 2071, there have been changes made in consultation with leaders from the other body.

 Accordingly, it will be necessary, in lieu of a committee report, for me to first describe the bill generally, and then to detail each aspect of the bill.

S. 2 begins with the basic premise that the laws that govern the private sector could govern Congress. It can be shown that important differences between Congress and the private sector justify some amount of change. The provisions of S. 2 also flow from a belief that judicial enforcement of the laws against the Congress is vital if those laws are to meaningfully apply.

I strongly disagree with the implications of today’s Washington Post article on the congressional coverage bill. That article implies that Congress is already covered under many of these laws and already lives under them, and that all that is changing is the remedies. That analysis misses the point. Let me provide an analogy.

The Soviet Union’s Constitution guaranteed the rights to freedom of speech, freedom of assembly, fair trial, and other rights that are similar to the American Constitution. They existed on paper. Any Soviet citizen could pull out that document and see that those rights were not existent. But of course, the rights guaranteed by the American Constitution are a reality and the rights guaranteed by the Soviet Constitution were an illusion. The reason for the difference: The American Constitution is enforced by an independent judiciary, and the Soviet Constitution was not. The Soviet rights were nothing because there was no remedy.

Similar to the Soviet Constitution, it is true that some of the laws this bill will apply to Congress already can be found in the United States Code as applying to Congress. But the remedies to make those rights exist in more than name only do not.

“The history of liberty is the history of preferences for protecting liberty,” Justice Oliver Wendell Holmes once said, and until this bill is passed, congressional employees lack the remedies necessary to protect liberty.

S. 2 will apply 11 laws to Congress that are either completely or partially
The bill provides different mechanisms for enforcement of these laws that correspond to their application to the private sector.

If the underlying law provides for a private right of action in court, one model is followed. If the law would be administratively enforced in the private sector, then it is to be administratively enforced against Congress.

For example, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, title I of the Americans With Disabilities Act of 1990, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Federal Service Labor Management Relations Act of 1978, the Employee Polygraph Protection Act of 1988, the Worker Adjustment and Retraining Notification Act, the Rehabilitation Act of 1973, and the Veterans Reemployment Act.

The bill provides for enforcement through a private right of action in court. If the law would be administratively enforced in the private sector, then it is to be administratively enforced against Congress.

Sixth, for underlying statutes providing for administrative enforcement exclusively, the office will enforce the statutes administratively. The employee could obtain Court review for actions the office brought that were resolved adversely to the employee.

Seventh, since the General Accounting Office, the Government Printing Office, and the Library of Congress are already covered, discrimination and employee protections laws, coverage would be expanded and clarified in certain regards.

Additionally, the Administrative Conference will undertake a study of the application of these laws to the three instrumentalities, and will recommend any improvements in regulations and procedures and for any legislation.

Eighth, to ensure compliance with these laws by the judicial branch, the Judicial Conference will undertake a study to determine how employees of the judiciary will obtain the rights and remedies conferred by these laws.

BACKGROUND AND NEED FOR LEGISLATION

Current law creates a patchwork of rights and protections for employees of the Senate, the House of Representatives, and the congressional instrumentalities.

Although Congress has made significant progress in extending employment laws to congressional employees, important gaps remain. The remaining exemptions, and significant differences in the manner and extent to which rights under these laws can be enforced, perpetuate the perception, and in at least some cases, the reality—of a double standard of special privilege for the legislative branch. This feeds the growing public cynicism about Congress.

The Employee Polygraph Protection Act and the Worker Adjustment and Retraining Notification Act do not apply to the Federal Government at all. Veterans reemployment provisions gave employees of Congress a Ramspeck remedy, but did not provide the private right of action and court access that private sector veterans enjoy.

Over the past 15 years or so, and accelerating in the 1990's, Congress has taken considerable steps to apply these laws to itself. As far back as the 94th Congress, 1975-76, the Senate adopted Senate Resolution 534, which prohibited employment discrimination in the Senate on the basis of race, color, religion, sex, national origin, or handicap, and which encouraged the hiring of women and members of minority groups.

After the passage of the Americans with Disabilities Act in 1990, rights as established in the antidiscrimination laws were accorded to Senate employees. Enforcement, however, was through internal procedures before the Select Committee on Ethics, rather than through executive branch agencies or the courts. This act also obligated the Senate not to discriminate against members of the public on the basis of disability.

Title III of the Civil Rights Act of 1991, also known as the Government Employee Rights Act, reaffirmed the prohibition against all kinds of employment discrimination in the Senate. The 1991 act also established an Officer of Senate Fair Employment Practices (OSFEP) and proved an internal Senate enforcement procedure consisting of: First, counseling, second, mediation, third, formal complaint and hearing before a board of three independent hearing officers, and fourth, review of the decision by the Senate Select Committee on Ethics.

Finally, an appeal may be taken from the Ethics Committee decision to the U.S. Court of Appeals for the Federal Circuit.

Employees enjoy the rights and protections of all the antidiscrimination laws, as well as the Family and Medical Leave Act, albeit with a different enforcement mechanism than is provided in the private sector or the executive branch. However, the Fair Labor Standards Act and the Equal Pay Act do not apply to the Senate.
Also, Senate employees do not have a right to trial in U.S. District Court, but they do have a right to trial before a panel of independent hearing examiners, and judicial review by a U.S. Court of Appeals.

Second, the House of Representatives—In 1988, the House of Representatives adopted a Fair Employment Practices Resolution, House Resolution 558, 100th Congress, which has been renewed and codified in House rule 51. This rule specifies that personnel actions shall be free from discrimination based on race, color, national origin, religion, sex, disability, or age.

In addition, the protections of the Fair Labor Standards Act, the Equal Pay Act, and the Family and Medical Leave Act have been made applicable to the House.

The House established an Office of Fair Employment Practices that has a 3-step process to be used by employees alleging discrimination: First, counseling and mediation, second, formal complaint, and third, final review of the decision of the office by an eight-member panel composed of four members of the Committee on House Administration and four officers and employees of the House.

Thus, House employees enjoy rights and protections against discrimination, as well as rights under the Fair Labor Standards Act, the Equal Pay Act, and the Family and Medical Leave Act.

However, the process for enforcing and redressing these rights and protections is somewhat less independent than that in the Senate, and it affords no judicial review.

Third, the instrumentality—the various congressional instrumentalities have been made subject to some of these antidiscrimination and employee protection laws, but not to others. Coverage is uneven.

The three largest instrumentalities—the General Accounting Office [GAO], the Government Printing Office [GPO], and the Library of Congress [LOC] are subject to these laws to much the same extent as executive branch agencies, although enforcement mechanisms frequently differ. Thus, the employees of these instrumentalities enjoy most of the rights and protections of the antidiscrimination laws, including the right to bring actions in U.S. District Court.

These employees also have the rights and protections of the Family and Medical Leave Act, the Fair Labor Standards Act, and the Federal Service Labor-Management Relations statute.

These three instrumentalities, as Federal agencies, are also subject to the requirements of section 38 of the Occupational Safety and Health Act, and related provisions of section 7902 of title 5, United States Code, and they each have implemented compliance programs.

However, under statute and established practice, certain of these instrumentalities have internal enforcement or grievance mechanisms where executive branch agencies would be subject to external regulation by other agencies.

The Architect of the Capitol, the Congressional Budget Office, and the Office of Technology Assessment have substantially more limited coverage. Employees of the Architect of the Capitol enjoy rights and protections under the antidiscrimination laws, and were recently authorized to bring claims to the GAO Personnel Appeals Board.

However, these employees have rights under the Fair Labor Standards Act and the Family and Medical Leave Act that are not subject to external enforcement, and they are not covered under any labor-management law. Employees of the CBO have the same rights and protections as House employees, and can bring claims to the House of OFP under House rule 51.

Employees of OTA enjoy the rights and protections of antidiscrimination statutes and the Family and Medical Leave Act, but not the Fair Labor Standards Act. OTA has established its own internal grievance procedure.

Last Congress, significant efforts were undertaken to eliminate the exemptions Congress has granted itself.

Compliance with Federal laws for the legislative branch was also a major issue for the Joint Committee on the Organization of Congress, which was charged in 1993 with presenting a legislative reorganization plan.

There was a near consensus among the Senators and members of the House of Representatives who testified before the joint committee that congressional exemptions should end.

At hearings before the Governmental Affairs Committee on June 29, 1994, Dr. Norman Ornstein, resident scholar at the American Enterprise Institute, stated:

There is no subject now that inflames the public more, when it comes to Congress, than this one [congressional coverage].

He therefore urged that Congress get “caught up with the curve of public opinion,” or else Congress “may be forced to take action that is far more destructive of the prerogatives of the institution, and of the taxpayers’ purse,” than the proposals now being considered for enactment.

Members who testified or spoke at the Governmental Affairs Committee’s hearing in June and at its meeting to mark up S. 2071 in September, were also nearly unanimous in supporting extension of coverage. Concern was expressed about reported and perceived inadequacies in existing employee rights and protections in the legislative branch.

For example, there was concern about the high rate of workers’ compensation claims by employees of the Architect of the Capitol, and about a GAO report documenting apparent inequities in the employment and hiring policies of the Architect.

Also, studies were cited showing that the grievance process provided by the Office of the Architect was underutilized, presumably because of a lack of trust in the process, and that a sizable percentage of House and Senate employees expressed reluctance to use their respective grievance procedures because of a lack of trust.

Additionally, the final report of the Joint Committee on the Organization of Congress stated: “Witnesses were uniformly dissatisfied with the performance of the House Office of Fair Employment Practices [OFEP], which was established with House Res. No. 103±413, vol. II, at page 147 (December 1993). They also expressed concern that an underutilization was caused by lack of employee trust in the process.

SUMMARY OF PROPOSAL

A. WHAT LAWS SHOULD APPLY?

The guiding principle expressed by more than one member of the committee in considering this legislation is that Congress should be subject to the same laws as apply to a business back in a home State. The only exception should be where different rules are necessary to enable Congress to fulfill its constitutional and legislative responsibilities.

This bill would apply 11 key anti-discrimination and employee-protection laws to the Congress. These laws are:

Title VII of the Civil Rights Act of 1964.


The Family and Medical Leave Act of 1993.


The Employee Polygraph Protection Act of 1988.

The Worker Adjustment and Retraining Notification Act.

The Veterans Reemployment Act.

The Occupational Safety and Health Act of 1970.

And the Federal Service Labor-Management Relations Statute.

B. BICAMERAL STRUCTURE

Some Senators believe that to authorize executive branch agencies to enforce antidiscrimination and employment laws against Congress would create a dangerous entanglement between these two branches of Government.

They think the legislative branch must be free from executive branch intimidation, real or perceived, and the enforcing agency must likewise be free of real or imagined intimidation by the legislative branch.

The view has also been expressed that the Constitution requires each House to govern itself, independently of the other House. However, S. 2 creates a Bicameral Office of Compliance. This government is a substantial constitutional obligation of each House, but establishment of a single office to
implement these laws jointly for the Senate and House would not infringe on any essential Senate or House prerogatives.

Indeed, laws cannot be enforced in a fair and uniform manner—and employees and the public cannot be convinced that the laws are being enforced in a fair and uniform manner—unless Congress establishes a single enforcement mechanism that is independent of each House of Congress.

S. 2 would create a new independent enforcement office within the legislative branch. An independent board of directors would be appointed by the majority and minority leadership of each House, removable only for cause. However, the deputy directors of the office, one for each House, will develop the regulations that govern each House, and forward them to the board for notice and comment procedures. The board would then issue regulations, and the accompanying documentation would detail any departures from the recommendations of the deputy directors.

Ultimately, each body would adopt its own regulations, which, so long as they comported with the terms of this act, could take into account differences between the two bodies. Specifically, the board would be responsible for developing rules to apply the antidiscrimination and employment laws. Congress, and Congress would retain the power to approve these rules.

Regulations would become effective by a vote of the respective body, or by both bodies in the event that the regulations in question covered joint employees.

The regulations would have to be consistent with the rules developed by executive branch agencies, unless the board determined for good cause that a different approach would be more effective for the implementation of the rights and protections conferred by the underlying statutes.

The ultimate responsibility for developing, issuing, and approving the rules would remain within the legislative branch. Regulations could gain the force of law if both Houses approved, issuing, and approving the rules for handling and adjudicating employee claims. The board would then issue regulations, and the accompanying documentation would detail any departures from the recommendations of the deputy directors.

C. CLAIMS PROCEDURES AND JUDICIAL REVIEW

The new office would be responsible for handling and adjudicating employee claims where the underlying statute provides for a private right of action. An employee would first receive counseling and mediation services. In lieu of a hearing, the employee may bring an action in Federal district court. Allowance of access to district courts makes the available remedies more like those available to both private-sector and executive-branch employees. Courts and judges do not have the complex interactions with Congress that executive agencies have, so the risk of intimidation would not arise.

Furthermore, politically motivated claims can be made in other forums, regardless of whether access to district court is allowed.

For claims arising under statutes that do not provide for a private right of action, the employee would proceed to the office to obtain counseling and mediation, as described above.

However, in lieu of the private right of action or executive branch administrative enforcement, the office, if the General Counsel so determined, would pursue the claim itself. The aggrieved party, at the end of the administrative process could obtain court review of the decision with the court of appeals for the Federal circuit.

D. LABOR-MANAGEMENT RELATIONS

In the context of the labor-management relations area, I am concerned that congressional coverage does not create any conflicts of interest. For example, there might be concern if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions.

Even if such a conflict of interest between employees' official duties and union membership did not actually occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is concern that labor actions could delay or disrupt vital legislative activities.

The bill would apply the Federal service labor management relations provisions to rather than the private-sector National Labor Relations Act. The Federal service law includes provisions and precedents that address problems of conflict of interest in the governmental context and that prohibit strikes and slowdowns.

Furthermore, as an extra measure of precaution, the reported bill would not apply labor-management law to Members' personal or committee offices or other political offices until the board has conducted a special rulemaking to consider such problems as conflict of interest.

Those rules would also not go into effect until considered and enacted by Congress.

E. COST CONSIDERATIONS

Some Members expressed concern that application of laws to the legislative branch would impose large and unpredictable costs on the taxpayer.

The Congressional Budget Office disagrees. The CBO cost estimate predicts costs of about $1 million in the first two fiscal years, and $4 to $5 million in subsequent years. However, unlike S. 2...
2071, S. 2 does not permit covered employees to be offered compensatory time in lieu of overtime pay. That is the rule that applies to the private sector.

There might be some additional cost of complying with this provision. But with respect to employees whose work schedule is irregular because of the House of the irregular Senate and House schedule, the board would have to develop comparable regulations to those governing private sector workers with irregular work hours.

Second, the new leadership has committed itself to a more family hospitable work schedule, the amount of overtime is likely to be less in any event.

There will also be costs that GPO did not take into account because S. 2, unlike S. 2071, requires OSHA inspections.

However, the additional costs are likely to be small in relation to the normal sums Congress spends.

F. APPLICATION TO INSTRUMENTALITIES

In an attempt to bring order to the chaos of the way in which the relevant laws apply, the Office of Technology Assessment, and the Office of House of Representatives and Senate employers and employees.

This will allow for a consolidated application and administration of these laws. It also extend to these employees the right to bargain collectively, and it will provide a means of enforcing compliance with these laws that is independent from the management of these instrumentalities.

For employers of these instrumentalities, by strengthening the enforcement mechanisms, this bill attempts to transform the patchwork of hortatory promises of coverage into a truly enforceable application of these laws.

Dividing the instrumentalities in this manner would reduce the adjudicatory burden on the new office of compliance by excluding from its jurisdiction the approximately 15,000 employees of GAO, GPO, and the Library of Congress.

It also has the advantage of using the apparatus that will already be necessary to apply these laws to the 20,000 employees of the House and Senate to the remaining approximately 3,000 employees of the Architect, Botanic Gardens, CBO, and OTA.

So, Mr. President, the time to act is now, and I urge my colleagues to vote for this bill without any undue delay.

Senator Glenn will probably tell us that years before I came to the Senate, through resolutions he tried to bring and did successfully try to bring attention to this matter on the floor of this body. When I first made that attempt several years ago, it failed, as did my attempt later on in 1989 to end this situation by amending the Americans With Disabilities Act. My amendment at that time was accepted by the then Senate leadership. But in a sense I think they did it because they knew that they would render it ineffective in conference, and it was rendered ineffectual. I have always been determined to correct this inequity, and I was not even allowed to offer my amendment to the family leave bill when it was first debated in the Senate in 1991.

Congress can no longer refuse to live by the laws that it passes. This bill ends that refusal. The time then is long overdue for Congress to correct that practice of congressional exemption, and this bill does that. It completes the process begun in 1991 when the Senate passed the Grassley-Mitchell amendment giving the substantive provisions of the civil rights law to the Senate.

As I said back then, it was a good beginning, but it was only a beginning. So we are back today.

So it is with some measure of satisfaction that I myself speaking in favor of a bill that would finally require Congress to comply with a host of employment laws that we have exempted ourselves from over four or five decades and that, during that period of time, have been applied to the entire private sector.

Since 1971, Congress has passed laws that flowed from the assumption that Washington knows best. Congress set up burdensome statutory requirements on the operation of small business in this country. The burdens were increased through regulation issued by executive branch agencies albeit pursuant to the statute. At the same time Congress repeatedly exempted itself from the effects of those laws. Laws govern America but somehow do not apply the same way to employment at the Hill. Workers were granted exceptions or lack of applicability apply to us. Indeed, to me this was one of the major reasons why Congress cannot touch with the American people and people are cynical about the process of government, cynical about public servants doing well and intending well and understanding what needs to be done.

Of course, this exemption was one of the ways by which Congress has displayed arrogance. Millions of Americans complained about the overthrow of the Federal Government. But Congress, through its exemption from the law, could not know the depth of feeling from the grassroots of America. So in November of every other year, the people have an opportunity to express their view. The American people in November demand that something be done about the people affected by the laws it passed. A number of Members who thought Congress should be above the law are no longer Members, and, of course, no longer above the law.

Let me remind my colleagues of someone who lost an earlier election, former Senator George McGovern, because he has a very good lesson to teach us in regard to the exemption of ourselves from laws that apply to the private sector. Senator McGovern believes that Congress has enacted unnecessary regulatory burdens that are strangling small business. Senator McGovern admits that he did not feel that way when he was a Member of this body, but he learned the reality of that lesson when he ran a small business after he left public life. I appreciate that Senator McGovern now says that he would have legislated differently had he known what the actual effects would have been as
he found them to be applicable to his small business.

But Members of Congress’ learning of the effects of their votes only after leaving office will not solve our problem because after you leave office it is too late for you as an individual to do anything about it. Those of us who are here today can do something to end this unfair situation, because only as Members of Congress are we in a position to assess the consequences of their votes will the problem that Senator McGovern identified be corrected. And I believe that S. 2 corrects that situation.

I think that President Clinton as well as the Republicans is exactly right. When we send this bill to him I believe, based on what he has said in the past, he will sign it because he did state in a July 1992 interview:

"It is wrong for Congress to be able to put new requirements on American businesses, employers, and then not follow that rule as employers themselves. They exempt themselves historically from all kinds of rules that private employers have to follow. And I think that is one of the things that has happened in people in government is they forget what it is like to be governed. They do not have any idea what it is like to be on the receiving end of a lot of regulations."

That is President Clinton as Candidate Clinton. He could not have said it any better than any of us who believe this situation is wrong and why it ought to be ended. And I think that is a clear-cut statement that President Clinton will support our efforts today, and supporting those efforts then would sign the legislation that, hopefully, we will pass.

Of course the Founding Fathers would have been astonished to know that Congress had exempted itself from so many laws that it passed applying to the private sector. James Madison in Federalist Paper 57 wrote about this issue. He wrote that one of the primary guarantees of people’s liberty came from Congress having to live under the laws that we apply to the entire Nation. Madison wrote that:

"Congress can pass no law which will not have its full operation on themselves and their friends as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them the communion of interest of which few governments have been able to profit, but without which every government degenerates into tyranny. If this spirit ever were so debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty."

That is Federalist Paper 57.

Mr. President, Madison was right. Of course, the low esteem in which Congress is currently held reflects the fact that there is no longer congruence of interest among the governors and the governed. The American people will no longer tolerate a law not obligatory on the legislature as well as the people. Under Madison’s principle, because Members of Congress would be careful before they infringe their own liberties, the people’s liberties would then be zealously protected.

Unfortunately, the corollary to that principle was equally true. Members of Congress who could protect their own liberties while infringing on the liberties of the mass of society were much more likely, then, to fail to protect everyone else’s liberties. Congress enjoyed privilege through exemption. That realization has added to the idea of Congressional royalism. The time has come then to simply say that there will no longer be an environment of two sets of laws in America—one for Pennsylvania Avenue and the other for the rest of the country, in Main Street America. No longer will there be two sets of laws, one for this town and this Hill and one for the rest of the country. One set of American people, one set of laws.

So now Congress must finally live under the same laws that pass for everyone else. We do this to fulfill Madison’s promise of what was meant in the Constitution. And, thus, employees of Congress will finally gain the same rights that their counterparts in the private sector enjoy.

Like my colleagues, I take the notion of representative government very seriously. We are not Senators for ourselves. We do not hold this job as a matter of personal privilege. We are here to represent the interests of our constituents in our States and in our country. And we are here for no other reason than to stop the operation of the law thus interfere with representative government. I wonder how truly we can represent people who live under one set of laws when we live under another set of laws. Under the current system, our votes on various regulatory issues reflect our interests and not those of our constituents. This must change if representative government is to truly function as intended by Madison.

When we pass this bill, we begin to restore the people’s faith in Congress. We will do so in five respects. First, we will ensure that Members of Congress know firsthand the burdens that the private sector lives with. By knowing those burdens, Congress may decide that the laws indeed are burdensome. That realization may lead to necessary reform of the underlying legislation. It is true that there will be additional costs imposed on Congress if this legislation passes. However, these are costs that we must realize. We have to be cognizant of the fact that the private sector has to live with these costs and has had to do it in some instances for the last six or seven decades. And as far as the cost of this bill to Congress, the Congressional Budget Office estimated that cost of compliance will be about $3.4 billion. Now, while this is a considerable sum, Mr. President, it represents, for instance, only a fraction of the amount Congress recently voted in for a subway system to connect the Senate office buildings with the Capitol.

The second benefit of requiring that Congress live under the laws it passes for others concerns future social legislation. If Congress recognizes that it will be bound by what it passes, Congress will be very careful in the future to respect the liberties and rights of others.

Third, passage of the bill will mean that congressional employees will have the same rights as the legislation that has ensured fair treatment to workers of the private sector. So then Congress thus becomes the last plantation for our workers. It is time for the plantation worker to be liberated. Members of Congress have to move to the realization that Congress and the judiciary are the last two plantations. Senator Glenn stated that plantation point of view 20 years ago, so I give him credit for that.

Curiously, the only people who do not have to comply with the laws are those who make the laws and those who decide the cases under the laws, meaning the members of the judiciary. The judiciary has often interpreted legislation to be burdensome, and perhaps in some instances to be more burdensome than even the Congress intended. Of course, an exempt judiciary has no reason to interpret the statute in a way to protect freedom. They will have to come up with a plan to provide coverage for their employees as well. I look forward to that proposal and to the legislation to cover the judiciary, which might then really be the last plantation.

The fourth general result of the legislation will be public recognition that Congress has again discovered that it is subject to the will of the people and not the other way around. Congress will no longer be above the law. Members of Congress will no longer be first-class citizens with unjustifiable special privileges.

Fifth, Members of Congress will learn themselves of the litigation explosion that is choking small business in this country. When Congress sees directly the litigation produced by the laws we pass, Congress will be very careful in creating additional burdens for the private sector and additional work for the Federal courts. When Congress sees how alternative dispute resolutions operate, maybe Members of Congress will appreciate the wisdom then of encouraging additional alternative dispute resolution for all sorts of claims brought in the Federal courts, to reduce the burden of the Federal court, to have a way of settling disputes in a less adversarial environment and a less costly way to that proposal.

Every indication from polls, from election returns, and from our mail is that all of these show that nothing makes Americans more mad than knowing that they have to live by laws that their representatives in Congress do not have to follow. We believe they are well justified in their anger. When we pass this bill, we will show them that we recognize the unfairness of the existing exemptions and the legitimacy of their concerns.
Mr. President, S. 2, as we know, is the pending business, and it is the pending business under somewhat unusual circumstances, because it has not been considered by any committee in this Congress. Nonetheless, I want to say that it bears a very close resemblance to S. 2071 from the last Congress. That bill was the subject of hearings in the Governmental Affairs Committee, and it was approved by the committee before consideration. Unfortunately, it was not possible to consider the bill before Congress adjourned. That bill bears the fact that the other body had overwhelmingly passed a similar piece of legislation.

So, Mr. President, in conclusion of my opening statement, the time is to act now. I hope that my colleagues will vote for this bill without any undue delay or any particular destructive amendments.

Senator GLENN is going to seek the floor in just a moment. As I indicated once before in this debate, when Senator GLENN was a new Senator from Ohio, I believe in this body he was aware of this inequitable situation. He has worked hard with lots of us and he worked hard before a lot of us came here to bring attention to this inequitable situation, unfair in the sense that we as employers do not have unfair situation. Inequitable in the sense that we as employers do not have an inequitable situation, fore a lot of us came here to bring about this situation. He has worked hard in this body he was aware of this inequitable situation. He voluntarily that OSHA laws should be extended these laws. I appreciate that Senator GLENN studied this issue hard, and I suppose in his early days even had more trouble than I did in trying to get the people to appreciate that this dual standard of law was wrong. But he had some resolutions passed very early. I want to commend him for his work and to try to rectify this situation for employees on the Hill. But most importantly, in the time that I have been in the Senate, I want to say that I have found Senator GLENN very cooperative with my efforts to extend these laws and appreciate very much his efforts to do that.

I yield the floor.

Mr. President, I ask unanimous consent that Jill Schneiderman of Senator DASCHLE's staff be granted floor privileges for the duration of the Senate's consideration of S. 2.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I thank you.

Mr. GLENN. Mr. President, I ask unanimous consent that Jill Schneiderman of Senator DASCHLE's staff be granted floor privileges for the duration of the Senate's consideration of S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I have listened very closely to Senator GRASSLEY's presentation here this afternoon. It certainly has been excellent. It certainly covered the legislation in great detail. That was to be expected because his name is on the bill and he has been involved with it basically—not for press purposes—because he believes in it and because he believes in what is right for the rest of the country is right for Capitol Hill. I agree with that view.

The late great Senator Sam Ervin, who was also a great constitutional scholar, once said that Congress is "like a doctor prescribing medicine for a patient that he himself would not take it." I agree with that statement by Senator Sam Ervin because by enacting laws for others and then exempting ourselves we have done great damage to the public perception of Congress.

I do not find any more of a hot button item wherever I travel in Ohio and other parts of the country than this particular item because I find that people are especially irritated that we do not have to follow the rules like everybody else. There were some reasons for this situation or for early days. I will address that in just a moment. It was not done just to make life easier for us here. There were some genuine concerns about how they would be administered. But businessmen and others—especially businessmen—tell me that we in Congress cannot understand the real impact of our laws because we do not have to follow them back here on Capitol Hill.

There is an even more important principle at stake here, and that is, to continue to deprive our employees of the full protection of the law is flat wrong. We passed laws for the rest of the country that said that employees should treat their employees in a certain way, that OSHA laws should be administered by businesses, institutions, colleges or public buildings or whatever, that EPA would take certain actions and so on out there. But then we say but we will not let those things apply here on Capitol Hill. It is really not just talking about our legislative and our administrative personnel that many people think of when you think of Capitol Hill staffers. We think of our administrative personnel. But we must remember there is also the cleaning crews, the police, the restaurant workers, the parking lot attendants, the plumbers, the window washers, and so on, all of the workers who do not enjoy the same rights as every other American not employed by Congress. That is what it comes down to. Is it right that we do this for our own employees here on Capitol Hill? Is it right that they have the same protections as everyone else? I cannot come to any conclusion but that certainly it is right that we pass this bill.

So I am very pleased that in these opening days of the 104th Congress we can finally do what is right for these people and eliminate this congressional double standard under which we have enacted laws that apply to everyone but ourselves.

This reform is long overdue. Our efforts to apply the law on Capitol Hill go back many years. My own personal efforts, which Senator Mitchell referred to a little while ago, go clear back to 1978. I had not been here too long. In 1978 I had been here I guess at that time about 3 years. I was sworn in early 1975. I proposed a resolution to amend S. 2071 that all Senate employees would be protected against employment discrimination just as other people were all over the country, and explained why we needed this resolution. I said that I viewed Congress as "the last plantation." That got the ire of some of my colleagues. They were not happy with me for making that kind of a statement. But the employees knew what I said was true because we were treating ourselves here, we were treating—Capitol Hill, as the last plantation that was a law unto itself. The resolution did not pass in 1978. 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 other employment laws. But they can take their cases to the U.S. Court of Appeals.

Despite this progress 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 principles has been that we in Congress should be subject to the same laws as applied to a business back in our home State. I recognize the unique nature of life on Capitol Hill, the unique nature of the Congress and how it does business here. So every single law cannot apply in exactly the same way as they are administered back home. But most of them can. Many Members also believe that the Constitution requires us to preserve substantial independence of the Senate and of the House of Representatives—in other words, the separation of powers under the Constitution. One branch does not have a superior position over another branch of Government. It is the checks and balances of our Government that we do not wish to throw away. The concern of a lot of people about this separation of powers 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.

So I am very pleased that in these opening days of the 104th Congress we can finally do what is right for these people and eliminate this congressional double standard under which we have enacted laws that apply to everyone but ourselves.
Lieberman, Grassley and other Senators from both sides, we worked hard to reach a solution, and I think we succeeded. We included even a stronger application of the laws to Congress, and we also included stronger protection of the constitutional independence of the House and Senate. 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. I believe, an excellent chance of being enacted. The House passed a bipartisan proposal. It was introduced on January 5, 1995, and the other was introduced on December 16, 1994, by Senator Daschle, our new Democratic leader, as part of a comprehensive congressional reform proposal. Senator Daschle’s proposal includes a number of reforms of the way Congress does business, including not only congressional coverage, but also including measures on lobbying disclosure and gifts of value.

These essential measures, which I support, were also blockaded along with congressional coverage at the end of the last Congress. That bill is not the one that is before us now. The bill before us now is the one just on congressional coverage that Senators Grassley, Dole, and Lieberman have submitted.

Senator Dole has made this a top-priority legislative proposal, and I am very happy with that. With this strong bipartisan support that we have for this legislation, I am very optimistic that congressional coverage legislation can be promptly enacted—and I hope very promptly. Legislation can be briefly summarized in five key elements. First, all of the rights and protections under the civil rights laws and other employment statutes, and the public access requirements of the Americans With Disabilities Act, would apply to the legislative branch of Congress. There are, however, two differences between the House of Representatives and our support agencies. Second, a new compliance office would be established within the legislative branch to handle claims and issues. This compliance office would be headed by an independent, five-person board of directors, removable only for cause and appointed by the leadership.

This board is a new proposal here, in that this takes away most of the concerns of those people who were primarily concerned about the separation of powers and what would happen if we had an overzealous executive branch of Government trying to enforce a Clean Air Act or an OSHA law on Capitol Hill and pushing too hard for it, wanting to exact some flesh in some other area in response. That has been a concern that people have expressed throughout the years. So this board goes a long way toward declaring our independence and our capability in making sure that all of the laws are adhered to here on Capitol Hill and making that administration of those laws the purview of this five-person board of directors.

I think it is unfortunate that we have to create a new enforcement bureaucracy at a time when we are more concerned about streamlining Government. I say that now because I do not want to make it sound as if I am not concerned about streamlining Government. I still believe it would violate the constitutional separation of powers to have the executive branch enforce these laws against Congress.

A third point. Any employee who believes there has been a violation could receive counseling and mediation services from the new office. I would anticipate that most of the problems could be resolved at that counseling and mediation level. But if the employee’s claim is not resolved by counseling or mediation, then the employee can carry this further. They can file a complaint with the compliance office and receive a hearing and decision from a hearing officer. This decision may be appealed. Then, in turn, if they are not happy with that, or if the first two steps, it may be appealed to the board for the board’s direct action, or after that, to the U.S. Court of Appeals. That is a lengthy process, but it is one that certainly gives the employee every kind of access to make sure that their complaint is adequately dealt with.

Fourth, instead of filing a complaint with the compliance office after counseling and mediation, another track that can be followed is that the employee may elect to go directly and sue in the U.S. district court, just as any businessman across this country can do, or any individual across the country can do if they have a problem with their employer, or whatever. Further, a jury trial may be requested under normal applicable law.

Fifth, the board will appoint a general counsel who will enforce OSHA, collective bargaining requirements, and other labor laws. So I am very pleased that there now appears to be bipartisan support for the Congressional Accountability Act. I will certainly be as pleased as anyone when it is finally adopted. This is not all brand new, make no mistake about it. The congressional coverage legislation is not completely new in that congressional coverage legislation was adopted by the Democratically-controlled House of Representatives last year. Congressional coverage legislation was also not to the Senate floor from our Governmental Affairs Committee last year. Unfortunately, it died in the final days of the Senate last year in that scorched Earth atmosphere which we all deplore, when we saw Members opposing just to make the sake of opposing and some other people opposing legislation they themselves even supported.

But that is behind us now and we are on to a new day here. I certainly want to let everyone know that while we went through some trials and tribulations last year, we are ready to move on.

I think the American people are ready to move on and see this kind of legislation in particular get passed. That is easier said than done sometimes, but I think it is high time that we started to put the national interests first and to calculate our actions based not only on political calculations of the day, or on who may gain more political advantage by supporting or opposing this particular piece of legislation. We should be doing this on what is best tomorrow for the United States of America, not for the whole Congress.

If Republicans and Democrats alike can just remember that, I think we are going to have a great session through this coming year. I think the Congressional Accountability Act is a good place to start.

I talked about the last plantation a little while ago. The last plantation, I think, we now can eliminate and bring into the 20th century with this particular piece of legislation. So I am very happy to be supporting it.

(See exhibit 1.) Mr. Glenn. Briefly summarizing, one new compliance office is estimated to cost about $1 million a year for 2 years during startup. It will be $2 to $3 million a year thereafter, including enforcement procedures and OSHA inspections.

Settlements and awards to employees can run from a half million to a million dollars a year.

Federal labor-management relations, possibly a million dollars a year. We do not know on that. There is no good way to estimate that.

OSHA concerns are a little uncertain also, but those mainly have been taken care of around Capitol Hill, so there should not be much expenditure on that.

Applying fair labor standards to the Capitol police force will cost probably around $800,000 a year or so. On other employees it was difficult to estimate on that as to what the fair labor standards application could bring in the way of costs.

Antidiscrimination laws, polygraph protection, plant closing, and veterans rehiring are things for which we do not anticipate there would be any major expense.

The bottom line then is that the total estimated cost CBO has run out—and this was included in our Governmental Affairs Committee report, if anybody wants to refer to it—
described these costs that I just enumerated here briefly, and came to the bottom line that a total estimate would be about $1 million per year for the first 2 years and a $4 to $5 million total thereafter. But it is a very, very uncertain amount. So compared to the problem we are solving, I think that is a fairly modest expenditure.

Mr. President, the Congressional Accountability Act would apply a number of Federal workplace safety and labor laws to the operations of Congress. But one of the main things it also provides is the new administrative process I outlined for handling complaints and violations of these laws. And that is new.

While it is true that some of these laws have applied to Capitol Hill in the past, there has not been an enforcement mechanism. There has not been a way for an aggrieved employee to exercise their rights and have justice prevail.

One of the major provisions is the administrative process for handling complaints that I just described a few moments ago. And go through, once again some of the major provisions of this act.

First, it will have the application of workplace protection and antidiscrimination laws. S. 2 would apply several Federal laws regarding employment to the operation of legislative branch offices and provide an administrative process for handling complaints and violations.

The following laws would be applied to legislative branch employees: Under the general title of antidiscrimination laws, we have title VII of the Civil Rights Act of 1964; we have the Age Discrimination in Employment Act of 1967; we have title I of the Americans With Disabilities Act of 1990; and we have the Rehabilitation Act of 1973. Those are all under the antidiscrimination laws.

Next, under the general heading of public services and accommodations, under ADA, the Americans With Disabilities Act of 1990; title III relating to discrimination in Government services, to the public. Another provision under title III, Americans With Disabilities Act of 1990, applies to the rest of those provisions.

Under the general heading of workplace protection laws, the Fair Labor Standards Act of 1938, which concerns minimum wage, equal pay, maximum hours, regulations, and protection against retaliation would now apply. These regulations would be promulgated by the board that tracks executive branch regulations. These regulations will take into account those employees whose irregular work schedules depend directly from the Senate. There has been some concern expressed by Senators about how that would work.

Others, under workplace protection laws, are the Occupational Safety and Health Act of 1970, the Family and Medical Leave Act of 1993, the Employee Polygraph Protection Act; the Worker Adjustment and Retraining Act, which requires a 60-day notice of office closing or mass layoffs, which would not normally apply on Capitol Hill, until you think of the fact that we have the Government Printing Office and the Library of Congress and other sections of such layoffs might possibly occur.

Another portion under the workplace protection laws is the Veterans Reemployment Act. It grants veterans the right to return to their previous employment, with certain qualifications, if reactivated.

Further, under the general heading of labor-management relations, the Federal Service Labor-Management Relations Statute of 1978 would apply, and the application to personal or committee staff or other political offices would be deferred until rules are issued by the new Office of Compliance.

Under covered employees, the compliance provisions for the preceding laws would apply to staff and employees of the House, the Senate, the Architect of the Capitol, Congressional Budget Office, Office of Technology Assessment, and, of course, the newly created Office of Compliance.

Employees of congressional instrumentalities such as the General Accounting Office, Library of Congress, and Government Printing Office will be covered under some of these laws but a study will be ordered to discern current application of these laws to the instrumentalities and to recommend ways to improve procedures. Some of these entities or instrumentalities already have their own internal rules and regulations that they have applied that we want to bring into harmony with this new legislation, and that will be done over a little period of time.

Let us go through protections and procedures for remedy. The bill provides the following process: if it gets that far.

For claims under the ADA title II and title III relating to discrimination in Government services, the bill provides the following procedures:

1. employees may make a written request to the general counsel to conduct an inspection.

General counsel will also inspect all facilities at least once each Congress, most likely using some details from the Labor Department to help since they are experienced in that area. But the authority would rest with the general counsel to do that. And should it be an appeal to the U.S. Court of Appeals.

For violation of OSHA, the bill provides the following procedures:

Step 1 is the employee's request to the general counsel to prepare for unforeseen budget impact. Penalties would not apply under the OSHA provisions because this would require the Secretary to make a statement, back pay, attorneys fees, and other compensatory damages.

For violations of the Title II and III of the ADA, the following is covered:

Step 1 is the employee's request to the general counsel to conduct an inspection.

Step 2 is the general counsel may file a complaint which would go before a hearing officer for decision. Step 2 would be an appeal to the U.S. Court of Appeals.

General counsel provide the following process:

1. employees may make a written request to the general counsel to conduct an inspection.

2.Step 1 would be a counseling service, which can last for 30 days and must be requested within a 6-month statute of limitations.

2. Step 2, mediation services, which last for 30 days and must be pursued within 15 days.

Step 3, if the claim cannot be resolved, then a formal complaint and trial before an administrative hearing officer may ensue.

Step 4, after the hearing, if the party feels that they still have not received proper treatment, any aggrieved party may appeal to the Office of Compliance's board of directors, to the board itself. And that does not ever end it.

If in any case of the board, the process may then appeal to the U.S. Court of Appeals.
Step 1, petitions will be considered by the board and could be referred by the board to a hearing officer; step 2, charges of violation would be submitted to the general counsel, who will investigate and may file a complaint. The complaint would be referred to a hearing officer for a decision subject to appeal. Step 3, mediation impasses would be submitted to mediators. Step 4, court of appeals review of board decisions will be available except where appellate review is not allowed under the Federal Service Labor-Management Relations Statute.

Now, employees who are employed in a bona fide executive, administrative, or professional capacity—in other words, those committee staff or personnel staff who are not covered by the minimum wage and maximum hour provisions—and interns, are also exempted. Otherwise, remedies for violations of rights of all other employees under the FLSA will also include unpaid minimum or overtime wages, liquidated damages, and attorney fees. I note the exemption there, that professional employees would not be covered in that same way. These remedies would apply to the nonprofessional employees only.

Now, let me address briefly the Office of Compliance. S. 2 will establish an independent nonpartisan Office of Compliance to implement and oversee application of antidiscrimination worker protection laws. Under rulemaking, the Office of Compliance would establish and administer the statutes. Congress may approve and change by joint resolution rules issued by the Office. Rules would be issued in three separate sets of regulations. One, the House; two, the Senate; three, joint offices and instrumentality. Rules for each Chamber would be subject to approval by that body, or to grant the force and effective law by joint resolution. Rules for joint offices and instrumentalities would be subject to approval by the current resolution.

Membership of the Office of Compliance would be appointed by the Senate majority leader, the Senate minority leader, the Speaker of the House, and the House minority leader. Membership may not include lobbyists, Members, or staff except for Compliance Office employees. The Chair will be chosen by the four appointees from within the membership of the board.

Settlement award reserves, payment of rewards for House and Senate employees, will be made from a new single account. There will be no personal liability on the part of Members.

Mr. President, I think that is a rather complex rundown of this. I think it is only fair we apply the laws to our employees here on Capitol Hill that are applied to the rest of the country. I hope we can have this legislation approved very shortly. I hope we can keep amendments to a minimum. I do not know whether there are any amendments proposed to be brought up this afternoon.

I yield the floor.

### 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. $2.3 million/year thereafter, including enforcement procedures and OSHA inspections.
3. Settlements and awards to employees: $0.5-1 million/year.
4. Federal labor-management relations: $1 million/year for lawyers and personnel officers.
5. OSHA: Existing standards—will require change in practices rather than significant additional space or cost.
6. Possible future standards—will require 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 retiring—not scored by CBO; added to the legislation this year.
10. Total Estimate: $1 million/year for the 2 years, $4.5 million/year thereafter.

**The PRESIDING OFFICER.** The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank the Chair, and I rise in support of the bill.

Mr. President, it has been my privilege to have been cochairman of a working group with Senator GRASSLEY and Senator LIEBERMAN, Senator GLENN and others. I am delighted to be a part of that historic part of this strong bipartisan effort here in my first opportunity to address this body.

I am fully cognizant of the fact that those of us who are newcomers to this legislative process, indeed, stand on the shoulders of giants. There have been so many who have done so much in this area: Senator GRASSLEY, Senator LIEBERMAN, Senator GLENN and others. I am delighted to be a part of that historic part of this strong bipartisan effort here in my first opportunity to address this body.

Mr. President, Senators GRASSLEY and GLENN have very aptly gone over the details of this legislation. It includes several pieces of complex litigation and applicability to those already existing laws. They have gone over this in detail. I will not.

I would like to make some basic observations, however, starting with the proposition that people spoke in a very loud voice in this last election. We can disagree as to what the people were saying in many respects, and we do. We have spent a lot of time trying to interpret the proposition that the people have spoken in the last few weeks. However, I think there is one thing we cannot or should not disagree on. That is, in large part, they were saying that they want a change of the way we have done business in Washington, DC. Mr. President, specifically in the Congress of the United States.

I cannot think of a better example of the way that we have been doing business in times past than this whole business of exempting Congress from the laws that other people have to live under. So today, I think that what this bill does is take a step in the right direction. It takes a step away from that and toward accountability. It stands for the basic proposition that those who make the laws in this country have to live under the laws that they make, as other citizens do.

There are a lot of people in these three separate sets of regulations. One, the House; two, the Senate; three, joint offices and instrumentalities. Rules for each Chamber would be subject to approval by that body, or to grant the force and effective law by joint resolution. Rules for joint offices and instrumentalities would be subject to approval by the current resolution.

Membership of the Office of Compliance would be appointed by the Senate majority leader, the Senate minority leader, the Speaker of the House, and the House minority leader. Membership may not include lobbyists, Members, or staff except for Compliance Office employees. The Chair will be chosen by the four appointees from within the membership of the board.

Settlement award reserves, payment of rewards for House and Senate employees, will be made from a new single account. There will be no personal liability on the part of Members.

Mr. President, I think that is a rather complex rundown of this. I think it is only fair we apply the laws to our employees here on Capitol Hill that are applied to the rest of the country. I hope we can have this legislation approved very shortly. I hope we can keep amendments to a minimum. I do not know whether there are any amendments proposed to be brought up this afternoon.

I yield the floor.
Mr. President, I believe in the years to come that this body will be a messenger of bad news to the American people if we do our job, if we are responsible. When we look at the economic picture down the road, when we look at the budgetary problems we will be facing in this country, we will not always have good news to bring to the American people.

I believe the American people are up to it. However, I believe when we deliver that message, the American people must be able to trust the messenger, and I think, again, that is what we are about here today, the first step in that process.

In addition to those reasons, I think that another pretty commonsense proposition applies, and that is that, if the Congress of the United States had to live under the laws they passed for everybody else, maybe we would not have so many laws and, thereby, maybe we would not have so many regulations.

I think it has become entirely too easy in this country, in this Congress, to spend people's money to regulate other people's lives. That is what I believe Congress has spent too much time on for too many years.

I think for the first time under this legislation, Members of Congress, who understand the principles that are in all these laws, are concerned with inconvenience and all of these other things, for the first time will start to realize the problems that people out in the country who have to live under these laws have experienced. And, maybe, just maybe, we might want to, in the future, reconsider some of the laws that have already been passed and some of the regulations that have been promulgated pursuant to those laws.

I think, in looking at this legislation, legislation of much detail, much work, that there are a couple basic criteria that I look for:

No. 1, that it be comprehensive, and when I study this legislation, I see that every comparable law here is, indeed, applied to Congress as well.

Second, there must be access to the court system. I examined this legislation and, indeed, we do have access to the court system. Those bringing actions against the officers and Members of Congress of the United States, indeed, have court access. It is not just the laws under this legislation that will apply to Congress but the regulations will also.

Also, Congress under this legislation does not exempt itself from the numerical limitations that are afforded to small businesses which would exempt Congress from coverage under many of these laws. So I think we are moving in the right direction.

Is it perfect? No, I would say not. Could it go further? Indeed, I would like to see it go a bit further, but I think that we can revisit this at times in the future. I think the question of ultimate liability is something that perhaps needs to be revisited.

Surely we can come up with a solution whereby Congressmen and Congresswoman and Members of the Senate are not faced with imminent bankruptcy constantly, on the one hand, and, on the other hand, the taxpayers are not left with a bill that we might run up on them.

I would think that, with the use of insurance and other measures, we could do better perhaps than that. But I think this is a strong—very strong—first step in the right direction. I wholeheartedly support it, not only because it is the right thing to do, but but if we fail them, if we fail the country, if we fail the American people, I believe, to the ultimate benefit primarily of the Congress of the United States. Thank you.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I am privileged to rise in support of this measure and am delighted not only to join the real pioneers in this effort—Senator GLENN and Senator GRASSLEY—but to speak after our new colleague, the Senator from Tennessee, who has spoken eloquently. I am privileged to work with him on a bipartisan basis on behalf of this bill.

He made reference to the elections that just occurred and the message that was sent to us. I was thinking after this election, there is an old story about a politician who lost an election by a lot, he got clobbered. In the traditional election night speech, he got up and said, "The people have spoken, but did they have to speak so loudly?"

I think the answer in this case is, obviously, the people did feel they had to speak loudly, and what they were speaking for was change, change in the status quo and, I think, demanding a Government that responds to their problems, that deals efficiently with those responses and that, most of all, gets its own house in order.

I do not know what my colleagues may have felt for, but I sure felt there out this year I was out there myself, grateful for the support of the people of Connecticut to send me back here. But I found an increasing number of people—and I would say it is a majority out there—who really do not care whether you are Republican or Democrat. What they care about is what you are doing and what have you done. They are not going to judge by labels, as so often happens. They are going to judge by the record of accomplishment or lack of accomplishment.

All of that brings me to this measure, which I think is at the heart of the responding to the demand for a change in the status quo, for a demand to a leaner, more responsive Congress, to a demand for legislation that reflects the real world, that reflects the thinking of Members of Congress who understand what is happening out there and who play by the same rules that everybody else plays by, who are forced to live by the same rules that everybody else lives by, and that will act on a bipartisan basis in the interest of America. I think all of that comes together in this piece of legislation.

The measure we are considering today, S. 2, is an improved version of the successful congressional compliance measures which Senator GRASSLEY and I authored beginning with S. 207. This latest bill, if enacted, will, as those who have spoken before me said, apply to Congress and its support offices all of the laws regarding civil rights, fair labor practices, discrimination, family medical leave, reemployment, health and safety that Congress has applied over the years to the executive branch of the Government and to the private sector as well.

Every public opinion poll that I have seen—to tell you the truth you do not need a public opinion poll, it is kind of common sense—indicates that the people of America are ardent, enthusiastic, just about unanimous in their support of this legislation.

I am greatly encouraged that the leadership of this new Congress have placed this bill at the forefront of our business for the opening days of this session. This is a measure that passed the House overwhelmingly on a bipartisan basis last year and was stopped from coming up here at the closing day of the 103d Congress on a procedural objection, an unusually and rarely used procedural objection.

But the mood is different this year. I think passing this bill will show that we have collectively realized that Congress simply cannot continue to do its business as usual and we can no longer live above the law. It is not just that the public will not stand for it, they should not stand for it, and we should not stand for this kind of double standard. It undercuts the basic trust that is a precondition of our democracy, the trust that has to exist between those who are privileged to serve and govern and those who are governed, those who send us here to represent them.

Mr. President, we are going to pass this bill with strong enforcement, including the right for claims to be heard in court, not just because it has symbolic value but because it is right. By passing this bill, we demonstrate a commitment to the principles that are in all the laws that we have applied to the private sector.

At the end of June 1994, the Senate Governmental Affairs Committee, which I am privileged to serve on, held a hearing on this subject and took a close look at all the issues involved. The committee realized that there is a complex problem that requires well-considered solutions, particularly to the general problem of uneven coverage.

So we went ahead, Senator GRASSLEY and I, Senator GLENN and other members of the Governmental Affairs Committee, and worked on some ways to solve these problems. Since then, this group, and others, has done everything
possible to address the tough legal and constitutional issues in a way that is fair to our employees. It forces us to live in the real world according to the real law but also has some respect for the special constitutional status of the legislative branch.

The bill that we are considering today is a direct response to a Senate majority vote last September. I think this bill remains true to virtually all the defining principles and provisions found in H.R. 4822, which is a measure we are considering establishes an independent office to function as a legislative branch equivalent of the executive enforcement agencies.

Substituting this independent agency for the administrative agencies, I think, responds to a genuine argument, which is separation of powers and, in another sense, ends Congress’ ability to sit or hide behind the separation of powers argument as an excuse for inaction.

We have dealt with that argument. We have solved that problem. There is no longer that constitutional excuse or argument for inaction.

Some of the strongest arguments that were made against this measure can also be put to bed now. At times opponents claimed it would cost billions to implement and even require the construction of new office buildings by Congress. But the testimony that the committee received and as well as CBO’s analysis of the committee-reported bill showed that such fears are not well founded. There is no new OSHA space requirement for offices, projecting the impact of the provisions of this bill. Indeed, the Architect of the Capitol and the Congressional Budget Office have anticipated little, if any, additional expense for OSHA compliance.

Mr. President, passage of this legislation will really go a long way, or at least get us a long way. The outset of the 104th Congress take the large first step in the direction of restoring the public’s trust in this institution.

The history of this and companion legislation is interesting. As I looked back at the record, 1938 was the first time that Congress exempted itself from coverage under a relevant Federal employment law when it passed the Fair Labor Standards Act. Congressional staff and other Federal employees of the Senate partial coverage under the Civil Rights Act of 1964, the Age Discrimination and Employment Act of 1967, and the Americans with Disabilities Act of 1990. GERA created this Office of Fair Employment Practices, and an administrative complaint process administered by the office designed to fill the roles of the Federal district courts as set forth in the statutes in question. It also provided Senate employees with a review of their decisions in the Court of Appeals for the Federal Circuit.

Mr. President, Members of Congress are still faced with the fact that there is more to do, and that is what the legislation before us intends to do. Private sector employers are particularly and understandably angry and aggrieved by the knowledge that Congress does not subject itself to the most demanding legal and regulatory burdens that Congress imposes on them, particularly the small business community.

Congressional exemption from Federal employment laws is not just a simple act of symbolic or equity. Though it is a matter of equity. It has the power, not just a matter of symbolism. It is not even just a matter of equity, though it is a matter of equity. This is kind of a reverse of the golden rule. In Federal law, the court will never say let us do unto ourselves as we have done unto others. But beyond those principles, there is a real problem out there and that is the rights of those who work for us, for the Congress.

The Architect of the Capitol, for instance, which has no independent enforcement of its OSHA program, is plagued by one of the highest worker compensation claim rates of all the Federal agencies. Employees of the Senate exempted from the Fair Labor Standards Act have no guaranteed means of securing financial or other compensation for overtime. No employee of the House of Representatives or the Senate force and its right to equal protection under the law. This is not just a matter of symbolism. It is not even just a matter of equity, though it is a matter of equity. This is kind of a reverse of the golden rule.

Buckley versus Valeo, a 1975 case, is more to do, and that is what the legislative, executive and judicial departments ought to be separate and distinct.

And they went on to say that it was a demonstration of Montesquieu’s meaning when he wrote: ‘When the legislative and executive powers are united in the same person or body, there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute these tyrannical measures without check from other branches.’

In other words, the separation of powers principle was to preclude any branch of the Federal Government from seizing a degree of power that could be used against another branch of the Government or the citizenry in a tyrannical fashion without check from the other branch.

But this was affected by another view of Madison which goes right to the point of this legislation, writing in Federalist 47 that the separation of powers principle was designed to insulate one branch of the Government or its servants from the rule of law. In other words, each branch was to be strong and independent, to resist a centralization of power. But that did not mean that anyone branch of the Government of its servants should be above the law or exempted from the law. And in Federalist 57, Madison wrote the Congress can make no law 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 deemed—and I am continuing with my words—‘one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them the communion of interest and sympathy of sentiments, of which few governments have furnished examples but without which every government denigrates into tyranny. If it be asked what is to restrain the Congress from making legal discriminations in favor of themselves and a particular class of society, I answer,’ Madison said, ‘the genius of the whole system. The nature much just and constitutional laws. And above all the vigilant and manly spirit which actuates the
people of America, a spirit which nourishes freedom and in return is nourished by it. If this spirit is ever so far debased as to tolerate a law not obligatory on the legislature as well as on the people,” Madison wrote, “the people will be prepared to tolerate anything but liberty.”

Powerful words from one of the great founders and framers of our country. I think they speak to us today because history has taken us in a direction that he feared but did not believe would occur. And it is that drift that brings us to support this legislation so that Members of Congress and the institution will not be above and separate from the law.

Mr. President, a final point, if I may, on the question of cost. Because this new bill was just introduced yesterday, there clearly has not been time to receive a cost estimate from the Congressional Budget Office. Yet I would suggest to my colleagues that it is fair and reasonable to draw some pretty firm conclusions from the CBO estimate of the bill reported by the Governmental Affairs Committee last September because this measure is so similar to that measure. We also received a cost estimate from CBO on last year’s House-passed version of the bill, which would have been, even less than the CBO estimate. I think we also have to consider the effect of the legislation so that Members of Congress and the institution will not be above and separate from the law.

Mr. President, a final point, if I may, on the question of cost. Because this new bill was just introduced yesterday, there clearly has not been time to receive a cost estimate from the Congressional Budget Office. Yet I would suggest to my colleagues that it is fair and reasonable to draw some pretty firm conclusions from the CBO estimate of the bill reported by the Governmental Affairs Committee last September because this measure is so similar to that measure. We also received a cost estimate from CBO on last year’s House-passed version of the bill, which would have been, even less than the CBO estimate. I think we also have to consider the presence of my friend and colleague from Alaska here—the full text of my speech be printed in the RECORD as read.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I intend to support this bill because I support a continuation of our efforts to bring Congress under the same laws that apply to the private sector. But I have some serious reservations about this proposal. Contrary to what my friend from Connecticut has just said, I think that the estimates for the cost of this measure are conservative.

Next week we are going to consider a bill to ban unfunded mandates on States and local governments. Today, we are considering a bill to create an unfunded mandate for Congress to be paid for.

The Rules Committee is already in the process of cutting 15 percent from the budgets of every committee in the Senate. We have been asked to cut $200 million from the congressional budget. And I have not heard anyone suggest where we are going to get the money we need to pay for this bill, in light of these cuts that we already face. And, contrary to what you have just heard and what many people believe, I believe complying with these laws will be about $5 million over the five years. And it does not include the cost of damage awards and attorneys’ fees. But don’t forget, the taxpayers must pay these costs.

We are trying to apply the same laws to Congress that apply to the private sector. But again I say to the Senate, if it will cost so little to apply them to the Congress, why is the American public in the private sector complaining so loudly? The estimates we are getting are just a lot of other estimates we get from the Congressional Budget Office, in my opinion. And we are going to keep track of them for the Senate. That is why I am here now. I want to make the commitment to the Senate. We are going to watch the costs under this bill. We are going to report them every year. And I am going to ask the Senator to take action to modify some of these laws for both the private sector and the Congress when I show what it really costs the Congress to comply with these laws.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll. Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise in strong support for the Congressional Accountability Act. I really cannot believe that we are debating this issue as if it is something we might or might not do in light of what happened on November 8. It is this kind of reform which will help restore Congress as the truly representative body it was intended to be.

The fact that Congress has routinely exempted itself from laws and regulations which affect virtually every other person, business, and organization in the land says volumes about the arrogance of power, about the insulation of Washington from the real world, about the gulf which has come to exist between the people and those who are elected to represent them—
The Congressional Accountability Act is closely related to several of the other things that were discussed in the Contract With America, such things as overburdened regulations, such things as term limitations.

You know, many of us in Congress have our own stories that we can tell from back in the real world. I was, among other things, a developer. I can remember one time, in order to get down on the coast for a six-story development, a dock permit, I had to check with 26 Federal and State agencies in order to get that permit. It could have just as well been done with one.

And again lies one of the better arguments for term limits. The fact if you have people who are out in the real world and know what the tough regulations are and what they do to your competitiveness, then they would not behave the way they do.

I understand that earlier today our colleague from Iowa told the story about George McGovern. And I remember that so well, because I was there when the statement was made that after a lifetime in public service he had this dream to fulfill and that dream and build that hotel. I guess it was just as well done with one.

Mr. President, to take another example. We ought to recall the very illusory experience that one of my colleagues, Mr. Feingold, from Wisconsin, has had to paraphrase him. But the exact quote was given by the Senator from Iowa this morning, the thrust of which is, If I had known how tough it was in the real world, I would have voted differently when I was in the U.S. Senate.

Mr. President, to take another example. We ought to recall the very illustrative experience that one of my colleagues from the other body, Representative John Boehner, experienced, where he invited an inspector from the Occupational Safety and Health Administration, to come in and look at his three-room office that he had there in the, I believe it was, Cannon Office Building. When they did, they found six safety violations, including a lack of an evacuation plan.

Mr. President, I urge my colleagues to vote in favor of this measure.

I yield the floor.

Mr. WELSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELSTONE. Thank you, Mr. President.

Mr. President, first of all, let me thank my colleagues, Senator Grassley, Senator Glenn, Senator Lieberman, and others, for their fine work on this piece of legislation.

I know that my colleagues on the other side of the aisle—and I assume that includes you, Mr. President, are going to be caucusing at 3:15. And I certainly will not take more than 10 minutes, if that.

Mr. President, a little later on, it would be my honor to be on the floor with an amendment with Senator Levin, and, I am sure, Senator Feingold, Senator Lautenberg, I know the minority leader also feels very strongly about this. I think it will be a very important amendment when we do have the debate on this amendment before the Senate.

This amendment deals with lobbying disclosure, but with a special focus on the gift ban. This is a piece of legislation that probably Senator Levin and Senator Cohen, among others, have exerted tremendous leadership on.

Well, I think from the point of view of the right thing to do, and that is what Senator Glenn has focused on, this piece of legislation is extremely important. But, Mr. President, if we are going to talk about congressional accountability, I think that we can do much better.

And again lies one of the better arguments for term limits. If I had known how tough it was in the real world and know what the tough regulations are and what they do to your competitiveness, then they would not behave the way they do.

Mr. President, my colleagues talked about what they have heard back home from the people they represent in their different States. I can just tell you that in the cafes in Minnesota, there just is not even any debate about the following proposition. And the following proposition is as follows: It is just simply wrong for Senators to be receiving gifts in the form of paid trips for recreation or meals or tickets to athletic games, or whatever the case, from lobbyists and others.

Mr. President, to the 99.99 percent of people in the country, it is wrong because this, to them, represents a process where people attempt to buy access, to buy influence. Though I am not talking about the individual wrongdoing of any Senator, because I do not think that that is the issue and I would certainly hope that there is very little of that, but, if one of best of all worlds none of that, the fact of the matter is that this amendment which, in part, deals with ending these gifts, the giving of these gifts and the taking of these gifts, is an amendment that has everything in the world to do with accountability.

Mr. President, we can do a lot of things to change the political culture here in Washington. We can do a lot of things to make this political process more open and more honest and more accountable. We can do a lot of things to rebuild the trust of people in this political process. But, Mr. President, I just will tell you, and I would say this to my colleagues as well, that cutting committees or cutting some staff may be something that may be something that we can do. Certainly, the focus on living by the same workplace rules is a huge step in the right direction. But if we are serious about making this process more accountable and more open and more
honest and a process that the people can more believe in, then there is not one reason in the world why Senators, on this bill, would not want to make us accountable. It is called the Congressional Accountability Act.

One of the ways we can be accountable to the people we represent is to say the certain truth—that we are not going to be at the receiving end of these gifts. We are not going to take them, not because necessarily taking these gifts that are sometimes lavished upon us has anything to do with corruption, but rather because we know it does not look good, we know Senators do not need it, and we know people want to have trust in this process. We will simply say to them by passing this amendment that, indeed, we agree with the people we represent on this question.

Mr. President, one of the interesting things about this amendment, of course, is that toward the very end of the very end, indeed, the very end of the last Congress, while there was some disagreement about some features of the lobby disclosure gift ban bill—and I want to focus just on the gift ban part, because that is what I have been working on for seven or eight years—toward the very end of the session, I believe that the majority leader, along with 36 or 37 of his colleagues, came out on the floor, supporting the gift ban provision. So there is strong bipartisan support. I have somewhere in my view the names of every Senator who supports that gift ban, Democrats and also Republicans.

So from my point of view, it is the beginning of the session. I do not think it is just my point of view, but I think it will be the point of view of colleagues on both sides of the aisle because it is the collective point of view of people within our country that if we are going to start to get serious about accountability, the whole mix of money and politics is another part of the equation, and I do look forward to that discussion and that debate and those amendments when that happens on the floor of the Senate, as well.

But, again, Mr. President, I do not want to take up any more time. I understand that my colleagues are going to be maybe breaking for conference, at least on the other side, and if other Senators want to speak right now, I will be glad to simply be done.

So, Mr. President, I conclude my remarks for now. I see other Senators on the floor. I hope I did not take too much time. I wanted to alert Senators that this amendment will be coming up.

The PRESIDING OFFICER (Mr. HELMS). The Senator from New Hampshire.

Mr. SMITH. Mr. President, I thank the Senator from Minnesota. I realize there is a conference pending at approximately 3:15. I would like to have my views heard on this very important piece of legislation which I strongly support.

I want to congratulate Senator GRASSLEY on the fine job he has done in his leadership on this issue. I am in very strong support of S. 2, the Congressional Accountability Act of 1995.

Mr. President, I am pleased that the Senate is now addressing itself to this issue, finally. It is a very important matter, assuring that Congress obeys the same laws by which it requires the rest of the Nation to abide. That is certainly not an unreasonable approach to take, I think.

It is the issue in which I have long been interested, and I am pleased to have served with Senator GRASSLEY on the Senate Republican working group that developed the proposal that is now embodied as S. 2.

Mr. President, as we are all aware that public opinion polls, whether we like it or not, consistently report that the American people hold Congress as an institution in very low regard. The people's lack of esteem for Congress is based in large part on the perception that Congress is an arrogant and imperious body that has placed itself above the law. We should not be doing things to enhance that perception. It should be the opposite.

Unfortunately, in modern times at least, this perception has been well grounded in reality. For decades, Congress has routinely—routinely—exempted itself from a wide range of laws governing such matters as civil rights, employment discrimination, sexual harassment, workplace safety, and on and on and on.

In a very real sense, then, Congress indeed has placed itself above the law. That distinctly was not what the Founding Fathers of our great Nation intended. They have been amply quoted here, and there is the possibility of repetition; I would like to quote a couple of more times. In Federalist No. 57, Madison assured the American people that Congress would not abuse its lawmaking power because "it can make no law which will not have its full operation on themselves and their friends."

So Madison was very clear about that. Later, as a Member of the first Congress, Mr. Madison spoke with the floor of the House of Representatives about the important principle that all laws should be made to operate as much on the lawmakers as upon the people:

"It is amazing when you go back and read the words of these founders, Mr. President. They were so brilliant, and so many times we walk away from their logic. It is interesting to hear contemporaries interpret their words almost 180 degrees differently from what they intended when the Founders wrote them.

Mr. President, Madison was not alone in articulating this principle that Congress should not be above the law, but rather under it. And in his manual of parliamentary practice, Thomas J. Jeff-erson, another pretty well-known founder, noted that the "frames of our Constitution took care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation."

Sadly, however, all too often the Congress has seen fit to ignore the solemn principle that those two great founders, Madison and Jefferson, so clearly enunciated.

In recent years, mounting public pressure for change has hastened a movement toward reform with respect to congressional coverage, and in response to that call for change in the 103d Congress, I, among others, introduced legislation to deal with it. Mine was S. 579, the Equity for Congress Act.

The principal difference between the bill that I introduced, the Equity for Congress Act and the other congressional coverage bills in the last Congress, is that the bill I introduced would have kept the Congress out of the business of policing itself with respect to its compliance with the laws that my bill would have made applicable to the legislative branch.

So under the bill that I introduced, there would have been no office of compliance created within the legislative branch. Moreover, the executive and judicial branches would have enforced the laws with respect to Congress in the same manner in which it has done in the private sector.

But I still believe the approach to enforcement taken under the Equity for Congress Act in the last Congress is...
Mr. President, I believe that it is imperative that we should move forward with taking this important step toward restoring the confidence and the trust of the American people in their Congress. Acting promptly to place the Congress under the same laws by which it expects the rest of society to abide will send a powerful message to the American people that we got the message. We got the message that the reign of an arrogant and imperial Congress is over. By moving expeditiously, we in the Congress can send that clear and unmistakable message to the American people that we are committed to true and honest reform.

Finally, Mr. President, I believe that S. 2 has another equally important purpose. Beyond moving to restore the confidence of the American people in their Congress, I believe the enactment of the Congressional Accountability Act will help us to make better laws. If we have to live under the laws we make, we will make better laws. Some say we ought to make a lot less laws, and I totally agree. Others say we ought to repeal one for every one we make, but learning firsthand what effects the laws that are passed have on those to whom the law applies will give Congress a unique and invaluable way in which to learn by experience what is wrong with those laws.

Moreover, living under those laws will give Congress a powerful disincentive. It will think twice before passing laws which it would not want to live under.

So I am hopeful, in conclusion, that one spinoff from this excellent piece of legislation will be that we may look at some of these laws that are so onerous on the American people and on many businesses throughout the country and change some of them, as well, when we realize how bad they really are.

I thank you, Mr. President. I thank the Senator from Iowa for his courtesy, and I yield the floor.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. The able Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to add Senator HUTCHISON as a cosponsor. The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. GRASSLEY. Mr. President, this request is from the floor leader. I ask unanimous consent that the Senate stand in recess from 3:35 p.m. until 4 p.m. today.

There being no objection, at 3:35 p.m., the Senate recessed until 4 p.m.; wherupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HUTCHISON).

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Ms. SNOWE addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. SNOWE. Thank you, Madam President. It is with great pride that I appear today to speak on the floor of the U.S. Senate as Maine’s new Senator, particularly because of the legislation that is before us today on the Congressional Accountability Act.

I want to take this opportunity to congratulate the Senate majority leader for setting this as a high priority in the 104th session of Congress.

In a year when people are talking about change, and looking for more accountability and accomplishments from Congress, there is no more important message that we could send than this: that we will play by the rules, and abide by the laws—and Congress will no longer set itself above the law of the land.

Madam President, this is basic fairness, and I congratulate my colleague from Iowa, as well, for his tireless efforts in bringing this forward.

It was a decade ago, Madam President, when I first testified in support of the principles embodied in this legislation before the Senate today. Ten years ago, I spoke before the House’s Post Office and Civil Service Committee about the need for Congress to treat its employees in the same way we require private businesses to treat their employees.

And I have made the application of our Nation’s laws to this Congress a chief objective since that occasion 10 years ago. The issue then, as now, was fairness. Congress should not live above the law. In both of the last two Congresses, I introduced legislation in the other body to extend coverage for Congressional employees under the Civil Rights Act and the Age Discrimination Act, as well as OSHA.

Last year, I testified before the Joint Committee on the Organization of Congress [JOC], which was established in 1993 to review and improve the legislative process. And last September, I expressed my support for this Chamber’s congressional compliance legislation in a bipartisan letter sent to former majority leader and fellow Mainer George Mitchell, as well as to other Members of this body.

Madam President, I have remained vigilant in working for this legislation because we must show the American people that we are willing to abide by the same laws that we require of them. The elections last November made clear that the American people expect more of Congress—that they want changes in the way this institution does business.

This is one of the most important and necessary pieces of legislation this body will consider in this Congress, and I am proud that it is among the first we will consider this session.

We must support this legislation, not only to heed the wishes of the American people to change Congress, but also to deliver on our promise to do what is right. Congress simply cannot continue to live above the law and call itself a body that is “representative” of the America we live in today.

After all, what kind of message does Congress send to Americans when it sets itself above the law? What kind of message does Congress send to America when it believes it is beholden to different standards? And how can Congress claim to pass laws in the best interest of the American people if Congress refuses to abide by those very same laws.

Madam President, Congress should be the very last institution in America to
Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Madam President, I rise in strong support of the Congressional Accountability Act of 1995. This legislation would apply to the Congress for the first time and regulate Congress only to the rest of society. The Senator from Iowa [Mr. GRASSLEY] deserves extraordinary credit for his long-term commitment to the principles incorporated in this legislation.

Now, we must make the Congress a first-class employer. It is time to restore the public's faith in Congress and the democratic process. That is why passage of this bill is an absolute critical step in giving this Congress and the democratic process the same respect that the American public so clearly wants. Now is the time to demonstrate that we can do so in a bipartisan manner. That, Madam President, no institution should be above the law, especially Congress. And no one should ignore the law, especially Congress. Madam President, I would urge my colleagues to vote for the passage of this very important legislation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.
then they should be addressed directly by those who fashion these laws.

I am simply convinced that Members of Congress who are confronted with the reality of having to comply with the same legal structure as other Americans are likely to be: first, more careful in their craftsmanship in drafting laws; second, more attentive to detail in saying precisely what is meant by the law; third, more concerned about resolving legal issues and definitions within the text of the legislation rather than effectively delegating these duties to unselected and unaccountable Federal judges; and fourth, more conscientious in carefully balancing the costs and benefits of their legislative product.

To have separate classes of Americans, some subject to the law and others exempt from it, is to have a fundamentally inequitable situation, particularly when that line of division is drawn along the lines of legislators and legislators. Also, the incentives in the legislation are skewed in the wrong direction when those who draft the laws do not have to live with the consequences of those laws.

Although I recognize that constitutional considerations—separation of powers—come into play whenever relationships are created between the Congress and enforcement agencies of the executive branch, I do not understand there to be anything in the Constitution which would stand in the way of the immediate legislation. The Congressional Accountability Act attempts to address the concerns about separation of powers by enacting a specific enforcement mechanism unique to this act. Although I do not believe that such a precaution is constitutionally necessary, and would prefer that this special mechanism not have been included, ultimately I do not believe that it undermines the critically important thrust of this legislation.

Madam President, it is imperative that this institution restore to the American people a sense of trust and confidence. Rightly or wrongly, too many Americans have viewed the Congress as increasingly arrogant in their tolerance of double standards of public policy. Passage of this legislation should be revived as a necessary step in reestablishing the proper relationship between our Government and its citizens.

If we are going to ask the American people to make sacrifices as we attempt to restructure our bloated Federal Government, the Congress will need credibility. This legislation can contribute to that credibility. A Congress that promises to be as active and aggressive as the 104th in reforming the way that government does business, there may be no more important legislation than this measure. By reining in the way that government does business, we shall set the example for others to follow.

Because this legislation represents sound public policy, and because its enactment would signal a new sense of relationship between Washington and the rest of the country, I urge its enactment.

Madam President, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes in morning business.

POLICIES THAT ADVANCE STANDARD OF LIVING

Mr. DORGAN. Madam President, thank you very much. In the last day or so, we have Congress making a shift of power, which is really quite a remarkable thing to see in a very successful democracy, the oldest and most successful democracy on this Earth. Power shifts not at the point of a bayonet or not in the track of a tank, but it shifts with one simple act of an American citizen casting a vote.

Because of the vote last November, power shifted in the U.S. Senate and in the U.S. House. It is the way that our system works. There are ebbs and flows over the centuries in political fortunes of political parties, and the American people decided to suggest a change in course and have now done that.

I think it is important not to misunderstand the election. The election did not produce a massive national mandate. Twenty percent of those eligible to vote cast their vote for Republicans, about 39 percent of those eligible voted for Democrats, and 61 percent of those eligible to vote said, "It doesn't matter to us. We're boomers and we're done." Mandate? Not really. A change of direction? In this country, majority rules. The Republicans have won in the legislative races.

Now the question for us is not just how do we serve those who voted—Republicans and Democrats—but how do we get the rest of the American people interested and involved in this process. Democracy must be a participatory activity.

Thomas Jefferson and Ben Franklin and others who sat in that room in Philadelphia a couple hundred years ago and wrote the Constitution, always knew in a representative government there would be just enough people who were willing to work and participate to make this system work. And the storm clouds grow over our democracy largely because not enough people are involved. Over half of the people do not even vote.

The task for us, it seems to me, as Democrats and Republicans, is to find ways to advance the principles that advance the standard of living for every American. If, at the end of the process, we have not advanced policies that improve the lives of the American people, then we will all be judged as failures. Oh, I have people say to me, "Gee, the economy is booming. GDP is up, unemployment is down. Our economy is all revved up and I don't understand why people are upset."

However, in judging the economy, the American people do not spend their evenings reading the dials and gauges that economists study to make determinations about our economy. When they sit down for dinner at night, the question for the American family is: Am I better off? And the answer for 60 percent of the American families is, no, we have less money now than we did 10 years ago and we're working harder. That is the standard by which they judge all of us, in our ability to manage this country's fortunes and its future.

We have massive problems in a whole range of areas, and we have to come up with new approaches to resolve them and respond to them.

UNFUNDED MANDATES

We were talking today about unfunded mandates in the Governmental Affairs Committee. It is an issue on which Republicans and Democrats will demonstrate wide agreement. Do we too easily decide to mandate someone else do something without providing the money? Of course, we do. But, as I said in the committee this morning, trouble runs on a two-way street. We are going to reform our own selves on the trouble of unfunded mandates, and you Governors, mayors, and other local governments who are complaining about it—justifiably so—have to reform the way you do business as well because while you mandate unfunded mandates, you want to hook your hose up to the Federal trough and suck money out in all kinds of schemes and ways, including a bogus phony tax called the provider tax, Medicaid, and I can describe all kinds of schemes in which they want the Federal money, and then they want to complain about the mandates.

We should do something about mandates because it is right and necessary to reduce them. On the other hand, local and State governments have a responsibility to reform the way they do business as well because all of the money ultimately is the taxpayers' money.

Next week, when we bring the unfunded mandates bill to the Senate, I intend to offer an amendment on something that Republicans and Democrats think much about: The metric system.

Did you know there is a Federal mandate in this country to move toward the metric system? There is. Some people say that is just trying to provide
leadership, and that our Government should be a leader in going metric. I do not care how many kilometers it is to the next rest stop when I am driving down the highway, and I do not want some bureaucrat to change the sign that says 65 miles an hour to a sign that says how many kilometers per hour I should drive. They do not need to do it on my account. Do not spend millions of dollars changing signs. I want to know how many miles it is to the next off-and-on ramp. I want to know how many miles it is to the next rest stop. I want to know how many miles it is that I am supposed to drive as a speed limit.

We are building more than 20 houses on Indian reservations in North Dakota to house doctors from IHS. We should not use the metric system in such a project because it increases costs and the time to get things built.

For 3 months, I tried to change that. They want to use the metric system because they say the current rules require it be a metric system construction design and engineering. I am saying, if we are going to go to a grid of mandates, let us get rid of mandates like that. Why on Earth would we want to require the metric system be used on that kind of construction? It makes no sense.

I am pleased to tell the Members of this body that I am going to give us a chance to express bipartisan support on that issue. Incidentally, I have a Republican cosponsor who will join me next week on this issue.

A TAX POLICY THAT EXPORTS AMERICAN JOBS

There are a couple of other issues I am going to be involved in next week. I am going to introduce a bill, again, that I hope this Congress will do something about this time.

We are all concerned about jobs in this country and income. The bottom line answer to the question of whether the standard of living of the American family is improved is this: Does the family have decent jobs that pay a decent income? Do you know, we still have in our Federal Tax Code this perverse incentive that says to somebody, if you have a choice, don’t build your plant in America, don’t keep the plant you have open in America; close the darn thing and move the jobs overseas to a tax haven, manufacture there and then ship back to the United States. We will give you a tax break if you do that.

We have something called deferral, which is deferral of income tax obligation. It occurs in cases where a U.S. business should drive. The fact is, after only 12 months, we now know NAFTA has cost this country jobs, and after the devaluation of the peso we now know that we are left holding the bag.

I hope, I really hope, that we can find a way for all of us to finally get involved in a meaningful real debate about trade and what it means to jobs in this country. Every time some one of us stands up to talk about trade, we are put in two camps. There are the free traders who are big thinkers and they can see over the horizon and have a world view, and then there are the xenophobic, isolationist stooges who do not know anything and want to build a wall around our country.

Debate on that basis is meaningless. However, trade policy is a very important issue for every American family. American trade policies that are fundamentally unfair to this country are creating conditions in which American personal income is pressed down and opportunities are diminishing.

Should we build a wall around America? No, I do not suggest that. Should we have open trade? Yes. But we ought to finally insist on fair trade opportunities and we ought to insist there is an admission price to come into the American economy. And the admission price is you have to pay living wages. You have to have safe workplaces. You have to help take care of your environment.

We have to start standing up for our economic self-interests. If we do not care about American workers, who will? If we do not negotiate on their behalf, who will? Every other country with whom we have negotiated on trade has had negotiators who have worn their jersey that says, “We are for our side.” I want our trade officials wearing our jersey, saying we insist on fair trade for American producers and fair trade for American workers.

Madam President, I appreciate the patience of my colleagues who are waiting to speak, and I yield the floor.
Mr. REID. Will the Chair advise what the parliamentary status of the Senate is at this time?

The PRESIDING OFFICER. The Senate is at the call of the Majority Leader.

Mr. REID. I thank the Chair.

Madam President, I am here today to recognize the good work of a bipartisan legislative task force that is being debated, S. 2. I think it is commendable that it is one of the first items that is being taken up. But I also want to remind the Senate and those people that are listening to the debate on the Senate floor today that the legislative branch appropriations bill of 1992 required the establishment of a bipartisan task force to deal with Senate coverage. That was signed into law, and Senators MITCHELL and DOLE, the majority and minority leaders of the Senate in 1993, appointed Senators REID and STEVENS to cochair this commission and make a report to the Senate leaders about Senate coverage and what could and could not be done.

Madam President, there were weeks of time spent working on a report that was submitted to the majority and minority leaders in October of last year. This report consumed a great deal of staff time for preparation. The Senate staff of the Rules Committee, minority and majority, the Appropriations Committee majority and minority staff, together with significant help from the Congressional Research Service, worked with the American Bar Association to work with us in coming up with this staff report.

I am satisfied that the work done by the task force has helped arrive at a point where we now have this bill. If you look at the task force executive summary, you will find that we were charged according to law with reviewing all existing statutes under which the Senate is covered, reviewing Senate rules to determine whether the Senate is effectively complying with those rules. This is work that could be applied to the Senate and recommending the extent to which and the manner in which these statutes should be applied to the Senate. That was our charge.

We had to recognize, Madam President, that this unique legislative institution established by our Founding Fathers over 200 years ago sets forth certain unusual requirements that we had to be aware of, that the Senate has a special constitutional role; the separation of powers doctrine and Members' immunity for speech or debate under article I, section 6, of the Constitution.

We took all those things into consideration. We had to make sure that under the Constitution by which we are all directed, which we all respect, what we come up with secured the individual liberty of the separate but equal branches of Government, each capable of protecting their independence from outside interference and coercion.

That is an important concept; that we had to make sure the legislative branch of Government maintained independence and was not interfered with by the executive branch of Government. And that is replete through the task force executive summary and the report itself.

I am happy to report, Madam President, that the legislation which was considered on this floor last year and which is now being debated today does a real good job, I believe, of maintaining the independence of the legislative branch of Government. It certainly does an outstanding job of protecting the legislative branch of Government from interference by the executive branch of Government.

I would like to commend the parties who have worked so hard on this legislation over the year or more. I know that the ranking member of the Governmental Affairs Committee, the former chairman of the committee, Senator GLENN, has literally worked on this for years. This is one of the first things that he talked about when he came to the Senate.

Senator GRASSLEY, who is a member of the task force, has been diligent in his efforts to make sure that we are at the point we now are. Senator GRASSLEY participated in the task force. He is very, very, very diligent in what he wanted to accomplish. And I repeat, Madam President, I think this legislation maintains the independence of the legislative branch of Government.

What I fought from the very beginning of the task force and have always complained about here in the Senate is I did not want these laws to be applied to the legislative branch of Government and have the executive branch of Government enforce the laws. That would have taken away our independence. I think that the movers of this legislation have done a good job of maintaining that independence.

I would also like to commend the cochairs of the task force that was created. It was Senator STEVENS and Senator REID. Senator STEVENS is a person who really understands and believes in the integrity of this institution. He wants to maintain the independence of the legislative branch of Government. So working on the task force with him—all of those who have worked with Senator STEVENS know when he believes in something he never holds back an opinion or a feeling that he has. He did not with the task force. We had a number of very heated discussions with Senator STEVENS and his staff. I believe Senator STEVENS of course would have to speak for himself—that the report we came up with is as good as it is because of the input of Senator STEVENS, the cochair.

We had to recognize that the Senate should adopt a resolution which extends to employees of the Senate offices the rights and protections necessary to ensure their health and safety, including fair wages and hours and a workplace free of discrimination. This legislation we worked on last year, and the legislation that is now before this body takes care of that.

Second, the task force believes the current structure of the Senate in which each office is separately administered by an elected Senator, committee officer, or official should be preserved. I believe that is done as best as can be, under the confines of the current law.

The task force believes that the non-legislative instrumentalities in the legislative branch, which would include the Architect of the Capitol, the General Accounting Office, Government Accountability Office, the Library of Congress, Office of Technology Assessment, and the U.S. Botanic Gardens should be covered by the same standards in regard to civil rights, OSHA, and the Fair Labor Standards Act as are executive branch agencies.

So, Madam President, I am here to state that the task force completed its task. I believe we did a good job in reporting our findings to the Senate minority and majority leaders. And I am here to indicate that I support this legislation. I think it is imperfect, but I think certainly it sends a message to the American public that we are willing to have the same laws apply to us that apply to the American business community throughout America.

I would say that we should recognize that this will come with cost. It will cost. The taxpayers will not save money on this one. This will cost the taxpayers more money. But in the long run, perhaps, when we as Members of Congress find out the difficulty of having some of these laws apply to us, maybe in the long run we will be more cautious in applying laws to the American workplace and the American business community.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Madam President, before I call up my amendment, amendment No. 3 that is at the desk, I ask unanimous consent that I be added as a cosponsor to S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator from Michigan yield for a unanimous consent request?

Mr. LEVIN. I will.

Mr. REID. I ask unanimous consent the Senator from Nevada be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3

(Purpose: To provide for the reform of the disclosure of lobbying activities intended to influence the Federal Government and for gift reform)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
proposes an amendment numbered 3. Mr. LEVIN. Madam President, I ask
unanimous consent that reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today’s Record under “Amend-
ments Submitted.”)

Mr. LEVIN. Madam President, this amendment is cosponsored by Senators
WELLSTONE, MCCAIN, GLENN, FEINGOLD, and LAUTENBERG. This amendment
would do two things. First, it would express the sense of the Senate that we
should pass a bill reforming our lobbying registration and disclosure laws as
soon as possible this year. Second, it would add to the bill before us the
tough new congressional gift rules that were included in last year’s conference
report on gift reform and lobby reform, a conference report that was not voted
on for reasons related to the gift ban which would be added by this
amendment.

I offer this amendment because the bill before us is not the only unfinished
business from the last Congress with regard to congressional accoun-
tability. The bill before us, S. 2, is a good measure which had wide biparti-
san support in the last Congress and it has obvious bipartisan support in this
Congress. But it is hard to see how we can pass it if we have made the Con-
gress accountable when we continue to allow special interests to pay for free
recreational travel, free golf tournaments, free dinners, free football,
basketball, and concert tickets, and on and on.

Like the Congressional Accountability Act itself that is before us, S. 2, this
lobbying disclosure and gift reform bill was almost enacted last year. Clo-
ture fell a few votes short, for reasons unrelated to the gift ban, in the final
days of the Congress. Speaker Gingrich’s Contract With America fails to
take on the three toughest political re-
form issues facing us: Campaign fi-
nance reform, lobbying reform, and re-
form of congressional gift rules. Those measures the Congress measure cosponsored
with the House Members included back-to-
back charity tournaments during the con-
gressional recess last August and a con-
fERENCE report on Senate bill 1935 which contained the
gift reforms passed the Senate last
year on a 95-to-4 vote. When the con-
fERENCE report on Senate bill 349 was
brought to the Senate floor, Repub-
lican leadership stated in the clearest
and strongest possible terms that they
had no objection to the gift provisions
of the bill and opposed clouture only be-
cause of the concerns about the lobby-
ing disclosure provision. Indeed, on Oc-
tober 6 of last year 38 Republican Sen-
ators cosponsored a resolution to adopt the
tough, new gift rules that were in-
cluded in that conference report. Those
are the rules in the amendment that I
am offering today. Those are the same
rules we will be voting on today or to-
morrow when this amendment is voted
on.

The PRESIDING OFFICER. Without objection, it is so ordered.

For instance, Senator DOLE stated at the
time:

I support the gift ban provisions, no lobby-
ists, no junkets, no entertainment, no travel,
no contribution to the defense funds, no fruit
baskets, no nothing. That is fine with this
Senator, and I doubt many Senators were
taking that in any event.

Senator MCCONNELL stated:

We had a very spirited debate last night about the appropriateness of the rules change
with regard to gifts. I think the Senate
fully understood what we were about to do. I was engaged in that debate as vice chair-
man of the Ethics Committee just pointing out some of the regulatory prob-
lems in the Senate with the proposal. Said a good deal about what was the problem and
pointed out that that is really all that was going on.

And other Republican Senators made similar statements of their commit-
tment to quick enactment of these gift rules, the same rules that are in the
amendment which I am offering this afternoon. So a vast majority of Demo-
crats voted for cloture and Republicans voted against it. If indeed the Senate
had to pass the Senate rules related to gifts to

Madam President, we simply must enact tough, new gift rules if we are
going to ensure the credibility of the Congress and we must not delay it.

There have been reasons to delay this for Congress after Congress. I know we
are going to be urged to go on delay. We simply should not. We just
have to get rid of the junkets, the din-
ers, and the tickets to sporting events and concerts which are supplied by spe-
cial interests. The public is disgusted by them, and we do not need them.

Just as one example, this is a Wash-
ington Post article of last June:

Lawmakers reveal that travel is still a fre-
quent gift of lobbyists. House Members kept up their flying ways on the tab of lobbyists
and other private interests last year even as
Congress moved to impose new restrictions
on what critics denounced as free vacations
often in fancy resorts. Destinations popular
among the House Members included back-to-
back charity tournaments during the con-
gressional recess last August and a con-
fERENCE at the Tobacco Institute in Palm
Springs.

Then it goes on to say the Senate
version would have ended it, and
the gift rules that we have before us in
my amendment would end it as well.

The Post goes on:

The public interest groups have criticized the recreational trips. “Ultimately the prob-
lem is that it is another avenue which inter-
est groups, corporations, and labor unions
use to try to influence how Members of Con-
gress will act.” Josh Goldstein, of the Center
for Responsive Politics, told the Associated
Press. The ability to take the Congress to a
nice locale, have them give a little talk but
especially give them a 3 or 4-day vacation
where you were their constant companion which inter-
est groups, corporations, labor unions and trade unions use to try to influence how Members of Congress will act.” Josh Goldstein, of the Center for Responsive Politics, told the Associated
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That is the kind of article we are going to continue to face until we adopt a tough, new gift ban. Some are going to be reluctant to make this change. As a matter of fact, the New Republican Speaker of the House was quoted in Congress Daily on October 21 as saying that he did not see any reason for the current gift restrictions. Congress Daily reported that Speaker Gingrich, then Congressman Gingrich, told Congress Daily that he supported the system already in place and quoted him as saying, “I do not see any reason to change,” quoting then Congressman Gingrich.

But in contrast to what Speaker Gingrich said last year we have the Senate Republican leadership, a vast majority of Republicans in the Senate, a vast majority of Democrats in the Senate, who last October said they wanted to adopt these new tough gift rules which are in the amendment which I am offering today. These are the same rules that a majority of both parties just last October said they wanted to adopt.

So the contrast between what the majority of us on both sides of the aisle said we wanted to do and what Speaker Gingrich said he was satisfied with last October is a very stark contrast indeed.

(Mr. BENNETT assumed the chair.)

Mr. LEVIN. Mr. President, as I said earlier, the lobbying reform issue, the lobbying disclosure portion of that conference report is not incorporated in this amendment that we will be voting on.

That issue, lobbying disclosure, lobbying registration reform, would be left for later this year. It is not part of this amendment. There were substantive issues that were raised relative to the lobbying disclosure portion of that conference report. Even again, although I did not agree with those issues, we do not attempt to incorporate the language of lobbying disclosure, lobbying registration reform.

We have tried for 40 years, and I hope we will continue to try this year. It is the sense-of-the-Senate language in this amendment that we try to reform those laws this year. But since substantive issues were raised about that amendment, that language reforming the lobbying disclosure and registration laws is not incorporated in the amendment that I now offer. What is incorporated is the gift ban, and it is incorporated in a manner that is not incorporated in this conference report came before us, a majority—a large majority—of both parties, last October, said they favored adopting these tough new rules, the same rules that are in the amendment that is now pending before this Senate.

Mr. President, this amendment would put an end to business as usual. It would put an end to the so-called recreational trips for Members, the so-called charitable golf, tennis, and skiing trips that would put an end to the meals paid for by lobbyists. But the tickets to the football games and other events paid for by lobbyists, under the current congressional gift rules—Members and staff are free to accept gifts of less than $250 from anybody, including the lobbying firms. Gifts under $100 do not even count. We are free to accept an unlimited number of gifts of less than $100 in value. That can be football tickets, theater tickets, anything you can think of. If it is worth less than $250 we can take any of them as we want and do not have to disclose it. Those are the current gift rules. There is no limit on meals. It does not matter who pays for it, what the tab is, we can take it. Congressional travel under current gift rules is not subject to the rules—Members and staff are free to travel to recreational events such as golf and ski tournaments at private expense, even at the expense of a trade or lobbyist group.

According to one estimate, private interests provide almost 4,000 free trips to Members of Congress every 2 years, an average of almost nine trips per Member of Congress. If we continue that and delay the resolution of this, it is just a continuation of business as usual. It is not acceptable.

The American people want a change here. But three big parts of the change are unaddressed in the Gingrich contract—the hardest parts: Gifts to us, lobbying disclosure and registration, and campaign finance reform. In two of the three of those cases there are significant substantive issues which are still pending, which have been raised and are unresolved. But in this one, the gift ban, given what was stated last October by the leadership in the Senate on both sides of the aisle, and by a vast majority of Democrats and Republicans, that they are ready to adopt these rules that are in this amendment, we have no justification to delay this any longer. The votes were not unanimous when we passed the bill adopting the new gift ban, but they were a very large majority of both sides of the aisle.

When this bill was on the floor last year, we heard a lot of talk about how shrinking congressional gift limits would shut down the Keno Center and put restaurant employees out of work throughout the Washington area. What a horrible indictment of Congress that would be if it were true. Can it really be that we accept so many free meals and tickets that entire industries in the Washington area are dependent on us continuing to take these gifts? That seems inconceivable to me, but that is what the opponents of the measure said last year.

The basic premise of S. 2, the bill before us, is that we start living under the same rules as other Americans. Average citizens do not have trade groups and corporations offering them free trips to resorts, treating them to fancy restaurants or giving them tickets—not average citizens. But we have a higher responsibility. In any event, than does the average citizen, because we have the responsibility to ensure public confidence in this institution, and that is the issue.

The issue is public confidence in this institution and whether or not when we see these free trips, these recreational trips, and when we are given tickets by special interests and lobbyists to concerts and to sporting events, and when we are taken out to meals by special interests and lobbyists, whether or not that is the perception of this body, we then believe that the public will have confidence in this institution. One of the reasons it does is because they have seen too much of that. They want us to act in the public interest, and that is why the American people want special interest influence. That perception is very difficult to achieve when rules allow the kinds of gifts which our current rules do from lobbyists and from others with interest in legislation.

Finally, Mr. President, the most recent public opinion poll that I have seen asked the following question of the American public: “Who do you think really controls the Federal Government in Washington?”—and they were given a number of options in their survey.

“Who do you think really controls the Federal Government, the President, the Congress, or lobbyists and special interests?” Fifty percent of the American people said that lobbyists and special interests control the Federal Government. Fifty percent. Twenty-two percent said the Congress—both Democrats and Republicans. Seven percent said the President.

We have to change that. I think we are on our way to changing it. I think we will put us more closely under the same laws as everybody else. This amendment contains rules which a vast majority of both sides of the aisle said they supported just last October, and I believe the public is going to take the claims of reform seriously until we do the tough things—the gift ban, the campaign finance reform, and the lobbying registration and disclosure reform. That closes loopholes which have been so egregious for so many decades.

I thank the cosponsors, Senator Wellstone, Senator Lautenberg, Senator Feingold, Senator Glenn, and Senator McCaskill, for their continuing energy and their continuing support. This amendment is the product of the work of many, many people on both
sides of the aisle, and it is time now to adopt these changes in our gift rules. I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

Mr. WELLSTONE. If my colleague from Michigan from time to time now, I would be willing to follow him.

Mr. COHEN. I will take 5 minutes.

Mr. WELLSTONE. I ask unanimous consent that I might follow the Senator from Maine.

The PRESIDING OFFICER. Without objection, consent is granted.

The Senator from Maine [Mr. COHEN] is recognized.

Mr. COHEN. Mr. President, first let me commend the Senator from Michigan. He and I have worked on the Governmental Affairs Committee, and the oversight subcommittee, since coming to the Senate in 1979. I regard him as one of the truly dedicated individuals in reforming our system both here and in the executive branch. I have the very highest regard for him, and I cannot think of anyone in terms of the work ethic that he demonstrates day in and day out on the issues that we deal with.

I have been an original co-sponsor with the Senator from Michigan on both the lobby disclosure and the gift ban bill.

And I might point out historically what has taken place. Initially, we took up the issue of lobby disclosure because we realized that the current laws governing lobbyists are a mess. The laws are so ambiguous, so riddled with exceptions, so unclear that only a very few of the many thousands of lobbyists in this city even bother to register.

In fact, many who register feel they are doing so at their peril, that it is unnecessary for them to do so; they have insufficient standards and guidelines. They realize that there is very little, if any, enforcement. I am aware of any penalty ever having been levied. But we felt at the time that the public was genuinely concerned about fundamental questions, very simple questions. Who is paying how much money to whom, to do what? Those were the simple questions we think are on the minds of the American people.

So I joined with the Senator from Michigan in sponsoring the lobby disclosure measure, only to find out that after we had introduced the measure, after it had come out of the committee and was on the floor, it was editorially attacked, as I recall, in one of the leading newspapers of this country, saying what a gross oversight on the part of the Senator from Michigan and the Governmental Affairs Committee that they did not deal with the gift ban issue.

It was not our intent at that time to link lobbying disclosure with the gift ban issue. We were not ignoring the gift ban issue. We simply felt lobby disclosure was an appropriate subject matter for us to devote our energies to and to make recommendations. And, frankly, we felt that at the time that we had a comprehensive agreement.

We found that most of the lobbyists who came in and testified actually welcomed a clarification of the existing laws. We took hours and hours of testimony. In thought I actually felt we were making a very constructive proposal to all of them so they know there is one set of rules, not one for those who lobby for foreign firms or countries, not one for domestic interests here at home, but one set of rules and very clearly stated. We thought that was in the best interest certainly of the country, and also the lobbyists themselves.

Then the gift ban proposal was raised at the last moment and it was implied from Michigan that Michigan did not want to deal with the gift ban issue. At that point, we decided to hold additional hearings solely on the gift ban issue. We tried to put together legislation addressing both the ban on gifts to Members as well as the lobby disclosure. That is how the two originally were linked.

As the Senator from Michigan indicated, he has now delinked these issues, calling for a sense-of-the-Senate resolution to take up lobbying disclosure later and to deal only with the gift ban issue for now.

I take issue only with one statement the Senator from Michigan has made. He said if we fail to act today, this is a copout.

I would like to indicate to my friend and colleague, with whom I have worked all of these years, that I do not intend to cop out on anything during the course of this year. In fact, I was one of the few Republicans who stood up and said that the proposals that were made last session, over the objection of many of my fellow Republicans, in going forward with the legislation that we had developed.

But I must say today—and I have indicated this to him privately, and I will do so publicly now—that I will not support attaching this amendment to the bill under consideration, for a very simple reason. I believe that the majority leader deserves the opportunity to work closely and in concert with the House for the first time in the unique situation that both bodies are now controlled by the Republican party to give the Republicans a chance to govern.

As I recall Senator DOLE saying during the campaign in the fall months, “Give us a chance, and if we don’t measure up, if we don’t do the job, throw us out.” Those are pretty straightforward and very tough words. What Senator DOLE is asking for is a chance to say: Let us take this measure up, S. 2; it is not perfect, but it is something that we think we can reach agreement on very quickly with the House, that we may be able to avoid the need for a conference, and pass a bill quickly that will tell the American people we are in fact subjecting ourselves to the laws that we subject them to.

He has also made a pledge to me and to others—and it is a pledge that I will repeat here today for myself: Let me tell my friend from Michigan, in the event that his amendment is not successful, in the event it is tabled, that I will give him an opportunity to bring his measure to the Senate, and members here that I intend to support gift ban legislation. I intend to support lobby disclosure. I intend to give Senator DOLE an opportunity to bring it up in a relatively short time. He has not given me a specific timetable, but I would say within the next couple of months, I expect we will consider this legislation and any amendments that might be offered to it—and I suspect there will be amendments. There are people on this side that still do not agree with provisions that we are enacting.

I will make this representation to my colleagues: That I intend to support the legislation. I will not do so today. I will give the majority leader an opportunity to carry through what he said he wanted to do, and that is a chance to govern. And if we fail to do so properly in the eyes of the American people, throw us out.

So at the appropriate time—and that time to be determined by the majority leader—and it is something that I will continue to watch carefully and work on with my colleague from Michigan—I will join him in offering his legislation. In the event he is unsuccessful in bringing this to a vote today, I will join him and vote for both of these bills in the future.

But today, I am urging my colleagues, as one who is an original co-sponsor of both bills, to give Senator DOLE an opportunity to govern, to see if we cannot pass this legislation as quickly as possible so we can avoid going through a lengthy conference with the House which could in fact derail the momentum that exists for taking swift action on the Congressional Accountability legislation. Give us an opportunity to prove what can be done in a short period of time and then insist that we bring these two measures back to the floor for a vote, at which time I will be joining with my colleagues from Michigan, Minnesota, Wisconsin, and Ohio.

I thank my colleague from Minnesota for yielding.

I yield the floor.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, first of all, let me not talk about this issue in terms of parties, which is I think part of what is now going on before the Senate. Let me talk about this issue as an issue, as an
This amendment meets the germaneous test. This is all about congressional accountability. It is called the Congressional Accountability Act. There is not one word in this Contract With America about lobbying disclosure, about gift ban, or about campaign finance reform.

Last session, at the end of the session, some 37 Republicans voted for exactly the language of this amendment, understanding that Senator Levin has now a sense-of-the-Senate resolution dealing with lobby disclosure: Mr. Dole, Mr. Dole; Mr. Norm Coleman; Mr. Nickles; Mr. Cochran; Mr. McConnell; Mr. Smith; Mr. D'Amato; Mr. Domenici; Mr. Coats; Mr. Lott; Mrs. Hutchison; Mr. Bennett; Mr. Shelby, now Republican; Mr. Gregg; Mr. Coverdell; Mr. Durenberger; Mr. Packwood; Mr. Gorton; Mr. Kempthorne; Mr. Thurmond; Mrs. Kas-barba; Mr. Brown; Mr. Mack; Mr. Warner; Mr. Faircloth; Mr. Gramm; Mr. Hatch; Mr. Burns; Mr. Helms; Mr. McCampbell; Mr. Lugar; Mr. Breaux; Mr. Bond; Mr. Craig; Mr. Roth; Mr. Pressler; Mr. Cohen; and Mr. Chafee. It is the exact same gift ban provision.

Mr. President, for those who voted for it before, why is it not as compelling an issue today? Since this practice goes on—I just read from a story that dealt with the giving of gifts yesterday—why is this not a compelling reform issue today? For those in the Senate who were not here last session but who ran on a very strong reform agenda and said they wanted to change business as usual in Washington, why would you vote no? Why would you vote no? I guess you could make the argument, well, later on we will get to it. The only thing I can say, and I have been hearing that argument ever since I came to the Senate: Delay and delay and delay. Maybe later on, we will get to it.

I can assure you that if we lose the vote today, we will keep pressing on this issue and we will hold everyone accountable. But if an amendment makes sense, if an amendment to a piece of legislation is a part of governing, the Senate is an amendment body. I do not quite understand the argument that we will not take any amendments. I mean, the Senate is an amendment body. That is the way most of us operate as legislators in the Senate. We bring amendments to the floor. This particular amendment, without a doubt, is certainly germane. It is all about accountability. We are being told by some of our colleagues that they will not support the very gift ban that they supported before. Why? Why? Why? Why the delay? Is this all about progress? Is this all about who is running the Senate?

Because, Mr. President, people in the country are the ones who run the Senate. People in the country want to see this reform. People in the country have said over and over and over again, "Nobody comes up to us." My neighbors in Northfield, if they had a chance to talk to Senators, would say: No one comes up to us and says, "Listen, would you like to take a trip, wherever?" Or, "Are you interested in going to some athletic event?" Or, "We would like to take you out to dinner." People do not have lobbyists coming up to them. Regular people do not have lobbyists or other special interests or other folks coming up to them to make an offer. Who are we trying to kid?

This is a real problem, a compelling issue. It is a compelling issue today. There is no reason why any Senator should vote against this. There is a reason on substantive grounds. But it is also overwhelming, backing from almost all of our colleagues on the other side, unless this is just a case of power and prerogative. What a shame that would be. If a good idea comes from this side of the aisle, and it is relevant to an important piece of legislation which deals with congressional accountability, I ask my colleagues, why do you vote against it? How ironic it would be, Mr. President, if on this piece of legislation, called the Congressional Accountability Act, we exempt ourselves from the very rules that the executive branch lives by, which is precisely what this amendment attempts to rectify. Why the delay?

Mr. President, Roll Call, on Monday, October 17, 1994—and I will try to be very careful about numbers—has a very interesting and revealing piece called "How Lobbyists Put Meals, Gifts to Work." This memo, obtained by Roll Call, says one prominent D.C. firm lays out 1994 strategy, including meals, campaign contributions, and participation in leadership races. It is Timothy Burger's piece:

During the protracted debate over new lobbying and gift rules which went down to stunning defeat in the waning days of the 103rd Congress, Members were confronted with reports of new lobbying by Roll Call, says one prominent D.C. firm lays out 1994 strategy, including meals, campaign contributions, and participation in leadership races. It is Timothy Burger's piece:

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Mr. FEINGOLD. Mr. President, let me just say that if we really want to change the political culture in Washington and if we want to talk reform out of one side of our mouth, then we are going to have to act on what we say in terms of how we vote and what we do.

I will just say to my colleagues, as painful as this issue is and as disliked as this reform effort is by some, this is the right thing to do and we can no longer be accepting these gifts and expect people to respect this process, much less respect each and every one of us.

I will have more to say about this, Mr. President, as we get into the thick of the debate, and I assume that we will talk about this because I think it is an extremely important issue that goes to the heart of whether or not the political process in this country is going to work well and is going to be honest and is going to be open and is going to be accountable to citizens.

For now, I will conclude my remarks and yield the floor.

Mr. FEINGOLD. Mr. President, thank you. I certainly appreciate the leadership of the Senator from Michigan and the Senator from Minnesota on this issue. Listing to them talk about this so early in the session gives me hope that we are going to get going on a reform agenda that is so important right away in the 104th Congress.

Let me also say I enjoyed listening to so many new Senators today give their first speeches on this important piece of legislation. Just 2 years ago, I had the honor and pleasure to give such a speech. I just want to take this chance to wish each of the 11 new Senators well, and I look forward to working with them.

Mr. President, as the first week of the 104th Congress, this is also a time when I think it is natural and appropriate for us to try to interpret what the elections were all about on November 8. That is something that all of us have been doing for the last couple of months, trying to draw some lessons from it. Some say the most important thing to do because, of course, we are here to exercise in part our own judgment, but most importantly, we are here to reflect the goals and aspirations of the people who elected us.

So when we come here in the first week, there are a lot of theories about what happened. Some people say this was an election where people just decided they wanted to have the country run by Republicans. That is not a completely irrational interpretation of the elections.

Others would say they want conservatives to run the country rather than liberals. Some just think it is an anti-incumbent feeling, that it is just time to have different people in there, they just want change, maybe they will do the same thing in 2 years.

Others take a look at the elections results and suggest some very specific legislative policies were endorsed by the people, best symbolized by the Republican contract, which I do not happen to think was endorsed by the American people. I am not sure they were aware of it. Certainly, that is one thing people are suggesting—welfare reform, term limits, school prayer. Others say that the people called for a middle-class tax cut. I strongly disagree with that. I do not think the people wanted that at all. But these are among the things being debated, and they are fair grounds for debate.

The one thing I am pretty confident we can all agree with is that the people of this country think that Congress itself needs some reform. We may disagree on the kinds of specific reform, but the one message that I think was loud and clear is that this institution needs some changes before the American people can feel very good about it again. In fact, that is why I am very pleased and I give the new majority a lot of credit for leading with this bill, and I think many Democrats helped initiate the idea of congressional compliance; that we should not be able to live by different rules than the ones we have made for everybody else.

I hold many town meetings back in my home State, and this one is just an observation about them. I constantly say, ‘‘Why in the world don’t you live by the same rules you make for us?’’ Unfortunately, what it is for many people is a feeling that maybe we are being hypocritical by passing these laws and finding some reasons why they should not apply to us but apply to all their employers.

There are other obvious reforms: Revolving door legislation, the frequent flier legislation discussed, I think campaign finance reform is something that almost all Americans realize needs to happen, lobbying disclosure, and the like.

To me and so many of my constituents, one of the most important, easily the most obvious, reform is the reason I rise today, and that is as a cosponsor of the amendment by the Senator from Minnesota, the Senator from New Jersey, the Senator from Ohio and I am delighted to see the Senator from Arizona of the other party joining as a cosponsor on that issue. That issue, the subject of this amendment, is to finally get a gift ban for Members of Congress.

I heard the comment made a lot last year, and even this year, even this week when we know this is a time of reform, that nobody cares about this issue. Some even say the election was so close that this argument goes something like this: ‘‘The Democrats didn’t win and because the Democrats brought this issue forward, it couldn’t have been much of an issue.’’

But as the Senator from Minnesota pointed out very well, at least at one point in the process last year, this was not just a Democratic issue, it was overwhelmingly endorsed by Senators of both parties and overwhelmingly endorsed by the House of Representatives.

In fact, one could also argue that it was the failure to pass the gift ban that hurt the Democrats. I do not think that is fair, but people may have perceived it as an example of the gridlock that they somehow interpreted as having something to do with the Democratic majority.

We know very well that this gift ban was merely a victim, a sacrificial lamb in a mass bill-killing at the end of the session. But who have been one of those factors that led people to want to switch teams, and that is exactly what they did.

There is one thing I am very confident of, and that is if the people of this country knew what happened after the gift ban was killed here in this room and just outside this room, they would have been very, very upset. There was a very loud cheer that rose up in that room out there we call the lobby. The lobbyists cheered very, very loudly because this bill had been killed.

What more symbolizes business as usual in Washington than the loud cheers that came in that hall when this very simple proposition could not pass and it passed overwhelmingly in the U.S. Senate?

So whatever the role this issue played in the election, I firmly believe that the practice of this gift-giving is a significant part of the feeling of the
American people that there is something rotten in Washington. I believe it is that feeling, that there is something rotten in Washington, that had more to do with the results of this election than anything else. I think that is what it was about, and I think that is why this gift ban, although it may look like a little thing, really is part of a much bigger picture. And I think if you get at the more serious issue, and that issue is, do the people have faith in their Government anymore?

It is not much to ask the Senate and the other body to come together to do something. In fact, I have my personal observation, after having held over 100 town meetings in my State over the last 2 years, that people actually feel insulted and disgrusted by the fact that this practice exists. I start talking about it and I cannot even get a sentence out about the practice before the whole crowd breaks out in spontaneous applause at the idea of this gift ban. Believe me, they do not applaud that way for everything I say. This one always elicits a very powerful reaction in that the fact that this practice is permitted in Washington.

Now, maybe that happens in Wisconsin because we are awfully proud that for 20 years we have had this rule in our State legislature, a rule that applied to me for my 10 years as a State senator. It has worked very well. Members of our State senate and the assembly are not even allowed to take a cup of coffee from a lobbyist. It has been no problem for 20 years.

So maybe it is just that. Maybe it is just the people in Wisconsin cannot understand why Washington cannot do it if we can do it. But I think it is more than that. I think it just does not fit with what people believe the Senate should be engaged in.

Mr. President, others say that whatever the public's view may be, this is not a good thing to be talking about; that it is just a form of self-flagellation; that it is trivial. And the more serious Senators say that bringing this up, that it hurts, but it hurts in a situation; that it hurts the Senate to talk about it; that it demeans the Senate.

Mr. President, it is my belief that it is not talking about the gift ban that hurts the Senate. It is the practice of allowing gift giving. It is the spectacle of having to turn on television in prime time and seeing the elaborate portrayals of the tennis and golf tournaments. It is the spectacle of, in our office, having received 800 gifts in the short 2 years that I have been here. Now, our policy does not allow us to keep them, but we have logged them, from a bottle of cognac, to a 6-inch Waterford crystal, to an alarm clock, and recently I am told, although I was back home a Christmas the other night, it is not known if it was for the House as well but certainly for the Senate.

Let us assume for a moment that this is all pure generosity and it is well intended. I think it looks silly. I think it is demeaning to the Senate. It hurts the dignity of the Senate because it does not show us following rules as strictly as the American people believe should be observed by their very highest officials.

But let me just in the last moment, Mr. President, take this one step further. It is my view that even if this is just a bad practice, and if it makes us just look silly, if I did not think this was a bad practice on the merits itself, then I do not think I would have supported this effort to try to attach this to one of the very first pieces of legislation that I do think would be very good, but I do think it is a bad practice. I do think it plays its role in changing the outcome of what happens in this town.

I am afraid, Mr. President, I have reached the conclusion that this gift-giving is part of a closed circle of special interests in this town that does play its role in blocking meaningful change, whether it be trying to bring down the deficit, whether it be trying to achieve health care for all Americans, or whether it be trying to protect our environment.

I will say I respect all my colleagues. I do not think it has anything to do with the value of these gifts. It is because these gifts and this practice is part of a culture of special interest money and influence which includes campaign finance abuses and revolving doors for staff members and Members, and this is a culture that is a barrier between the Members of Congress and the people they represent.

Mr. President, I think it makes the beltway look like more than a road. I think it makes the beltway look like a boundary that too many Americans believe separates America from another country or another province and that would be something they tend to perceive as the kingdom of special-interest influence known as Washington, DC.

Let me just conclude by saying that although there were many moments that troubled me during the debate last week, that is not what I really realize, and that is not what it hurts, and that it hurts to see a situation; that it hurts the Senate to talk about it; that it demeans the Senate.

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Now, if a lot of Washington, DC, restaurants are going to have to turn over the image that means it is an awfully significant practice. And if we have come to that, where something that troubles the American people and offends them is less important than making sure that some restaurants here have enough lobbyists buying meals for Members of Congress, we have really gone too far.

So thank you. If the first week of the 104th Congress I do not think there is any more appropriate amendment than the one we are bringing forward today to this bill, and I again thank my colleagues, especially the Senator from New Hampshire and the Senator from Minnesota, for all their hard work on this issue. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Senator GLENN.

Mr. GLENN. Mr. President, I am very pleased to add my full support for and to be a cosponsor of the amendment. It is based on legislation which, through the efforts of Senator LEVIN and Senator Cohen, and several of us working with them, passed the Governmental Affairs Committee last year which was still on my watch as chairmen. It was on a bipartisan basis. Senator LEVIN and Senator Cohen and myself.

As the saying goes, no more free lunches. I am glad to say this year we expect this may also apply to Members of Congress. For that matter, gone, too, if we pass this amendment, will be the junkets to warm and sunny places to escape the chill of the winter. The senators in Washington. Kiss good-bye to freebie baseball tickets. If they ever play baseball. To play baseball in the major leagues again. It does not look very hopeful at home, but the people in Wisconsin still have hope this may also apply to Members of Congress.

Now, I am afraid, Mr. President, I have reached the conclusion that this gift-giving is part of a culture of special interest money and influence which includes campaign finance abuses and revolving doors for staff members and Members, and this is a culture that is a barrier between the Members of Congress and the people they represent.

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need to buy access. They do not need to do me some favor. They do not need to send gifts into the office in advance. We should let then talk about their particular concerns, or sometimes I have been known even to take some people to lunch myself and pay the bill myself.

The point is we all recognize that in this atmosphere we do not need to play sometimes with what is rationally considered out in the business world. We deal with perceptions of what people think, their view of us, what the general air is around, how you run an office.

I think that is the reality of the situation. This institution which ought to be revered and respected by all Americans has been subjected to scorn and ridicule, part of it because the talk shows or the editorialists or somebody writes about the dinners and the freebies at the tickets and the so on around here as though they really run Washington on that basis. So we have had much scorn and ridicule. We have been depicted as out-of-touch Members, being wined and dined by special interests and caring not for the Nation or our State but only for our own reelection campaigns.

Now I do not happen to believe that is true for 99 percent of the people in the Congress. But the perception, once again, is what we are dealing with.

We certainly deserve much of the blame for allowing this happen. So it is a big step we take today, one which hopefully will show that we are serious about improving this body’s reputation and standing with the public.

Having said this, however, I must confess that in my view these issues are a really a diversion from the true heart of the matter. If we really wanted to attack the notion of special interest access we would be dealing more directly with campaign finance reform. If we want to talk about what would clean up politics across the country it is campaign finance reform more than anything else, not whether we limit $20 lunches or not.

In fact, just to illustrate that, I find it just a bit hypocritical to say that a Member could be bought for a $20 lunch, yet he can sit down with that same lobbyist and ask for a $5,000 PAC contribution and get it. We may have to foot the bill for the lunch but it is a small price to pay for a hefty campaign check. And it just does not make sense to do one without dealing with the other.

I think, really, if we were dealing with this we would be dealing with Federal financing and make some sort of matching funds that would cut down some of the costs of campaigning so we do not have to go out and be dependent upon lobbyists and big contributors across the country for every campaign we run. If we did something like that, provide at least partial Federal financing for campaigns, we would do more to clean up politics than anything else.

Let me also just say I regret we are not considering what I truly believe would be also some guts of this reform and that is lobbying disclosure. We were not even able to take up the conference report on that measure toward the end of the last session. The conference report came back, as we all recall, and even the motion to proceed to it was killed last year. The provision was designed to require lobbying disclosure, and paid by state of origin, to the Federal Government.

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So I support this and want to com-
pliment Senator Levin again. He stuck with this. He has really stuck with it, not just because it is politically good for him. I know because I talked with him. He stuck with it because he believes in it. He thinks it is right and I think it is right too.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kentucky.

Mr. MConnell. Mr. President, I will be extremely brief. I understand there will be a motion to table shortly, if that is completed, I just say that I am pleased that my friend from Michigan has decided not to press the lobbyist disclosure measure at this particular time. As he knows, I have been in discussions with the American Civil Liberties Union about that bill. It seems to this Senator and to the ACLU that in many ways the bill, even in its current incarnation, significantly impairs the ability of citizens in this country to petition Congress, something they have a constitutional right to do. So we need to continue to work on that, and I am pleased that the Senator from Michigan has chosen not to press that here today.

With regard to the gift issue, as we all know the gift issue is a Senate rule. It can be enacted by the Senate alone, whenever the Senate chooses to act. It does not require the concurrence of the House. Back in the fall when we were engaged in a dispute, driven principally by the flags in the lobbying portion, I, along with a number of my colleagues, proposed moving ahead and passing the gift provision, separate and apart from the lobbyist disclosure provisions.

It was the prerogative, of course, of the then majority leader, Senator Mitchell, to bring up the gift matter. My view is that, should he decide to bring up a gift ban proposal. My view is that, should he decide to do that, we will have one that makes sense and revises the current gift rule. We can do that wholly apart from what may or may not be going on in the House because we can do that obviously with our own rule.

Mr. President, it is my view that what is really at issue today is sort of the control issue. We all would like to see the Senate pass, as it has. It seems to Senator that the best way to do that is to pass it as it is without amendment.

Even though I will predict that at some point this year we will pass a gift rule that it will be better than the one currently offered in this amendment, better for the Senate and better for the public; and that today what we ought to do is pass the Congressional Accountability Act, something I think virtually everybody here is in favor of it. It is ready to go. We know the House is interested in receiving our version.

So I hope that whenever a motion to table is made that it would be approved and that we commit to my friend from Michigan to continue to work on this. I think it is likely that it would be approved sometime soon. I believe we can make it even better than the version currently being offered by the Senator from Michigan.

I thank the Chair.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Chair. I will take a few minutes to discuss my point of view on this piece of legislation. I am a cosponsor of the amendment which would prohibit Members of Congress from accepting gifts, travel from lobbyists and others.

Mr. President, if this past election proved anything it is that the American people want change. They want Congress to respond first and foremost to the needs of ordinary citizens, not special interests, not just the wealthy, not just the lobbyists.

I introduced this piece of legislation, something so similar that this is indistinguishable from what I introduced at that time. It was in May of 1993. At that time, Mr. President, there were many of us here, many here on Capitol Hill that did not appreciate the depth of the public's anger. Today I think it is quite obvious that the message was loud and the message was clear. And I think that everybody today understands how the public feels. And it is time, past time, as a matter of fact, to finally translate that anger into action.

Mr. President, I do not believe, and few do, that Members of Congress are selling their votes for the price of a meal or a free trip to the Caribbean. What I believe is that when a lobbyist takes a Senator to dinner that they are only buying a meal. What they are buying is access, and access is power. Ordinary citizens do not have that access. They cannot just take their Senator or this Congress person to a quiet dinner at an expensive restaurant and explain what it is like to be afraid, to be concerned about the future, to be concerned about your job, to be concerned about whether or not your child is going to be able to climb the ladder of success, what it is like to be employed. Certainly they cannot take Members to some remote resort in the Carib-

bean or out in the mountains to discuss their personal tax problem. But meanwhile lobbyists have been doing these things for years. It gives them a distinct edge. The President, when Americans see Members of Congress being wined and dined by lobbyists, they do not like it. They resent it. They believe with that kind of imagery that the deck is stacked against them, and they think it is wrong. They do not respect the system that operates that way.

As I said earlier, I do not stand before my colleagues to criticize anyone or to question anybody's motives. I am not claiming to be particularly holier than thou—but I do think that we need to change the way that we do business. I think that many in the private sector are living under the type of tough standard proposed in this amendment. The occup-

ant of the chair comes from the business community, as do I. As a matter of fact, our paths crossed indirectly in our previous lives. I was a CEO of a major corporation before I came to the Senate, and I know that the distin-

guished Senator from Utah also was head of a significant corporation. In my company we had very strict rules prohibiting purchasing agents from accepting any gifts. I did not think our people were dishonest. But I wanted to make sure that there was no temptation, no seduction on the part of the supplier to get a special advantage. I wanted the products that we bought, the merchandise that our company bought, to be considered strictly on the basis of quality, ability to deliver and the appropriate price, nothing more. Lots of companies have similar rules. If these companies can live with these restrictions, I believe that it is fair to say that we in this body can also.

Mr. President, just a few months ago Republicans in this body and in the House chose to defeat lobbying reform legislation that included a gift ban. At the time, our colleagues believed that they were supporting the gift ban but they were concerned about other provisions in the bill. Others suggested that perhaps the motive was partisan to deny Democrats credit. I am not going
January 5, 1995

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Mr. FORD. Mr. President, I suggest a quorum call be rescinded.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

SENSIBLE VIEWS ON CUBA

Mr. PELL. Mr. President, I would like to bring to the attention of the Senate a very timely and sensible article about Cuba which appeared in the Winter 1994 Newsletter of the Duke Family Association.

The article, entitled Fidel Fading: U.S. Should Play Role in Cuba, was written by Biddle Duke, a journalist working in Santa Fe. He has visited Cuba twice in recent years, most recently last spring, when he served as an aide to two Washington-based public policy groups, the Appeal to Conscience Foundation and the Council of American Ambassadors.

Mr. Duke makes a strong case for modifying United States policy on Cuba. The economic crisis there has become so acute, he says, that it can be used in effect as a lever for normalized relations. He recommends that the United States send humanitarian aid and lift the embargo at least partially.

While offering a hand of conditional friendship we should push for a free and open Cuban society, he concludes with Mr. Duke's views and I ask unanimous consent that his article be printed in the RECORD at this point. There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Duke Family Association, Winter, 1994]

FIDEL FAADING: U.S. SHOULD PLAY ROLE IN CUBA

By Biddle Duke

Everywhere in Cuba one hears and sees the despair. A 24-year old engineer works three days a week as a building supervisor for less than the equivalent of three dollars a month, has two thin meals a day, meat once a week, and spends much of his time hanging out on Havana's waterfront. On Friday in April he is swimming off the rocks with this brother.

"We've got schools and doctors, but what good is that without food or medicine or jobs?" he tell an American visitor in Spain.

In the same breath, he asks, "Can you spare some dollars?"

Then, sardonically, "Viva la revolucion."

Throughout the country, people seem to be waiting for something to happen.

They are a people waking from the dream of communist Cuba's heyday of the 1970s and 80s when Fidel Castro worked the world stage like a master of the game, and his face and his nation became synonymous with third world sovereignty and nationalism; when Cubans fought proudly for working class freedom around the globe.

Says a report from the glorious delusion of Soviet subsidies to the tragic anachronism of present-day Cuba. Cubans are all in something of national pause, standing on...
a cusp of their history, either dazed in the disbelief that their dreams are shattered, or cynical or despondent.

In Cuba’s dire economic crisis there is a tremendous potential force for change. Basic foodstuffs, sugar, oil, gasoline and other necessities are strictly rationed. Transportation is poor and unpredictable. Whole chunks of the nation are regularly hit with blackouts. Infant mortality is up. Suicide is on the rise.

Cubans in exile and those remaining in Cuba are ready to listen and make some steps toward reconciliation. The country is poised for change. And, most importantly, it is vulnerable.

Cuba’s malaise has opened the door for the United States to play a critical role. If we can hold our approach to China, Vietnam and South Africa, we should offer a hand of conditional friendship while still pushing for a free and open Cuban society.

Our national and political conscience dictates that we respond to Cuba’s plight by least encouraging humanitarian aid shipments. And, in doing so, this nation can send a powerful message: Our capitalist democracy works. Despite its many shortcomings, the United States has the medicine and food to spare for many in need, especially Cubans, so close to us historically and culturally.

Encouraging aid should be the Clinton administration’s top priority in making diplomatic overtures to the Cuban people and pushing Fidel and his intransigent Marxist Leninism into obscurity. The administration should encourage the opening process over the embargo which should include a combination of diplomatic overtures and policies to improve communication between Cubans and Americans.

Although Fidel might use U.S. aid to blow a little breath into the dying corpse of his revolution, it’s not the type of press it is easily effective over the long run in spreading the truth about the food and medicine that would be making it into the Cubans’ hands. Already, CNN and other TV stations are capturing by thousands in Cuba by pirate satellite, Radio Marti, out of Florida, offers a daily diet of information from the outside world to Cuban listeners. The message to Cubans from all of these sources would be loud and clear: What you are getting is American goodwill. And if it is not reaching you, blame Fidel.

The powerful message of freedom already is carried via the vibrant but informal links that exist between the 1.2 million American Cubans and their families and friends in Cuba. The administration should encourage this exchange by negotiating for direct postal service and removing obstacles on journalism; the exchange of students, teachers, artists, writers and other professionals; allowing travel to Cuba by American tourists; and permitting U.S. journalists to be stationed there.

Underlying all these proposals should be a request by the administration to begin official diplomatic overtures to Cuba and an agreement to raise the level of the U.S. envoy if Cuba does the same. The ultimate goal would be full diplomatic relations.

The rest, and perhaps most significant elements of the embargo, principally the prohibition of the U.S. investment in Cuba, as well as a prohibition on most commerce, could be ending long term if political conditions in Cuba and the nation’s human rights record improve.

Setting the stage for negotiations would put the United States in command. And what Fidel’s reaction would be. If he balked, Castro would have difficulty explaining to his hungry people why he turned down food assistance. If the U.S. lifted the embargo to most Cubans. If he agreed to a gradual opening of relations, the irrefutable forces of capitalism and social reform, which are already evident, in all likelihood would sweep the nation.

Cubans are proud and patriotic, and Fidel plays on this. As long as the United States is inflexible on the embargo, we remain the imperialists—outsiders, and the revolution, the Cuban struggle to get out from under our thumb, goes on. But if the administration allows aid shipments and sets up a bargaining table, and Fidel does not step up, then I look like a stubborn dinosaur that he is. And something of a hypocrite, since he continually is calling for an end to what he calls the “blockade.”

The administration has taken the least politically taxing course on Cuba, which is to maintain the antagonistic status quo. And that’s unlikely to change until after the 1996 election. In order to carry Florida, many believe Clinton must let the conservative wealthy Cuban American National Foundation dictate Cuban policy, which pushed for the strengthening of the embargo as recently as 1992.

The truth is that many exiled Cubans want the embargo at least partially lifted, enough to help those left on the island through these tough times. And many Americans wonder why the embargo, which was imposed in 1962 by President Kennedy, wasn’t dissolved with the end of the Cold War.

A growing number of conservatives and liberals and some of the nation’s leading newspapers have called for an end to the embargo, saying that it is an antiquated policy that is hurting Cubans, not Fidel’s regime. They argue rightly that Cuba and the United States is a chance that we could offer them some assistance by helping foster a peaceful transition to democracy, which is to maintain the antagonistic status quo.

Interestingly, Fidel is not a complete failure, some of which are already evident, in Cuba, the dreams of almost two generations of Cubans who’ve grown up both in exile and under the delusion of the revolution, could be lifted over the long term if political conditions in Cuba and the nation’s human rights record improve.

There is a chance that we could challenge Cuba’s violent revolution. And there is a chance that we could offer some choices and help, and help them make the right decision.

Biddle Duke has been to Cuba twice, most recently this spring, as an aide to Washington-based public policy groups, the Appeal of Conscience Foundation and the Council of Americas. He’s a journalist working in Santa Fe and is a former reporter for The New Mexican.
political violence and another mass exodus of refugees to Florida. The Cuban Government, which is successfully expanding its political and economic ties with the rest of the world, is unlikely to give in to United States demands. If economic pressure succeeds in encouraging the people to take to the streets, the most likely consequence would be bloodshed. The military remains united behind Castro, the opposition is too weak and the government too repressive for any uprising to be successful.

Mr. President, it is my hope that my colleagues on both sides of the aisle will join officials who served in the Bush, Reagan, Ford, Nixon, and Kennedy administrations as well as the editors of the Wall Street Journal, the Washington Post, the New York Times, USA Today, the Economist, the Journal of Commerce, the Chicago Tribune, and U.S. News & World Report in calling for an overhaul of United States policy toward Cuba and working to promote a peaceful transition to democracy in Cuba.

Let us try the same policies and the same methods that have produced the freedom that has come to Eastern Europe and knocked off the shackles, chains of the Soviet Union.

TRIBUTE TO DEBORAH K. HAUGER

Mr. PELL. Mr. President, I was deeply saddened last month by the death of Deborah Hauger who served as the Latin American advisor to the former chairman of the House Foreign Affairs Committee, Congressman Lee Hamilton. I had the pleasure of meeting Deborah on several occasions and was struck by her intelligence, vibrance, warmth and her deep commitment to doing what was right for United States foreign policy and for the people of Latin America.

I came to know Deborah through my work with Congressman Lee Hamilton to change United States policy toward Cuba. On behalf of myself and Congressman Hamilton, she and a member of my staff traveled to Cuba and reported to us their strong belief that United States policy was counterproductive and contrary to United States national interests. She demonstrated enormous commitment to the Cuba issue in particular, and to promoting democracy and human rights throughout the hemisphere.

She died at the young age of 34 and her death is a great loss to our family, many friends and colleagues, but to the foreign policy of this country, to the people of Latin America and to the U.S. Congress, her death will be mourned. I hope my colleagues will join me in sending my sincere condolences to her family, to Congressman Hamilton and to her colleagues.

Mr. President, I yield the floor.

The PRESIDENT PRO tempore OF THE SENATE from Alaska.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. MURKOWSKI. Mr. President, I would like to call attention to a bit of inconsistency in this amendment, if I may direct a question to one of the managers with regard to the amendment that is pending.

Is it correct that the Senator from Alaska, as he reads the prohibition on gifts, recognized a Senator from being reimbursed for travel or transportation to a charitable event such as the event which for a number of years was sponsored by former Senator Jake Garn of Utah? As my colleagues know, Senator Garn is a stalwart of the Children’s Hospital. I think several hundred thousand dollars were raised for that purpose. As a consequence, transportation was provided to Members as well as lodging.

Under the proposed amendment, would transporation and lodging reimbursement for such a charitable event be precluded? I would be happy to have a response to my question without losing my right.

Mr. LEVIN. Mr. President, if the Senator would allow the Senator from Michigan to respond to that question.

Mr. MURKOWSKI. Surely.

Mr. LEVIN. Mr. President, the answer to the question is yes, it is the same language as was in the conference report which was before the Senate last October, which had the support of the vast majority on both sides of the aisle and is the same language that was in an earlier bill. The answer is yes.

The reason is proposed for it is that a significant portion of the money which is contributed by the interest groups to those events is used for the transportation, lodging, and the recreation of Members of Congress, and that is why it is proposed for it.

But the answer to your question is yes, it is the same language as was in the conference report.

Mr. MURKOWSKI. Mr. President, I wonder if I could follow up with one other question. Why would we preclude reimbursement for transportation and lodging for charitable events, yet allow transportation and lodging for political events?

It is my understanding that there is nothing in this amendment that would preclude a Member from going out to Los Angeles for a political event, getting his lodging taken care of, getting his transportation taken care of.

Mr. President, I think there is an inconsistency here as relates to the merits of considering gift ban legislation. And I wonder why the floor managers have not seen fit to include a prohibition which I understood was not in last year’s bill either. I think that the American people should understand what we are really talking about the merits of banning gifts, that there is a reasonable expectation that if we ban it for charitable events, that we ought to also ban it for political events. I wonder if my colleague would enlighten me as to whether I am accurate in my interpretation that, indeed, for political events, one could get full reimbursement for travel and full reimbursement for lodging.

Mr. LEVIN. The Senator from Alaska raised this very point during a debate on the language which would ban travel to the so-called charitable events. That exact argument was raised. The Senator from Alaska attempted to strike the language which would have or which does prohibit the travel paid for to these so-called charitable events, and the amendment of the Senator from Alaska was defeated, I believe, by a vote of 58-37.

So, that argument was made at the time. And the distinction had to do with whether political events are within the political activities of elected officials and are different from entertainment, lodging, meals, and travel to entertain where one brings his or her family. The distinction was adopted by the Senate during that debate by a vote of 58-37, I believe.

Mr. MURKOWSKI. Well, Mr. President, I respect the response from my colleague, but when we consider just what constitutes a gift, I think we have to recognize that to a charitable event to raise money for a worthwhile cause, there is some merit to that. On the other hand, if we go to a political event in Los Angeles and get our transportation paid for and get our lodging paid for, that is meritorious, too, from a political point of view. But we are talking about a great inconsistency here in this legislation that is proposed by my colleagues on the other side. We are talking about cleansing the process, the process of accepting gifts. But they do not want to touch the area that is sacrosanct, and that is specifically political contributions and the way that money is raised.

Money is raised by travel to legitimate political events. And reimbursement occurs not only for the Member, but often for the staff as well. And so I hope that those watching this among the American public, as they reflect on the merits of this debate on gifts, recognize the inconsistency that is proposed here. If my friends on the other side were suggesting that we do away with gifts, period, do away with gifts associated with charitable events, we do away with gifts that are associated with political events from a standpoint of travel and a standpoint of lodging, then there would be consistency.

But clearly, that is not the intention because there is a lot of money raised in this process. That process gets Members elected. So, I think as we address the merits of reform here in this body on the issue of gifts, we should specifically strike the language which would have protected on this other overlooked issue—political travel. As most of us recognize, the reason my amendment did not pass last year is there was some motivation, the motivation by those that suggested that that was too great a sacrifice, too great a sacrifice to give up political travel.
Mr. President, I rise to speak in opposition to the amendment offered by the senator from Minnesota [Mr. Wellstone]. I have little doubt that Congress, some time this year, will vote to ban most gifts to Senators and Congressmen.

Why will we make that change? Because there is a perception in the country that accepting a meal or a small gift from a lobbyist somehow corrupts the moral fiber of Congress. So we will pass the gift and meal ban to fix the perception problem.

END PAC CONTRIBUTIONS

I have no problem with banning gifts. But I believe it is hypocritical to say that you cannot buy a Senator lunch, but its OK for a political action committee [PAC] to give a Senator $10,000 for his political campaign or for a lobbyist to sponsor a $500-per-person political fundraiser.

Last year, the Senate adopted my amendment banning all lobbyist and PAC contributions to Senators. However, when the lobby disclosure/gift ban bill emerged from the Democratically controlled conference, my PAC and lobbyist contribution ban reform had, not surprisingly, been deleted.

Mr. President, if we are really sincere in getting special interest money out of politics, then we ought to apply the laws we impose on the rest of the country to our own institution. This amendment is merely a diversion from that issue. Let us pass the congressional coverage bill now, and address the gift ban/PAC ban legislation at a more appropriate time.

I urge my colleagues to reject this amendment. So, Mr. President, I am not going to talk any longer. I just wanted to point out the inconsistency here.

This whole matter began rather curiously when the association of former Senator Jake Garn from Utah ran a charitable event that was for a children's hospital—a very worthwhile cause. But a so-called television exposé that featured a politician's wife by this body, some of whom have already spoken on the issue of gift bans, and which implied that Members were being bought off by accepting transportation and accepting lodging.

There is very little consideration as to the contribution given to the Children's Hospital. I participate in that event each year, and I intend to participate again this year because it is a worthwhile cause. Because Senators come, there is an attraction, whether it is or otherwise, to raise money for the effort, and it is a worthwhile effort.

Obviously, I can hold a charity event here in Washington, DC. If I hold that charity event here, there is no transportation. And I can legitimately do it. But if I want to hold it in my State, it is a significant cost to Members if they want to come up to Alaska for a fishing event of some kind for a worthwhile charity.

Mr. President, I rise to speak in opposition to the amendment offered by the senator from Michigan [Mr. Levin]. I am not sure where this body is going to be consistent, we are going to do away with gift ban and political contributions associated with transportation and lodging. That is what is lacking in this legislation.

I hope we will have an opportunity to get into this at some length and hold the necessary hearings so we do not just end up window dressing a situation that many of the American public assume is being taken care of under the gift ban, but still provides us with transportation and lodging for our political events.

I thank the Chair. I thank my colleagues from Michigan for responding to my questions. I yield the floor.

Several Senators addressed the Chair.

The PRESIDENT OF THE SENATE from Michigan.

Mr. LEVIN. Mr. President, if I may comment further, this body, I know my friend from Colorado seeks recognition; I will not be long—on the points that were made by our friend from Alaska. I just have a couple things to say.

First of all, we sure do need political campaign finance reform. I could not agree with the Senator more. One of the glaring omissions from the Gingrich contract, it seems to me, is that there is no reference to campaign finance reform and how money is raised. I do not know how we address it. It is a glaring omission from any contract of reform.

Second, last year during the debate on this bill, the Senator from Alaska moved to strike the prohibition on reimbursement for recreational travel

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We had an event last year to buy a new mammogram, a mammography machine for the Center of Alaska. We raised $149,000. There were no other Senators who could come because we were in session, but we were not precluded because the legislation proposed last year did not pass the conference. But it was a worthwhile cause.

The inconsistency, I think, is obvious, as a consequence of what we have before us. We seem willing to do away with reimbursement for transportation and lodging, but we would still provide it for political events. That is the inconsistency which bothers me so glaring. That is why I urge my colleagues, when the appropriate hour is here, to reject the amendment because it is simply inconsistent; it does not do the job; it is less than a halfway effort.

Let me also comment relative to remarks that were made by others who spoke with regard to gifts to chairmen and CEO's of corporations. I was a CEO. There are policies within corporations that you designate procedures, and that is entirely different from the kind of policies that you designate for people, through boards of directors and oversight and checks and balances, have to maintain the scrutiny and the appropriate responsibility to the shareholders. We have a responsibility to the citizens of this country, but part of that responsibility is consistence.

When we talk about a gift ban, if we are going to be consistent, we are going to do away with a gift ban and political contributions associated with transportation and travel. That is what is lacking in this legislation.

I hope we will have an opportunity to get into this at some length and hold the necessary hearings so we do not just end up window dressing a situation that many of the American public assume is being taken care of under the gift ban, but still provides us with transportation and lodging for our political events.

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Second, last year during the debate on this bill, the Senator from Alaska moved to strike the prohibition on reimbursement for recreational travel
and made the same points that were made here. The Senate rejected the deletion of that prohibition by a vote of 58 to 37.

Is it inconsistent, then, to permit travel to political events? Some think it is, perhaps; some think it is not. Political events are closer to our duties in that they are not recreational; they are professional, political events. On the other hand, for those who think there is no distinction, for those who think there is an inconsistency, they had an opportunity last year to delete travel reimbursement to political events. No amendment passed the Senate in the process of adding new statutory controls over the direction of the private sector. I offered an amendment in that committee to apply the same guidelines, regulations, and restrictions to Congress that applies to other members of this society.

That amendment lost on a straight party-line vote. Everyone Democrat in that subcommittee voted against it. When I attempted to offer it in full committee, every Democrat voted against it, and I was refused an opportunity to offer the amendment later on in the process.

Thus, it is with some surprise that I find that this measure, passed the House unanimously last night, it appears that good ideas sometimes grow.

I think part of the reason this bill is going to pass, and the reason it passed in the other body, is because the spotlight is on and people know it is not fair to subject them, the working men and women in this country, to rules that this Congress will not apply to itself. It is a matter of simple fairness.

Mr. President, let me confess also to another reason for favoring this measure. The burden we impose on working men and women in this Nation is atrocious. It is criminal what we do to the men and women of this Nation who work and make the Nation go. The legal liability we impose on them, the paperwork we impose on them, the incredible overlay of bureaucracy, red tape and guidance is outrageous. The tragedy is that nearly half the Members of Congress do not have an opportunity to work in the private sector. Many of them do not appreciate the burdensome regulations we have put on working men and women.

I truly believe that if Members of Congress have to live under the laws we impose on the rest of the Nation, two things will happen. One, we will be treated fairly and they will be treated more fairly. And two, we will take a strong look at the kinds of laws we impose on people. This country is overregulated, productivity is damaged. We have laid a burden of redtape, regulation, lawyers, CPA's, and audits on this Congress that strangles our ability to compete in the international marketplace.

What we need more than anything else is the men and women of this Congress to realize the damage they have done to this Nation and inject common sense and common decency into the kind of very control we impose on our country.

So I am going to support this bill. I am going to do it not only because of simple fairness, but because I firmly believe that it will lead to the end of...
overregulation imposed on the citizens of our country.

Mr. President, there are a number of amendments, many of them sincerely offered and well founded, that should be considered. However, the leadership has promised that they will provide another vehicle to consider all of these amendments.

Indeed, there are many additions to this bill that I would like to see. I will support the effort to bring these additional measures to the floor and provide a full vote.

My hope is that we will debate the issues Members feel strongly about; that we will proceed to pass this bill and enact it, and that we will get to the additional task of other measures as quickly as possible.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I yield the floor.

Mr. President, I shall be brief. I begin by associating myself with the passion of the distinguished Senator from Colorado, as he articulates a very strong position against the overregulation by the Federal Government which is well known across the length and breadth of this land. And I support the efforts which have been brought by the distinguished Senator from Iowa [Mr. GRASSLEY] and the distinguished Senator from Connecticut [Mr. LIEBERMAN] on S. 2 to provide accountability by the Congress, by making Members of the Senate and Members of the House of Representatives subject to the same laws which govern every other citizen.

As a matter of basic fairness, Mr. President, there is no reason why a Senator or a Member of the House should not be subject to every rule of law which governs every other American.

Basic fairness should mean that every rule of law applies equally to Members of the Senate and House as they do to every other American. And if that were the case, there would be less regulation in our country.

With respect to the amendment which is now pending, offered by the distinguished Senator from Michigan, to have a gift ban, I believe that there is great merit in that proposal and in fact supported the gift ban when it was before the Senate during the 103rd or last session of Congress. There are a great many amendments which might be offered to the pending legislation; also talk about campaign finance reform which in a sense is related to the subject before the Senate at the present time.

I believe that it is very important that we move forward with the Congressional Accountability Act, which is the pending legislation, without en-cumbering it with other amendments which will slow its progress.

The reality, Mr. President, which may not be known by many watching on C-SPAN 2 is that when an amendment is tabled or rejected on the pending legislation, it does not mean that those who wish to make the amendment agree with the substance of it, if they were present as a free-standing bill, as it was during the last Congress and, as I said before, a measure which I supported. There is an effort known well through the length and breadth of the land to get the reforms for the new, elected 104th Congress, controlled by the Republicans, to get some things done and done promptly.

And the House of Representatives is moving on similar legislation on congressional accountability, and it is the effort now of the Republican-controlled Senate to move ahead with this bill without having amendments pending which will slow the progress.

Our distinguished majority leader has already given assurances that this issue will be revisited and the distinguished Senator from Maine, Senator COHEN, has commented about bringing the matter up again with Senator LEVIN of Michigan. So this matter will again be before the Senate and we can act to do what is necessary to ban lobbyists’ gifts. But at the present time I think our focus ought to be on congressional accountability, which I support, and that is why I will back the forthcoming motion by the distinguished majority leader to table the pending amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished majority leader.

Mr. DOLE. Mr. President, I think we have had considerable debate on this issue and I do not, certainly, want to cut off anybody’s side. But we have a problem that some of us are going to attend a dinner tonight in honor of the two leaders. Some may not be going there. But I would like to move to table the pending amendment and have the vote begin at 7:15, if that would accommodate the minority leader and the Senator from Montana. Then I need just about 1 minute.

Would that be enough?

Mr. DASCHLE. Mr. President, if the majority leader will yield, I know Senator BAUCUS has indicated to me that he needed somewhere around 6 or 7 minutes.

Mr. BAUCUS. Six or seven minutes.

Mr. DASCHLE. I only need a couple minutes, so I think that would work out very well.

Mr. DOLE. So could we agree, get unanimous consent there be a motion to table at 7:15?

Mr. DASCHLE. That will be agreeable to this Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. If I could just have 2 minutes of that time?

The PRESIDING OFFICER. The distinguished minority leader is recognized.

Mr. DASCHLE. Mr. President, I first want to applaud Senators LEVIN and WELLSTONE for offering this excellent amendment. It is very similar to the provisions in S. 10, the Comprehensive Congressional Reform Act which I introduced yesterday, and which a number of our colleagues have cosponsored. I believe it is essential that the amendment be included in the final legislation.

This debate really picks up where we left off last year when Republicans blocked consideration of the legislation which was developed through the tireless efforts of the, at that time, chairman and others. I hope my Republican colleagues will now work with us to enact this amendment.

Those of us who want real reform will not stop at congressional coverage. We have to restore public confidence in Government, and our reform efforts will further. The amendment does just that. Lobby reform is central to true congressional reform. Without it we will never end the undue influences of special interests. But without a ban on special interest gifts to Members and their staffs, congressional reform is reform in name only. Senators LEVIN and WELLSTONE and many others have worked hard on lobbying and gift reform and, in so doing, have demonstrated their commitment to true reform, to the end of business as usual.

So again, Mr. President, passing the bill that should have been passed last fall, and would have been passed if it had not been for the Republican move to block it, is a very good start today. But it will be a hollow, cynical start if it turns out that those who blocked that legislation did so only to reintroduce it this year, take the credit, and block other essential reforms. Lobby reform and a ban on gifts are essential to true reform of our system and will begin the year by finishing our old business and moving forward from here. Doing so will provide an even stronger foundation upon which to rebuild trust in this institution.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, I rise in support of the Congressional Compliance Act. It is time for Congress to act by example instead of by exemption. This act will apply our 12 basic American labor laws to Congress. They include the civil rights laws, minimum wage, the Occupational Health and Safety Act, the Family Leave Act, and more. If campaign finance and other reforms such as the Occupational Health and Safety Act are passed, the Federal Government’s regulations on the people will then be imposed on the Congress. In these laws the Federal Government imposes

The PRESIDING OFFICER. The distinguished minority leader is recognized.
a good bit of regulation and paperwork on private businesses. All that is in pursuit of good, important goals.

These laws have done a lot of good. Undoubtedly some can be improved. But on the whole they make sure American workplaces are decent places, and there is no excuse for not asking the same of the Congress.

There is some symbolic importance to this. It shows that, as the Founding Fathers who wrote our Constitution intended, today’s Representatives of the people are truly Representatives—that is, not a special privileged class.

These laws have concrete beneficial effects. First, applying basic labor laws to Congress will put a brake on overregulation and overlegislation. Laws like minimum wage, OSHA, and so on are important. Businesses should have some basic standards. And it is no accident that America has a lower rate of deaths and injury on the job than any other industrial nation. It is because OSHA is a tough, effective law. It can no doubt be improved, but we do need a tough, effective OSHA law.

Then there is the flip side of the coin. On the other side is that well-meaning people, in pursuit of honorable goals, are sometimes tempted to go too far. They can lose sight of the basic American principle that in the vast majority of occasions, government does not need a lot of rules and regulations to do the right thing. So it is easy for people who write laws to move on from setting basic standards to requiring paperwork that adds costs, squeezes jobs, and does little good. With this law in place, each Member of Congress will understand the burden a small business owner faces because that Member will live under precisely the same burden. He or she will fill out the same forms, type the same reports, and adjust his or her payroll in the same way. If you live by the regulations you write, you probably will not go too far.

Second, the laws themselves will do some good. Legal guarantees of safe workplaces, minimum wage, guaranteed family leave, and protection for civil rights in congressional offices are important. They were passed to deal with the small minority of abusive employers. And no doubt, in a Congress of 535 Members and dozens of support offices, there are some offices where civil rights laws or workplace safety standards are not being met. This law will help stop that.

Finally, this bill goes a long way toward making Congress a more responsive body. I believe it needs to do more: to make it a responsible body. I thus intend to support an amendment Senator McCaIN will offer in February that makes sure when Members of Congress are found guilty of violating any of these laws, that taxpayers are not hit with the same penalty.

Again, this reform is long overdue. I cosponsored it in the last Congress. I applaud Senators LIEBERMAN and GRASSLEY for pushing the issue tirelessly throughout the Congress. And finally, today, we will see this body pass it. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, if no one else wishes to speak and if the majority leader wishes to continue the debate tonight, to help stop that.

Mr. DOLE. I just need 3 minutes.

Mr. LEVIN. I thank the majority leader. I will just use 2 minutes.

I want to again urge our colleagues to defeat the motion to table. This is precisely the same gift rule which the vast majority of Democrats and 37 Republicans said they supported last October. There is no change in it. It would seem to me that we cannot duck this issue simply by just saying let us delay it, let us delay it.

If we are serious about reform and the way we run this place, we have to finally, after years of talk, end this scene where free travel, free tickets, free gifts from lobbyists and others with interest in legislation, come to Members of this Congress. It is unseemly. It creates the exact wrong appearance. The American public wants to end it. They are right. This is the time to end it with rules that were supported by the vast majority of Senators in October, including the majority of the Republicans and Democrats. I hope that the tabling motion will be defeated.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Kansas [Mr. DOLE].

Mr. DOLE. Mr. President, the point I want to make was made before last night. After 25 minutes of debate the House of Representatives, did they pass the vote of 429 to zero. If we want to take 2 days, or 3 days I guess we can. But I want to pass the coverage proposal as advanced by the Senator from Iowa and the Senator from Connecticut. It is bipartisan. It seems to me that the sooner we can do that the sooner we can move on to other legislation.

I indicated to my Republican colleagues earlier today that we need to take this matter up but lobby reform, and other matters that we believe should be addressed which were addressed last year.

I certainly commend the Senator from Michigan, Senator LEVIN, for his leadership. But we believe there are some changes that can be made even in the House which would not be effective in any event until the end of May 1995.

It would be my hope that by that time we will have even a better package. I hope that we can table this amendment and move to any other amendments which my colleagues may offer. But we are going to finish this bill either tonight or tomorrow or on Monday unless there is an agreement, a reasonable agreement. I should not say that we will finish it. I know that I have been in the Senate longer than that. We will try to finish the bill by tomorrow or Monday. I know Senators can prevent that from happening.

So I urge my colleagues, including some of my colleagues on the other side of the aisle who had misgivings about lobbying reform and the gift ban, to help us move along in dealing this motion so we can move ahead and pass this bill without amendment.

I think there is a good potential that the House may take our bill because it is a bit stronger and pass the Senate bill unless we clutter it up with amendments that require us to spend a considerable time in conference.

If anybody else wishes 2 minutes on either side, I would be happy to yield. If not, is there any objection to starting the vote now?

Mr. FORD. The President, we have notified on the hotline that it would be at 7:15. I would appreciate it if the majority leader would not and to save us a couple of minutes.

Mr. DOLE. I would be happy to add 2 minutes at the end.

Mr. FORD. The Senate has that prerogative. He is the leader.

Mr. DOLE. I am going to do it habitually, but I think some may want to vote right now and leave. I have already made the motion to table the underlying amendment, the Levin amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, it is my pleasure to come to the floor today as the chairman of the Governmental Affairs Committee. Governmental Affairs has jurisdiction over this legislation. The act will also have concrete benefits. First, applying basic standards to requiring paperwork that adds costs, squeezes jobs, and does little good. With this law in place, each Member of Congress will understand the burden a small business owner faces because that Member will live under precisely the same burden. He or she will fill out the same forms, type the same reports, and adjust his or her payroll in the same way. If you live by the regulations you write, you probably will not go too far.

Second, the laws themselves will do some good. Legal guarantees of safe workplaces, minimum wage, guaranteed family leave, and protection for civil rights in congressional offices are important. They were passed to deal with the small minority of abusive employers. And no doubt, in a Congress of 535 Members and dozens of support offices, there are some offices where civil rights laws or workplace safety standards are not being met. This law will help stop that.

Finally, this bill goes a long way toward making Congress a more responsive body. I believe it needs to do more: to make it a responsible body. I thus intend to support an amendment Senator McCaIN will offer in February that makes sure when Members of Congress are found guilty of violating any of these laws, that taxpayers are not hit with the same penalty.

Again, this reform is long overdue. I cosponsored it in the last Congress. I applaud Senators LIEBERMAN and GRASSLEY for pushing the issue tirelessly throughout the Congress. And finally, today, we will see this body pass it. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, if no one else wishes to speak and if the majority leader wishes to continue the debate tonight, to help stop that.
both the Senate and the House of Representatives. The product we have before us today reflects the positive results that can be achieved when we are willing to work together.

I want to commend the chief sponsors and floor managers, Senators Grassley and Lieberman, for their leadership and perseverance on the issue. Without them, as well as the leadership of the former chairman and current ranking member of the committee, Senator Glenn, we wouldn’t be here debating this issue today. I am pleased to join with them in this effort to enact S. 2 as the first order of business in this 104th Congress.

I believe the bill before us demonstrates that congressional compliance can be achieved without compromising the doctrine of separation of powers. Great care has been taken to maintain the integrity of the Congress as a separate branch of Government. However, there is no way to guarantee that the potential may exist for conflict between the legislative and judicial branches concerning enforcement of such legislation.

Another major challenge was to create a bicameral Office of Compliance, yet at the same time retain the independence of the Senate and House of Representatives to establish their respective Rules of Procedure without interference from the other body. Again, I believe this issue has been resolved.

Mr. President, Thomas Jefferson wrote that “the Framers of our Constitution . . . (took) care to provide that the laws should bind equally on all, and especially that those who make them shall not exempt themselves from their operation.” In light of Mr. Jefferson’s observation, one might wonder why Congress created an ever-growing, complex set of employment and labor laws for the private sector that it has failed for many years to apply equally to themselves. While we are here today to correct that disparity, I do want to point out that Congress has made significant progress over the past several years in enacting employment laws to congressional employees—most notably the Senate action in 1991 extending basic civil rights protections to Senate employees and creating the Senate Office of Fair Employment Practices.

S. 2 will go a step further in bringing together the patchwork of laws that have applied in the past and make clear how these laws apply and provide for enhanced enforcement of those laws by establishing a more independent and credible process for remedial action.

S. 2 is an extremely important measure for another reason. Beyond its application of laws to the Congress, it is important because of the message it sends to the public. We should not be naive to recognize that this legislation is driven in large part by pressure from the public. This is an issue of fundamental fairness to them. We have all heard the references to the “Impeachment Papers.” For far too long Congress has held an image of isolation, privilege and superiority. That is an image that must change, so that the governed once again have confidence and respect in those that govern. Enacting S. 2 is a critical step moving us in that direction.

Enactment of this legislation will teach Congress valuable lessons about living with the laws it passes. Many of the laws that Congress imposes on citizens are complex and burdensome. It’s only fair to make Congress deal with the same paperwork and bureaucracy that the average citizen does. That’s certainly a complaint I hear from many of my constituents. Compliance is not simply a matter of probity; it is also a matter of paperwork, bureaucracy, and expense.

While I have long been a supporter of applying private sector laws to Congress, I recognize that some members may be concerned that these laws may be misapplied or abused for political, rather than legitimate, purposes. I share this concern, but I hope that rule 11 of the Federal Rules of Procedure will fairly and adequately address this concern. Rule 11 has been recently strengthened to specifically provide for sanctions when misrepresentations are made to the court for an improper purpose. The purpose of rule 11 is designed to cause litigants to stop and think before initially making legal or factual contentions and is designed to deter misconduct. I am hopeful that rule 11 in conjunction with the counseling and mediation process developed by the Office of Compliance will preclude abuses of the process.

Let me reiterate, I do believe this is a very important issue and that we will be sending the right message to the American people by moving this bill quickly, without extraneous amendments.

Once again, I thank Senator Grassley for managing this bill on our side and also want to welcome him as a new member of the Governmental Affairs Committee.


JAMES MADISON is often quoted in relation to the issue of congressional coverage. He said, “Congress can make no law which will not have its full operation on themselves and their friends, as on the great mass of society.” But I am concerned that the meaning of his words is lost due to their frequency of use in this debate.

What was Madison getting at, and what was so important for him to include in this phrase “Aristocracy Papers”? I believe he had a profound sense of public accountability and integrity in mind when he penned those words. He also remembered the degenerating effect of aristocracy upon the people.

Today, we are in a much different time period, but are never-the-less confronting the same issues as Madison and our founding fathers. To bolster the integrity of this institution, now is the time for the adoption of congressional coverage legislation in keeping with our American tradition. Congress has been exempting itself from employment and labor laws since 1935. I suspect this was done in a sincere effort to maintain a separation of powers. It was a time when Congress was a far simpler organization, not the enormous bureaucracy we have today. Because Congress has changed, so must the laws governing it. Until we are prepared to live under the laws, Congress should not be imposing them on anybody else.

If business or private individuals run afoul of any labor, employment and health and safety laws, they face bureaucratic headaches and possible Federal court litigation. Congress has exempted itself from these laws completely or has limited redress with no right to full judicial appeal. During consideration of the Civil Rights Act of 1991, I offered an amendment which would have made Congress and its instrumentalities subject to all regulations and remedies contained in many of the employment, discrimination, and health and safety laws enacted since the 1930’s. Later, I introduced the amendment as a free-standing Senate and House Congressional Accountability Act both the 103rd and 104th Congresses.

Adopted in lieu of my amendment was a provision authored by the Majority Leader George Mitchell and Senator Grassley which provides procedures to give Senate employees protection under several civil rights laws and limited judicial review. Under the adopted amendment, the Senate was permitted to establish an internal enforcement mechanism under civil rights laws. This was a good beginning.

Since my efforts on the Civil Rights Act of 1991 and the efforts of those before me on this issue including Senator Grassley, the joint committee to reorganize Congress and the bipartisan task force on Senate coverage were established and further analyzed and researched the issue.

The bipartisan task force on Senate coverage report was sent to the majority and Republican leader on November
I urge the Senate to pass the Congressional Accountability Act. To pass the bill cleanly, kept free of unnecessary and nongermane amendments. I thank the chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLINGS], the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. ROBB], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Georgia [Mr. NUNN] is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois [Mr. SIMON] and the Senator from Vermont [Mr. LEAHY] would each vote "nay."

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—52


[Continued on Back]
Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 4

(Purpose: To prohibit the personal use of accrued frequent flyer miles by Members and employees of the Congress)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

I would be proud to do this amendment, but I am going to ask the clerk to read the entire amendment. I think it explains it totally.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself and Mr. FEINGOLD, proposes an amendment numbered 4.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 4. USE OF FREQUENT FLYER MILES.

(a) LIMITATION OF THE USE OF TRAVEL AWARDS. Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate or House of Representatives shall be considered the property of the Government and may not be retained or converted to personal use.

(b) REGULATIONS. The Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS. As used in this section—

(1) the term ‘travel award’ means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term ‘official travel’ means travel engaged in the course of official business of the House of Representatives or the Senate.

Mr. FORD. Mr. President, I thank the clerk.

Mr. President, the amendment I have sent to the desk relates to the use of frequent flyer bonuses usually awarded by airlines. Both the Senate travel regulations and those applicable to executive branch travel require that any such benefits paid by an airline that are based on travel that was paid by taxpayer funds must be used for official purposes.

Senate travel regulations on this subject are as follows:

Discount coupons, frequent flyer mileage, or other evidence of reduced fares, obtained on official travel, shall be turned in to the office for which the travel was performed so that they may be utilized for future official travel. This regulation is predicated upon the general travel policy that all promotional materials such as bonus flights, reduced-fare coupons, cash, merchandise, gifts, credits, or reduced costs of services or goods, earned as a result of trips paid by appropriated funds are the property of the government and may not be retained by the traveler for personal use.

This amendment will require that all such benefits be used for official travel by the office that pays for the original travel. In this way, the Government rather than the individual traveler will receive the benefit.

The correctness of this policy is so obvious that I find it strange that an amendment, such as the one I now offer, should have to be considered. I can find no justification for a public official or elected Member of Congress to consider and use such a bonus for personal purposes. The value of any such bonus awarded to a traveler is included in the price of the ticket. Since the taxpayers have paid for that benefit when the travel is charged to the Government, it is only right that the traveler receive such a benefit.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I have indicated there will be no more votes this evening. This will be the pending amendment. We will be back on the bill at 9:30 tomorrow morning, and we will be on it throughout the day tomorrow and Monday, unless we can reach some agreement. I would be prepared to entertain an agreement that would let us proceed with the amendments and postpone votes until Tuesday a.m. and then move to the unfunded mandates legislation at 2:30 p.m. on Tuesday. So we will be working on it. If we cannot reach an agreement, we will just finish this bill and proceed as we can on unfunded mandates.

Mr. GLENN. There will be votes tomorrow?

Mr. DOLE. There will be votes tomorrow, yes.

Mr. President, I suggest the absence of a quorum.

Mr. President, the amendment numbered 4.

The PRESIDING OFFICER. The absence of a quorum is noted.

Mr. President, the amendment is carried.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONGRESSIONAL ACCOUNTABILITY ACT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the Congressional Accountability Act. I have cosponsored this legislation during the past several years because of my strong belief that what is fair is fair and what is right is right—right in the halls of Congress or the factories, shops and offices throughout America.

Traditionally, Congress has exempted itself from fair labor practices, occupational safety and health, age discrimination and many other laws with which...
the private sector as well as other branches of government must comply. This legislation will require Congress to comply with those laws.

I am glad to see us take up this legislation and act swiftly on it. It is long overdue. The U.S. Senate should practice what we preach. We should go by the same rules we establish for every one else.

The critical need for this legislation was made clear to me over the last few years by the appalling stories I heard from employees of one of the instrumentalities of the Congress, the Architect of the Capitol. The Architect oversees more than 300 employees in the skilled trades as well as occupations such as restaurant worker, janitor, and laundry worker.

Historically, there was no oversight, no fair and independent dispute mechanism, and no clear written management procedures governing the working conditions for these employees. And what happened? A plantation mentality emerged, in which employees were discriminated against, harassed, and denied opportunities for promotion and advancement. When these employees wanted to complain, they felt they had nowhere to go—so they came to me.

I was proud to take up their cause and proud that last year, the Congress enacted the Architect of the Capitol Human Resources Act, finally providing clear guidelines for modern management practices. I am proud to have been among the first Members of Congress to win real congressional reform with the passage of this legislation.

Now it is time to apply similar fair and modern management practices to the rest of the congressional work force: the House and Senate Sergeants at Arms, the Capitol Police, and our own staffs in Senators’ and Representatives’ offices and on the committees. That’s why I’m happy to lend my name to this needed legislation.

I thank my colleagues and I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, before contemplating today’s bad news about the Federal debt, let us have a little pop quiz: How many million dollars would you say are in a trillion dollars?

To be exact, as of the close of business yesterday, Wednesday, January 4, the Federal debt, down to the penny, was $4,801,793,426,032.89. This means that every man, woman and child in America owes $18,227.69 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion?—there are a million million in a trillion, for which you can thank the U.S. Congress for the present Federal debt of $49 trillion.

IN HONOR OF THE LATE JOE TALLAKSON

Mr. McCAIN. Mr. President, I want to take a few moments to express my sincere sympathy to the family and friends of Joe Tallakson. "Joe T" as he was known to many, passed away on December 22, 1994 after a short but intense bout with cancer.

Joe devoted his life to working for Indian tribes through the Quinault Indian Reservation in Washington and later here in Washington, DC. His talents were many. He earned great respect as a careful strategist who knew how to get results. He took the visions of the tribal leaders for whom he worked and excelled at transforming them into real and tangible outcomes. He made a major contribution to the development of the policies of self-determination and self-governance, in addition to the thousands of specific issues he handled for Indian tribes.

Joe’s last and perhaps greatest professional contribution to the development of Indian policy came with the enactment of Public Law 103-413 which permanently authorized the self-governance project in the Department of the Interior.

Joe will be sorely missed by all of us who work in the field of Indian Affairs. His integrity, skill, and commitment were uncommon. I am proud to have known him. I join with his friends and family in saying that we will miss him and his contributions to our work and our lives very much in the coming months and years.

TRIBUTE TO SHIRLEY ANN FELIX

Mr. JOHNSTON. Mr. President, it is very hard to lose an old friend. For me and my family and for many of us in the Senate, Shirley Felix was a friend.

For years, whenever we were in the Senators dining room, we stopped to talk to her. Her death, on December 13, was a tremendous loss, not just to her family but also to those who served with her in the offices of the Architect of the Capitol and those of us on whose behalf she worked diligently and tirelessly for many years.

Shirley was born on November 8, 1933, in Arlington, VA, the daughter of Dr. Rebecca Plumer and the Elder Irving L. Plummer, Sr. She attended public schools in Washington and completed her education in New York City where she met and married James Felix, Jr. They later moved to Washington, and became the parents of six fine sons.

Shirley started working for the Architect of the Capitol in 1967. Her culinary and management skills led to her promotion to the position of banquet manager for the U.S. Senate. It was a position she filled competently, professionally and with extraordinary cheerfulness.

Shirley had a good memory and a warm heart. In the big, faceless institution that the Congress has become, with staff changing daily, Shirley re-membered who you were, not just Senators but staff as well. She remembered your children’s names, and always asked about them. She knew what you liked, and literally worked overtime to see that you got it. And she worked with a genuine smile on her face, for the pleasure of doing a job well, and knowing that her efforts were appreciated.

Shirley was a perfectionist. She took great pride in her work, and it showed. When she prepared a lunch or dinner, it not only tasted great, it looked beautiful. She handled crises like a diplomat, never upstaging changes in the guest list or the menu. Nothing was ever too much trouble, nothing ever took too much time. Even as her health failed, her spirit never faltered. To the end, she was a loving, giving person who went out of her way to make others feel good. Everybody who was on the receiving end of one of her smiles will miss her.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolutions were read the second time by unanimous consent and placed on the calendar:


S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.
S. 71. A bill regarding the Senate Gift Rule.

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney’s fees.

S. J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

MEASURES READ THE FIRST TIME

The following bills and joint resolutions were introduced, read the first time on January 5, 1995:


S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept bisexuality as a legitimate or normal lifestyle.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

S. 27. A bill to amend the Civil Rights Act of 1964 to make it a violation of the gender of the human being as a performance solely because of the gender of the human being.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.

S. 30. A bill to amend the Whistleblower Protection Act of 1982 and for other purposes; to the Committee on Energy and Natural Resources.

S. 31. A bill to promote marriage and to encourage its employees or officials to accept heterosexual marriage as a legitimate or normal lifestyle.


S. 33. A bill to protect the lives of unborn human beings, and for other purposes.

S. 34. A bill to amend Federal spending by prohibiting Federal spending by reducing Federal spending for the FY 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense.

S. 155. A bill to reduce Federal spending by requiring Federal spending for the FY 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense.

S. 156. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept bisexuality as a legitimate or normal lifestyle.

S. 157. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.

S. 158. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources.

S. 159. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to retirement plans.

S. 160. A bill to prohibit Federal spending by prohibiting Federal spending for the FY 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense.

S. 161. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to retirement plans.

S. 162. A bill to prohibit Federal spending by prohibiting Federal spending for the FY 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense.

S. 163. A bill to prohibit Federal spending by prohibiting Federal spending for the FY 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense.

S. 164. A bill to require a 60-vote supermajority in the Senate to pass any bill.

MEASURES READ THE FIRST TIME

The following bill was read the first time on January 5, 1995:

S. Res. 7. A resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCAIN:

S. 330. A bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE:

S. 151. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources.

By Mr. BREAUX:

S. 159. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to retirement plans.

By Mr. SHELBY (for himself, Mr. CRAIG, Mr. FAIRCLOTH, and Mr. HEF LIN):

S. 160. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources.

By Mr. MURRAY:


By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 166. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 167. A bill to amend the Nuclear Waste Policy Act of 1982 and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 168. A bill to ensure individual and family security through health insurance coverage for all Americans; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for Mr. KEMPThorne):

S. 169. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources.

By Mr. BINGMAN and Mr. DOLE:

S. 169. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources.

By Mr. BINGMAN and Mr. DOLE:

S. 169. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources.

By Mr. BINGMAN and Mr. DOLE:

S. 169. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources.
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 States in complying with certain requirements under Federal statutes and regulations; and for other purposes; read the first time.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Mr. KERRY, Mr. REID, and Mr. INOUYE):

S. 170. A bill to amend the Public Health Service Act to provide for a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Finance.

S. 171. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medical aid program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN (for Mr. DOLE):

S. 186. A resolution making majority party appointments to the Governmental Affairs Committee of the 104th Congress; considered and agreed to.

By Mr. DOLE:

S. Res. 26. A resolution making majority party appointments to the Governmental Affairs Committee for the 104th Congress; considered and agreed to.

S. Res. 27. A resolution amending Rule XXV; considered and agreed to.

By Mr. GRASSLEY (for Mr. STEVENS (for himself and Mr. FORD)):

S. Res. 28. A resolution to increase the portion of funds available to the Committee on Rules and Administration for hiring consultants; considered and agreed to.

By Mr. GRASSLEY (for Mr. DOLE):

S. Res. 29. A resolution amending Rule XXV; considered and agreed to.

S. Res. 30. A resolution making majority party appointments to certain Standing Committees for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 150. A bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes; to the Committee on Energy and Natural Resources.

THE GRAND CANYON PUBLIC/PRIVATE PARTNERSHIP ACT

Mr. MCCAIN. Mr. President, today I'm introducing legislation to help finance desperately needed improvements at our Nation's premier national park. It is a project of great pride and joy—the Grand Canyon.

The measure would authorize the Secretary of the Interior to establish a special public-private partnership account, under which entrance fee revenues would be matched with private donations to help fund vital projects called for in the park's general management plan.

This legislation will provide additional resources for the Grand Canyon at a time when park needs far outstrip the ability of the Treasury to fund them. The measure enjoys the support of two important organizations dedicated to protecting the interests of the Grand Canyon: The Grand Canyon Trust; and, the Grand Canyon Natural History Association.

We in Arizona are proud to be home to the crowning jewel of our National Park System. We take immense pride in the park and appreciate the awesome responsibility with which our country has been vested as stewards of this world class resource. We also understand that we have much work to do in order to meet those responsibilities.

Resources are desperately needed to repair the park's aging infrastructure. Compare that need to the canyon's park budget this year which is only $13 million, a great deal less formidable as the Grand Canyon itself.

The need is enormous and it is growing. Last year, 5 million people visited the Grand Canyon—a number that will continue to grow at a rapid pace. The ever increasing demand will place even more stress on the park's aging and needy infrastructure.

To address future needs, the National Park Service has been working diligently on the park's general management plan. The plan will guide management processes into the next century. The draft plan which was released last year, identifies projects and programs which will help us to cope with the increased visitation, enhance visitor experience and protect the canyon's valuable resources for this and future generations.

While the plan has not been completed, preliminary reports estimate that it will cost nearly a quarter of a billion dollars to fully fund. Providing the necessary resources is a staggering challenge. The measure I am presenting here today is one way to help us meet this enormous need.

As I said, the bill would authorize the Secretary to use fee revenues to leverage private contributions to help finance park projects.

In order to fund the Federal share of such partnerships, the Secretary would be authorized to add a surcharge of up to $2 on the current $10 per vehicle park entrance fee.

Mr. President, no one, least of all this Senator, likes the idea of higher park entrance fees. But, visitors understand that park services and infrastructure cost money and they are willing to support the park with their fees as long as they know the revenue will be used for the purpose.

Under current procedures, entrance fees are collected at the park, returned to the General Treasury and appropriated by Congress in many instances for purposes other than the needs at the Grand Canyon.

The revenues raised under the measure I'm proposing would remain in a special account at the park and be used in concert with private donations for vital park needs. Such public-private partnerships have ample and successful precedent in other areas of public administration, and are an excellent means of stretching our resources.

Again, no one likes the idea of any increase in park fees. But, ironically, we need only to look to Disney Land for a reality check. Today, visitors to Disney Land pay $35 a piece to see Mickey Mouse. By comparison, Grand Canyon visitors pay a relatively modest $10 per carload to view what some consider a reality check.

I believe they could be a useful tool at the Grand Canyon and perhaps other national parks as well.

Again, no one likes the idea of any increase in park fees. But, ironically, we need only to look to Disney Land for a reality check. Today, visitors to Disney Land pay $35 a piece to see Mickey Mouse. By comparison, Grand Canyon visitors pay a relatively modest $10 per carload to view what John Wesley Powell aptly described as the most sublime spectacle on Earth.

We all understand and accept the fact that keeping that spectacle sublime and providing for its enjoyment by the millions who visit each year. The added surcharge to leverage private dollars would seem to be a justified and efficient means of making ends meet, and it deserves our thoughtful consideration.

We estimate that the surcharge would generate an additional $2 million a year. Once leveraged with money from the private sector the fund would make a significant contribution to park improvements and maintenance of infrastructure such as upgrading the park's transportation system to relieve overcrowding; maintaining trails; and, improving the water system and housing, just to name a very few.

Mr. President, the creation of a special partnership account raises many questions. I, like others, want to make absolutely certain that private contributions to the park are not used in any way that would compromise park interests or values. This measure seeks to address that issue because management of the fund must be dictated solely by the needs of the park and the ethic of stewardship.

The measure calls on the Secretary of the Interior to establish regulations, with full public comment and participation, to guide how the fund will be managed, how private donations will be solicited, for what purposes they will be used and how the partnerships will be structured and managed. In addition, the legislation specifically requires that any project funded under the partnership must be consistent with the statutes, regulations, and rules governing the park, and that it is specifically approved and prioritized within the general management plan. The funds are designed to encourage public participation and are subject to all the applicable environmental laws. Ensuring that partnership funds are used only for purposes authorized by the relevant management plan will ensure that only necessary and appropriate projects are undertaken.
Many businesses and individuals want to contribute to the protection of Grand Canyon National Park because they realize that it is a national treasure and that it needs and deserves our assistance. Nevertheless, we must take steps to ensure that these donations are not offered with strings attached that change the commercial interests ahead of park needs and values.

Mr. President, Grand Canyon is at a critical point. Demand for park resources is increasing, as is the cost of maintenance. Given the current budget constraints, the administration and Congress are not likely to provide the further increases necessary to adequately meet the need.

We must look for innovative ways to fully fund the preservation and enhancement of our Nation's park system. I believe the method I'm proposing is a viable option that should be fully examined and considered. Secretary Babbitt has indicated that facilitating a public/private partnership at Grand Canyon is one of the Interior Department's priorities.

Mr. President, last year we celebrated the 75th anniversary of Grand Canyon National Park. It is most appropriate that we recommit ourselves to the charge of Theodore Roosevelt "to keep unspoiled for the enjoyment of our children and our children's children, and for all who come after us, as one of the great sights which every American if he can travel at all should see." Let's work to meet the needs at the Grand Canyon with the purpose firmly in mind. I ask unanimous consent that letters of support from the Grand Canyon Trust and the Grand Canyon Natural History Association along with editorials and news articles regarding this measure be entered into the Record. I also ask unanimous consent that the text of the bill appear in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

(1) enter into agreements with non-Federal entities to share the costs of the improvements; and

(2) assess and collect a special surcharge in addition to the entrance fees otherwise collected by the National Park Service.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE PROJECT.—The term "eligible project" means an eligible project that is eligible for funding in accordance with this Act.

(2) FACILITY.—The term "facility" includes any structure, road, trail, utility, or other facility that is used or to be used for or in support of—

(A) the protection or restoration of a natural or cultural resource;

(B) an interpretation service; or

(C) any other service or activity that the Secretary determines to be related to the operation of the Park.

(3) FEDERAL SHARE.—The term "Federal share", with respect to a cost of an eligible project, means the percentage of the cost of the project that is paid with Federal funds, including funds disbursed from the special account.

(4) NATIONAL PARK FOUNDATION.—The term "National Park Foundation" means the foundation established under subsection (a) of section 102 of the National Park Enlargement Act (16 U.S.C. 228a et seq.).

(5) FEDERAL ENTITIES.—The term "Federal entities" means any Federal agency or department.

SEC. 4. GRAND CANYON ENTRANCE FEE SURCHARGE.

Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) authorize the Superintendent of the Grand Canyon National Park to charge and collect, in addition to the entrance fee collected pursuant to section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a), a surcharge in an amount not to exceed $2 for each individual charged the entrance fee; and

(2) remit to the special account for Grand Canyon National Park infrastructure improvement amounts collected as a surcharge under paragraph (1).

SEC. 5. SPECIAL ACCOUNT FOR GRAND CANYON NATIONAL PARK INFRASTRUCTURE IMPROVEMENT.

(a) ESTABLISHMENT.—The Secretary of the Treasury, in consultation with the National Park Foundation, shall establish in the Treasury of the United States a special account for Grand Canyon National Park infrastructure improvement.

(b) ADMINISTRATION OF ACCOUNT.—The Secretary of the Treasury may—

(1) credit to the special account amounts remitted pursuant to section 4(2); and

(2) make funds in the special account available for use only as provided in subsection (c).

(c) USE OF FUNDS.—

(1) IN GENERAL.—The National Park Foundation may use funds from the special account to pay the Federal share of the cost of eligible projects.

(2) DAILY OPERATIONS.—No funds in the special account may be used for daily operation of the Park.

SEC. 6. ELIGIBLE PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), any project for the design, construction, operation, maintenance, repair, or replacement of a facility within the Park shall be eligible for funding in accordance with this Act.

(b) LIMITATION.—A project referred to in subsection (a) shall be consistent with—

(1) the laws governing the National Park Service;

(2) the Act entitled "An Act to establish the Grand Canyon National Park in the State of Arizona", approved February 26, 1919 (16 U.S.C. 228a et seq.), and any related law; and

(3) the general management plan for the Park.

SEC. 7. COST-SHARING AGREEMENTS WITH NON-FEDERAL ENTITIES.

(a) IN GENERAL.—The Director of the National Park Service, in consultation with the Superintendent of the Grand Canyon National Park, shall enter into a cost-sharing agreement with a non-Federal Government entity for each eligible project for which funds are provided under section 5.1.

(b) CONTENT.—Each cost-sharing agreement shall specify the Federal share and the non-Federal share of the cost of the project and shall provide for payment of the non-Federal share by the non-Federal entity.

(c) AUTHORITY TO COVER SEVERAL PROJECTS.—A cost-sharing agreement may cover more than 1 eligible project.

SEC. 8. REGULATIONS.

In consultation with the National Park Foundation, the Secretary of the Interior shall issue regulations to carry out this Act.

SEC. 9. REPORT.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report on the Park infrastructure improvement authority provided in this Act.

(b) CONTENT OF REPORT.—The report shall include—

(1) an assessment of the effectiveness of the exercise of authority under this Act to improve the infrastructure of the Park; and

(2) any recommended legislation with respect to—

(A) the surcharge authorized under section 4;

(B) the special account; and

(C) the use of the special account for funding eligible projects; or
February 25, 1995


Dear Senator McCain: I am very happy to be able to write this letter of complete and enthusiastic support for your bill designed to authorize fee surcharges at Grand Canyon National Park, for the purpose of assuring a Federal matching pool of funds for necessary capital projects at the Park. We've previously discussed the value of such a tool to be used to foster public/private partnerships to accomplish the overdue rebuilding of infrastructure to support the crush of visitors. We further believe that the choice of Grand Canyon as the test case for such an effort will enable us to create a model that can be used by other National Parks and Monuments across the country. Please let us know how else we can support this important legislation.

Sincerely,

Robert W. Koons, General Manager, CEO.

Grand Canyon Trust

January 5, 1995.

Hon. John McCain, U.S. Senate, Washington, D.C.

Dear Senator McCain: Thank you for providing the Grand Canyon Trust with the opportunity to review and comment on both draft and final versions of your proposed legislation regarding entrance fees and public/private cost-sharing at Grand Canyon National Park.

We believe that your proposed legislation will greatly assist the efforts of the National Park Service and other entities who are struggling to find appropriate means to generate the additional funding so urgently needed by Grand Canyon National Park. In this regard, we strongly support the core concepts in your bill: new fees to generate incremental revenue for park projects and cost-sharing arrangements between the park service and non-governmental entities.

We share your concern that Grand Canyon's pressing infrastructure and resource management needs will not be met unless Congress acts to provide the new authorities described in your legislation. And, if those needs are not met, the park environment and visitor experience will continue to deteriorate—an utterly unacceptable and unnecessary fate for the crown jewel of America's parks.

Senator McCain, we applaud your consistent leadership on behalf of Grand Canyon. This bill allows the National Parks Overflights Act, Grand Canyon Protection Act, and so many other measures reflect your unwavering dedication to the needs of the park. Please be assured that we are prepared to assist you in your efforts to move the bill through the legislative process to final enactment.

Again, thank you for all you have done for the Grand Canyon.

Sincerely,

Thomas C. Jensen, Executive Director.

By Mr. BUMPERS (for himself, Mr. Bradley, Mr. Feingold, Mr. Harkin, Mr. Kerry, Mr. Kohl, Mr. Pryor, Mr. Simon, and Mr. Wellstone):

S. 152. A bill to reduce Federal spending by restructuring the Air Force's F-22 program to achieve initial operating capability in 2010 and a total inventory of no more than 42 aircraft in 2013; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. Bradley, Mr. Feingold, Mr. Harkin, Mr. Kohl, Mr. Leahy, Mr. Pryor, Mr. Simon, and Mr. Wellstone):

S. 153. A bill to reduce Federal spending and rapidly enhance strategic airlift by terminating the C-17 aircraft program after fiscal year 1996 and by providing for an early end to the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. Bradley, Mr. Conrad, Mr. Feingold, Mr. Harkin, Mr. Kohl, Mr. Leahy, Mr. Pryor, Mr. Simon, and Mr. Wellstone):

S. 153. A bill to reduce Federal spending and enhance military satellite communications by reducing funds for the MILSTAR II satellite program and accelerating plans for deployment of the Advanced EHF Satellite/MILSTAR III; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. Bradley, Mr. Conrad, Mr. Feingold, Mr. Harkin, Mr. Kohl, Mr. Leahy, Mr. Pryor, Mr. Simon, and Mr. Wellstone):

S. 154. A bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. Bradley, Mr. Conrad, Mr. Feingold, Mr. Harkin, Mr. Kohl, Mr. Leahy, Mr. Pryor, Mr. Simon, and Mr. Wellstone):

S. 154. A bill to reduce Federal spending by prohibiting the backfit of Trident I ballistic missile submarines to carry D-5 Trident II submarine-launched ballistic missile; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. Bradley, Mr. Feingold, Mr. Harkin, Mr. Kohl, Mr. Pryor, Mr. Simon, and Mr. Wellstone):

S. 154. A bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program; to the Committee on Appropriations.

S. 154. A bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the Advanced Neutron Source; to the Committee on Appropriations.

S. 154. A bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source; to the Committee on Appropriations.
the other, said deficit reduction should be the highest priority.

So, Mr. President, I am introducing these spending cuts. Bear this in mind. In 1996 the deficit is going to start back up unless we do something. So here is our task, find $150 billion in Social Security and Medicare and Medicaid in order to cut the deficit. If we get that cut, and you are going to have to find God knows how much else of spending to cut to keep the deficit from starting back up in 1996, and I promise you the American people will turn on this place like a saber-toothed tiger if that happens, and rightfully so.

So here is $33 billion in seven spending cuts. I have some charts. I will show those later and I will speak more extensively on those specific cuts, why I think they should be there.

This will give people a chance to put up or shut up.

Mr. LEAHY. Mr. President, in the 1980's, we were told that it was possible to increase defense spending, cut taxes and still balance the Federal budget. The numbers quadrupled in those years. President Clinton was elected on a pledge to reduce the budget deficits that had crippled the economy through the Reagan-Bush years. For the first time in two decades, we have actually cut the deficits and the economy is improving. Now, we are again hearing the siren song of tax cutting and increased defense spending from the same people who were the source of our national discontent. We have to build upon the solid accomplishments of the last 2 years—not upon the wreckage of the previous 12 years.

Senator BUMPERS is offering this thoughtful list of future spending cuts that will save taxpayers tens of billions of dollars. They are in contrast to the many words being tossed about to justify a return to the failed policies of the past.

I support most of the spending cuts proposed here today. But we need support from the new Republican majority to reduce the taxpayer's burden they impose on all of us.

Some of these cuts will actually enhance existing programs. For example, if we cap production of the C-17 cargo plane at 40 planes and instead buy existing aircraft like Boeing 747's or Lockheed C-5's, we can save $5 billion over the next 5 years and increase our air cargo capabilities.

If we cancel the fifth and sixth military communication satellites known as Milstar, we can save $2 billion over the next 5 years. These satellites were designed to survive a nuclear war with the Soviet Union, a nation that doesn't even exist any more. Instead, we should accelerate development of the smaller, cheaper Milstar III, which will deliver more communications capability for the regional conflicts that we are most likely to encounter in the future.

The international space station will consume $52 billion of taxpayer money over the next 15 years. I am not against space exploration, but NASA has never justified the immense cost of this program in terms of scientific returns. We need to intensify our efforts to develop cheap, reusable launch vehicles that make space more accessible. Then we can consider space stations, space factories, and other futuristic projects.

The Navy wants to spend $3 billion over the next 5 years to refit our Trident ballistic missile submarines with the super-accurate D-5 nuclear missile. These missiles were designed as bunker-busters for Soviet ICBM's, which are being disarmed as we speak. And we have D4 missiles that can deliver an acceptable nuclear punch in the unlikely event of total nuclear war.

I don't agree with everything Senator BUMPERS proposes. We differ on his recommendation to cut $5 billion from the intelligence budget. I prefer to await the recommendations of the Presidential commission set up last year by Congress to review the roles and missions of our intelligence agencies.

I reserve my opinion on the Advanced Neutron Source reactor because I have not had an opportunity to analyze the details of this program. I may very well join Senator BUMPERS in opposition in the future—but I just don't know enough to make an educated judgement at the present time.

In sum, there are tens of billions of dollars to be saved in these spending cuts, without any threat to national security, and the very real possibility that our defense will be strengthened as a result.

Along with Senator BUMPERS, I urge incoming Senators and Representatives to make a genuine, bipartisan effort to review these options to make our government less costly and more efficient. We have some old white elephants straining the costs of government. We don't need great new ideas—just a little courage—to end these programs.

By Mr. JOHNSTON:

S. 158. A bill to provide for the energy security of the United States through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

THE OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF ACT

Mr. JOHNSTON. Mr. President, I introduce the Outer Continental Shelf Deep Water Royalty Relief Act. This legislation is intended to address the serious decline in oil and gas exploration and development activity in the Western and Central Gulf of Mexico on the Outer Continental Shelf (OCS). This is not the same proposal introduced in the Senate and reported by the Committee on Energy and Natural Resources in the last Congress. This specific legislation is the result of a compromise worked out with the Administration last session in the context of the mining law reform conference. This legislation has the support of the Secretaries of the Departments of Energy and the Interior.

The Outer Continental Shelf is an important domestic source of oil and clean-burning natural gas. Approximately 10 percent of domestic oil and 25 percent of domestic natural gas is produced from the OCS. It is estimated to hold one-fourth of all domestic oil and gas reserves. The Central and Western Gulf account for 90 percent of the oil and 99 percent of the gas produced from the OCS.

Domestic exploration and development have fallen off dramatically in recent years as capital has moved to support drilling in other parts of the world. In 1992, for the first time, the major oil companies spent more on exploration and development activity abroad than on U.S. activities. Between 1987 and 1992, $30 billion flowed from the U.S. oil patch to foreign operations. This translates to a loss of 450,000 jobs by the domestic industry over the last 10 years.

Mr. President, the deep waters of the OCS hold promise of substantial oil and gas resources crucial to our domestic energy security. However, the costs of producing these resources are substantial and increase significantly with water depth. One industry estimate places capital investment costs for a conventional fixed leg platform in 800 feet of water at $1.30 billion, compared to costs of nearly $1 billion for a conventional tension leg platform in 3000 feet of water. According to Department of Interior estimates there are some 11 billion barrels of oil equivalent in the Gulf of Mexico in waters of a depth of 200 meters or more. This legislation is expected to bring into production at least two additional fields with possible reserves of 150 million barrels of oil equivalent.

By allowing lessees to recover a significant portion of the capital cost prior to imposition of a royalty payment this legislation will encourage development of these important oil and gas resources. Royalty holidays of this type are commonly used in other parts of the world as a mechanism for risk sharing between the government and the industry. The high up-front capital costs associated with developing this type of resource. The North Sea is a prime example. British and Norwegian tax and royalty changes, put in place in the 80's have yielded dramatic results in the past couple of years. In fact, increases in this non-Opec production has contributed significantly to holding down international oil prices.

First, the legislation clarifies the authority of the Secretary of the Interior to offer additional royalty relief leases in the OCS to encourage development. Currently the Secretary may grant relief once a lease has been developed and is producing, it is not clear whether the authority exists before
production is initiated. The Department of Interior has sought this clarification. The legislation further provides for a specified royalty holiday for existing leases in deep waters that are not currently economic. Upon application, undeveloped leases in water depths of 200 meters or more in the Central and Western Gulf of Mexico, will, have the royalty payment suspended until a minimum number of volumes have been produced. The specific volumes covered by the royalty holiday may be based on water depth. The provision applies to production from leases coming on-line after the date of enactment of the legislation and to production resulting from lease development activities undertaken pursuant to a Development Operations Coordination Document approved after the date of enactment. In addition, for new leasing in the Gulf, the lease terms will provide for an initial royalty holiday on a given number of barrels of oil or gas or equivalent, determined by the Secretary. This new leasing arrangement will be in effect for 5 years from the date of enactment. The royalty relief would not apply to the production of oil or natural gas, respectively, in any month when the average closing price for the earliest delivery month for oil exceeds $28 per barrel or when prices for natural gas exceed $3.50 per million BTUs.

This is a win-win policy for the Federal and State government. By stimulating development of indigenous oil and gas resources we reduce our dependence on imported supplies, create jobs and generate significant revenues, initially in Federal and State income taxes then royalties.

Mr. President, this bill represents one step in addressing this problem. It is a significant step, but we must look at other initiatives, such as changes in the tax laws that can be taken to address the decline in the returns on oil and gas exploration and development activity. I look forward to considering other initiatives that could complement the royalty relief proposal that I am introducing today.

I am also submitting a separate amendment to this legislation to correct an unacceptable onerous effect of the Oil Pollution Act of 1990 [OPA 90]. The amendment gives the Secretary of the Interior the flexibility to set the financial responsibility requirements based on the risk associated with different sorts of facilities. OPA 90 was passed and signed into law following the Exxon Valdez tanker spill in Alaska. The intent of OPA 90 was to lessen the risk of oil spills and to improve the environmental and economic consequences of oil spills in navigable waters. However, in the post-disaster legate to legislate, the solution went far beyond the problem. Currently, the Outer Continental Shelf Lands Act [OCSLA] requires owners of OCS facilities to demonstrate evidence of financial responsibility equal to $35 million. OPA 90 increased the financial responsibility of responsible parties to $150 million. This was done without regard to the actual risk and experience of nontanker facilities operating in the OCS.

This same amendment was reported by the Committee on Energy and Natural Resources in the last Congress and was the subject of a colloquy between myself and Senator BAUCUS on the Senate floor. The Solicitor of the Department of Interior has since completed his review of the financial responsibility provisions and determined that "OPA does not authorize MMS to set different responsibility levels for offshore facilities based on risk." The Administration agrees that a legislative remedy is required.

I urge my colleagues to join me in supporting this important legislation to provide deepwater royalty relief in the Western and Central Gulf of Mexico. Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Outer Continental Shelf Deep Water Royalty Relief Act".

SEC. 2. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 2(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337 (a) (3)), is amended by striking paragraph (3) in its entirety and inserting the following:

"(3) (A) The Secretary may, in order to--

(i) promote development or increased production on producing or non-producing leases; or

(ii) encourage production of marginal resources on producing or non-producing leases through, primary, secondary, or tertiary recovery or elimination of any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

(B) (1) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, the royalties shall be due on new production as follows:

"(aa) For new production, as defined in clause (iv) of this subparagraph, no royalty payments shall be due on new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 53 million barrels of oil equivalent in water depths of 400 to 600 meters, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of this subparagraph, the provisions of clause (iv) (aa), shall not apply to the Deepwater Royalty Relief Act of 1995.

The Secretary may extend the time period for making determinations and redeterminations under this clause for 30 days, or longer, if the Secretary determines that such extension is necessary to provide a reasonable time for the lessee to make the determination or redetermination.

iii) In the event that the Secretary fails to make the determination or redetermination required for by clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

"(aa) For new production, as defined in clause (iv) (aa) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

(bb) For new production, as defined in clause (iv) (bb) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

(iv) For purposes of this subparagraph, the term "new production" is--

(aa) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

(bb) any production resulting from lease development activities pursuant to a Development Operations Document or a Supplement thereto that would expand...
SEC. 3. NEW LEASES.

(a) Section 8(a)(2) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(2)) is amended as follows:

(1) Redesignate section 8(a)(2)(H) as section 8(a)(2)(I).

(2) Add a new section 8(a)(2)(I)(H) as follows:

``(H) cash bonus bid with royalty at no less than 12 and 1⁄2 per centum fixed by the Secretary in amount or value of production volume determined pursuant to clause (ii) of (ii).''

(b) For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing the lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this Act, shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act as amended by this Act, except that the suspension of royalties shall be set at a volume not less than the following:

(1) 1 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 2.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 6.25 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 4. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this Act within 180 days after the enactment of this Act.

By Mr. SHELBY (for himself, Mr. CRAIG, Mr. FAIRCLOTH, and Mr. HEFLIN):

S. 160. A bill to impose a moratorium on immigration other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

THE IMMIGRATION MORATORIUM ACT OF 1995

S. 160: Mr. Shelby. Mr. President, today I am introducing a bill to address the seemingly perpetual problem of immigration.

We are taught to believe that immigration to America has been, and should be, a perpetual and unlimited right.

However, our capacity, as a country, to process and assimilate the heavy flow of immigrants is not sustainable. Excessive demands on social, medical and welfare services accentuate the necessity to address the problem immediately.

A quick survey of the condition of State budgets, particularly those of California, Florida, Illinois, New York, and Texas will illustrate the overwhelming demands on education, health care, welfare, prisons, and other social infrastructure. California, Florida, and Texas are actually suing the Federal Government for billions of dollars they have had to spend for such immigrant related costs.

The dilemma before us is not limited to illegal immigrants as the media often implies. While approximately 300,000 illegal immigrants come here each year, we actually admit almost 1 million legal immigrants a year. Legal immigration creates a demand more than three times greater than illegal immigration. Simply put, States do not have the resources to provide services to an additional 1.3 million persons a year.

Some will say that these immigrants do not come over here for a hand out, but that they come over to work and live the American dream. However, if we assume this to be true—that they come to America to work—then this creates an additional 1.3 million persons to the labor force. Of the 974,000 immigrants that were granted legal permanent residence in 1992, 672,303 were between the ages of 20 and 64.

If these immigrants enter the job market, their entry effectively reduces wages by increasing the labor supply. At the time when income is stagnant or not declining, immigration policy should not contribute such a strong downward pressure on real income. Such a policy does not make fiscal or social sense.

The scenario just mentioned is the optimistic view. If one chooses to assume the opposite, that immigrants choose not to work, the inevitable result is an increase in the demand of social services. As mentioned earlier, the demand is already too high in many states.

Neither of the two scenarios paint a pretty picture. Indeed, both of these scenarios are costly to the American taxpayer.

As a result, I am introducing legislation to provide relief to the American taxpayer. This bill would lower the amount of legal immigrants from about 1 million to 325,000. This figure would include around 175,000 spouses and children of U.S. citizens which has traditionally been the case.

The bill also includes a 50,000 level for refugees/asylees, 50,000 for highly skilled workers and 50,000 for other relatives of U.S. citizens.

In addition, my legislation would reduce the admissions backlog by freezing the current levels. New applications would not be accepted until the end of the moratorium unless the applicant came from one of the allowable categories under this legislation.

This legislation would ease the demands on State governments while also minimizing the negative economic consequences immigrants have on the labor force. Although this is only a temporary 5-year remedy, it will allow us the time needed to pass a complete, longer term solution to the problem.

I support comprehensive reform efforts, but believe immediate relief is needed.

It is important that we strive for a rational and equitable immigration policy that takes into account the economic and social needs. We must do this without compromising the social and economic stability of this country and the quality of life for every American.

In order for immigrants to live the American dream, there has to be a healthy, prosperous economy and a diverse, harmonious society.

To offer anything less, would be to cheat them of the American dream. Mr. President, I urge my colleagues to support this legislation.

By Mrs. MURRAY: S. 161. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of estate tax imposed on family-owned business interests; to the Committee on Finance.

THE AMERICAN FAMILY BUSINESS PRESERVATION ACT

Mrs. MURRAY. Mr. President, today I am introducing the American Family Business Preservation Act of 1995.

My father ran a small business in Bothell, WA. He taught me as long as I worked hard and obeyed the rules, I could build a better life for myself and my family. But, for years, it seemed that as hard as my husband and I were...
Mr. President, it gives our kids hope in the future. It brings common sense and real respect to the American Dream. Mr. President, I am proud of this record. Small businesses are the heart of the American economic system. They are the essence of the American dream. And, sadly, for many small business owners that dream has been fading. Our great American middle class is hard-working people have yet to feel that anxiety and restore the dream.

Mr. President, this bill will specifically reduce the particularly onerous estate and gift tax imposed on our small businesses during the 1980s. This bill act as a safety net for farmers and woodlot owners to leave their children the benefits of their hard work. It will end the ridiculous penalties the Federal Government has imposed on American families when a loved one dies. It will keep American families engaged in small business financially solvent. This reform is especially important to my home State of Washington. It will encourage the stability and diversity of our economy. It will help assure that my state's woodlots stay in hands and thereby ensure stability in forest management. It is an environment-friendly tax cut.

Specifically, the American Family Business Preservation Act will reduce the 55% estate tax rate to 15 percent as long as the heirs continue to operate the business. If, for any reason, the heirs are unable to operate—continue to own—the business, the maximum rate will be 20 percent.

It removes the unified estate and gift tax credit for inflation. This credit—effectively exempt from taxes estates valued at less than $600,000—was last increased 14 years ago, in 1981.

And, the bill allows hard-working Americans to keep more of their money in their family. I believe if you work hard and you play by the rules, you should be able to enjoy the rewards. When this bill passes, we will be able to give up to 15 percent of our earned income each year to family members without being subject to gift tax.

Mr. President, this provision is important because many of this Nation's hard-working people have yet to feel the impact of the current economic expansion. During the past 2 years, we have created more than 5 million jobs. Interest rates and inflation are subdued. We have reduced the size of Government. And, we have trimmed the one-third of our Federal budget deficit. I am proud of this record.

But, we need to make sure working people really benefit from this economic progress.

Mr. President, we are at an economic crossroads. We can continue along the traditional route of corporate buy-outs, declining wages, and a skittish middle class. Or, we can move boldly into a new century in which jobs and lives are valued, and all American families have a stake in our economic well-being.

That is why this bill is so important.
(C) there is no recapture under subsection (e) on or before the earliest date during such 10-year period that no qualified heir so materially participated,

there is hereby imposed an additional estate tax.

(2) ADDITIONAL ESTATE TAX.—The amount of the additional estate tax imposed by paragraph (1) shall be the applicable percentage of the excess of what would have been the estate tax liability for subsection (c)(1) over the estate tax liability.

(3) DEFINITIONS.—For purposes of paragraph (2), the terms ‘applicable percentage’ and ‘estate tax liability’ have the meanings given to such terms by subsection (e).

(4) OTHER DEFINITIONS.—For purposes of this section, the terms ‘qualified heir’ and ‘memorialized estate’ have the meanings given to such terms by section 2032A(e).

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 11 of such Code is amended by adding at the end the following new item:

“Sec. 2003. Reduced rate on family-owned business interests.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to decedents dying after the date of the enactment of this section.

SEC. 3. LIMITATION ON 4 PERCENT RATE OF INTEREST ON ESTATE TAX EXTENDED UNDER SUBSECTION 6016 TO APPLY TO ESTATE TAX ATTRIBUTABLE TO QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Paragraph (2) of section 6016(l) of the Internal Revenue Code of 1986 (relating to 4-percent rate of interest on estate tax) is amended by adding at the end the following new sentence:

“‘Sec. 2003. Reduced rate on family-owned business interests.’

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 4. EXTENSION OF ALTERNATE VALUATION DATE TO 40 MONTHS WITH RESPECT TO ESTATE CONSISTING LARGELY OF QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Section 2032 of the Internal Revenue Code of 1986 (relating to alternate valuation date) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (d) the following new subsection:

“(c) QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.—In the case of an estate to which section 2032 applies—

“(1) in the case of an estate to which section 2032 applies—

“(2) in the case of a decedent dying during calendar year 1994, the applicable credit amount for such calendar year shall be increased by subtracting the amount of the tentative tax for such calendar year from the tentative tax for the calendar year following such calendar year.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 5. INCREASE IN GIFT TAX EXCLUSION.

(a) IN GENERAL.—Subsection (b) of section 2503 of the Internal Revenue Code of 1986 (relating to exclusion of gifts) is amended by adding at the end the following new sentence: “In the case of gifts made during a calendar year by a donor consisting of lineal descendants of the donor, the aggregate amount of such gifts which are not included in the total amount of gifts by reason of this subsection shall not be less than 15 percent of the donor’s earned income (as defined in section 32(c)(2)) for the taxable year ending with or within such calendar year.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to gifts made in calendar years beginning after the date of the enactment of this section.

SEC. 6. INCREASE IN UNIFIED ESTATE AND GIFT TAX AMOUNT.

(a) ESTATE TAX CREDIT.—

(1) Subsection (a) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended by striking “$192,800” and inserting “the applicable credit amount”.

(2) Section 2010 of such Code is amended by redesignating subsection (c)(1) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) APPLICABLE CREDIT AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule for such calendar year.

“(2) UNIFIED GIFT TAX CREDIT.—Paragraph (1) of section 2505(a) of such Code is amended by striking “$600,000” and inserting “the applicable credit amount”.

“(3) COST-OF-LIVING ADJUSTMENTS.—In the case of any decedent dying in a calendar year after December 31, 1995, the $600,000 amount set forth in paragraph (1) shall be increased by an amount equal to—

“$600,000 multiplied by—

“(B) the cost-of-living adjustment determined under section 111(f)(3) for such calendar year by substituting ‘calendar year 1996’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.

“(3) Paragraph (1) of section 6018(a) of such Code is amended by striking “$600,000” and inserting “$600,000 (adjusted as provided in section 2010(c)(2))”.

(b) UNIFIED GIFT TAX CREDIT.—Paragraph (1) of section 2505(a) of such Code is amended by striking “$192,800” and inserting “the applicable credit amount in effect under section 2010(c)(1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 7. THE SAFETY IMPROVEMENT ACT OF 1995

Mr. LAUTENBERG. Mr. President, today I am introducing the National Gas Pipeline Safety Improvement Act of 1995. This bill dramatically decreases the chances of pipeline accidents and reduces the risk to those who live, work, or go to school near a pipeline.

This bill is designed to prevent disasters like the one that occurred last March 23, in Edison, NJ, the whole Nation witnessed the ball of fire over Edison in the wake of the explosion. Every American who saw that image on television shuddered.

All too often, when a disaster happens, people focus on it for a few days and then shift their attention to other problems. That hasn’t happened in the wake of the Edison explosion and will not happen. I won’t let that happen. Senator BRADLEY won’t let it happen. And the people of Edison won’t let it happen.

This bill addresses the destruction in Edison after the explosion. The explosion was devastating to the families involved and traumatic to all residents of my State, which is home to a number of pipelines. I have talked to families who lost everything but the clothes on their backs, but have seen the emotional fallout—the children and adults who replay the events of that evening each night before they drift into a fitful sleep. And I know that even now, almost a year later, those people still have very real problems.

Edison was not an isolated event. Since that terrible night on March 23, there have been other pipeline problems. And there were problems that preceded it. My major concern is what happened in Edison; but, Mr. President, we must make sure it doesn’t happen in any community, to any American.

I believe that if this bill had been law before that fateful night last March things could have been very different.

Let me briefly describe the five major elements of my legislation:

First, my legislation would beef up compliance with existing laws by making sure that the Department of Transportation has the resources necessary to conduct regular oversight inspections of corporations with pipeline operations in New Jersey and around the country.

The bill achieves this goal by providing the U.S. DOT with the authority to recoup the cost of accident investigations from pipeline companies. In this way, DOT investigations are not interrupted when Office of Pipeline Safety personnel and resources are diverted to investigate a major pipeline failure.

Second, the bill would prevent accidents by requiring that legislation will increase funding to States to advertise one-call notification systems and expand the DOT role in pipeline safety to include pipeline safety awareness programs.

One-call notification systems require contractors to learn the location of underground facilities before they dig.

Third, the bill directs the Secretary to establish an electronic data system on existing pipelines. This will provide an adequate data base so DOT can cope with the potential problems we face.

This system will provide information on the nature, extent, and geologic location of pipeline facilities to facilitate risk assessment and safety planning with respect to such facilities.

Fourth, we need to target attention to areas where the greatest potential threat exists. The legislation will increase inspection and siting requirements for pipelines in high density population areas. I would also encourage
people who live near a pipeline to report suspicious dumping or digging on or near a pipeline, or to report other activities relating to prevention of damage to pipeline facilities.

Mr. President, last June DOT's Office of Pipeline Safety sponsored a pipeline safety summit. The summit was designed to develop a public/private agenda that establishes priorities for pipeline safety initiatives and identifies the next steps needed to make them a reality. The report developed from the discussions at the summit will form a blueprint for action. I expect that report to be completed soon. When it is, I will develop additional legislative proposals based upon it.

Meanwhile, I would like to remind my colleagues that no State in the Union is exempt from the type of disaster that happened in Edison, NJ.

Mr. President, I would encourage all of my colleagues to examine and cosponsor the National Gas Pipeline Safety Improvement Act of 1995.

I ask unanimous consent that the text of the National Gas Pipeline Safety Improvement Act of 1995 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 162

_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 "Pipeline Safety Improvement Act of 1994".

**SEC. 2. RECOVERY BY SECRETARY OF TRANSPOR-TATION OF COSTS OF INVESTIGATION OF CERTAIN PIPELINE ACCIDENTS.**

(a) **NATURAL GAS PIPELINE ACCIDENTS.**—Section 14 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by adding at the end the following:

"(4)(A) Amounts recovered by the Secretary under this subsection shall be available to the Secretary for purposes of the payment of the costs of investigating and overseeing responses to accidents under this subsection and shall be available to the Secretary for such purposes without fiscal year limitation.

(B) Such amounts shall be used to supplement and not to supplant other funds made available to the Secretary for such purposes.

(2) The Secretary may recover costs under this subsection with respect to an accident unless the accident—

"(A) results in death or personal injury; or

"(B) results in property damage (including the cost of any lost natural gas) and environmental damage (including the cost of any environmental remediation) in a single accident.

(3) The amount that the Secretary may recover under this subsection with respect to an accident may not exceed $500,000.

(c) **SANCTIONS.**—Subsection (b)(9) of such section is amended by inserting "or that would provide for effective civil or criminal sanctions or equitable remedies appropriate to the nature of the offense" after "12 of this Act."

(d) **CONFORMING AMENDMENT.**—Subsection (f) of such section is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (c)(3)".

**SEC. 4. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.**

(a) **NATURAL GAS PIPELINE FACILITIES.**—Section 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities;"

(b) **HAZARDOUS LIQUID PIPELINE FACILITIES.**—Section 213(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2010) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities;"

**SEC. 5. ELECTRONIC DATA ON PIPELINE FACILITIES FOR SECURED USE BY STATE AGENCIES.**

(a) **AUTHORITY TO DEVELOP.**—The Secretary of Transportation may develop an identified data base containing uniform information on the natural gas and hazardous liquid pipeline systems of the United States.

(b) **CONTRACT AND GRANT AUTHORITY.**—(1) Subject to paragraph (2), the Secretary may develop the data base described under subsection (a) by entering into contracts or cooperative agreements with any entity that the Secretary determines appropriate for that purpose and by making grants to States or institutions of higher education for that purpose.

(2) The Secretary shall ensure that the Federal share of the cost of any activities carried out under a contract or cooperative agreement made under this subsection does not exceed 50 percent of the cost of such activities.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) **NATURAL GAS PIPELINE SAFETY ACT OF 1968.**—Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1687(e)) is amended by striking out "and training activities" and inserting instead "and promotional activities."
SEC. 8. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) PROHIBITION.—No person shall excavate within the right-of-way of a natural gas interstate transmission facility, or any other limited area in the vicinity of such interstate transmission facility established by the Secretary, and dispose solid waste therefrom.

(b) DEFINITION.—For purposes of this section, the term ‘solid waste’ has the meaning given such term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

SEC. 9. PERIODIC INSPECTION BY INSTRUMENTED INTERNAL INSPECTION DEVICES.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 3(g)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(6)) is amended—

(1) by striking ‘‘Not later than 3 years after the date of the enactment of this paragraph and inserting in lieu thereof ‘Not later than 1 year after the date of the enactment of the Natural Gas Pipeline Safety Improvement Act of 1994’’;

(2) in the first sentence, by inserting ‘‘and shall prescribe a schedule or schedules for such inspections after ‘operator of the pipeline’’” after “section 221(a)”.

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 209(a)(1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2007(a)(1)) is amended by striking ‘‘or section 209(h)’’ and inserting in lieu thereof ‘‘or section 221(b)’’.

SEC. 10. PROMOTING PUBLIC AWARENESS FOR NEIGHBORS OF PIPELINES.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 18 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(g)) is amended by adding at the end the following new subsection:

(c) PROMOTING PUBLIC AWARENESS FOR NEIGHBORS OF PIPELINES.—Not later than 1 year after the date of enactment of this subchapter, the owner or operator of each natural gas pipeline shall notify all residents within 1000 yards, or such other distance as the Secretary determines appropriate, of such interstate transmission facility of—

(1) the general location of the interstate transmission facility;

(2) request for reporting of any instances of excavation or dumping on or near the interstate transmission facility;

(3) a phone number to use to make such report; and

(4) appropriate procedures for such residents to follow in response to accidents concerning interstate transmission facilities.

(b) PUBLIC EDUCATION.—The Secretary shall develop, in conjunction with appropriate representatives of the hazardous liquid pipeline industry, public service announcements to be broadcast or published to educate the public about pipeline safety.

SEC. 11. REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.

Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is amended by adding at the end the following new subsection:

(2) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—Not later than 18 months after the date of enactment of this subchapter, the Secretary shall issue regulations relating to the installation, operation, maintenance, and testing of remotely or automatically controlled valves that are safe, technically and economically feasible, of remote or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source. In developing proposed regulations, the Secretary shall consult with appropriate representatives of the gas pipeline industry, such as the Gas Research Institute.

SEC. 12. BASELINE INFORMATION.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 3(g) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(g)) is amended by adding at the end the following new paragraph:

'(3) BASELINE INFORMATION.—Before transporting natural gas through a pipeline which, because of its design, construction, or replacement, is required to be equipped with remotely or automatically controlled valves, a pipeline operator shall, upon request by the Secretary, provide the Secretary with information about the pipeline in the form required by the Secretary, such information to include the relevant operating and performance data of the pipeline and such other information as the Secretary may require.
By Mr. BRADLEY:

S. 163. A bill to amend the Congressional Budget Act of 1974 to require that allocations of budget authority and budget outlays made by the Committee on Appropriations of each House be agreed to by joint resolution and to permit amendments that reduce the relevant allocation and the discretionary spending limits; 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.

THE SPENDING REDUCTION AND BUDGET CONTROL ACT OF 1995

Mr. BRADLEY. Mr. President, I introduce the Spending Reduction and Budget Control Act of 1995. This legislation fundamentally and powerfully reformed an appropriations and budget process that is too stacked in favor of continued public spending and a status quo of wasteful or outdated government programs.

I have been trying, along with a number of Senators, to reduce taxpayer funding wasted on unnecessary programs and to reduce the deficit. During the 103d Congress, over 20 separate, specific cut proposals were voted on in the Senate. Only three were adopted. Three. Clearly, any attempt to cut programs on the Senate floor is a long shot.

The prospects are discouraging and, unfortunately, the Senate's own work against any attempt to cut spending. My legislation targets these rules and the substantial procedural obstacles faced by any legislator who dares to cut appropriations, and to cut Federal spending.

Every time one of us offers an amendment to cut a program, we face the charge that these amendments do not lead necessarily to any deficit reduction. This happened again and again during the last Congress as a way to discourage Senators from supporting an amendment. Instead of criticizing a proposed budget cut on substance, opponents simply remind Senators that these budget cutters are just tilting at windmills.

The problem is that this argument is valid. The rules governing the budget and appropriations process in fact make it nearly impossible to cut a program and reduce spending. In reality, any attempt to do so would almost certainly require a three-fifths supermajority to succeed. And the cuts, even if agreed to by the Senate, can be easily reversed in Conference.

My bill creates three key spending reforms, which I will describe in detail. This legislation—first—creates real opportunities to establish or redirect spending priorities, second—guarantees a single budget amendment to cut spending with a majority vote, and—third—constrains the appropriations conferences to retain spending cuts agreed to in both Houses of Congress.

Consider how we allocate spending across a variety of programs. The Manned Space Bill, which sets the budget for the space program, the Appropriations Committees are allowed to determine discretionary spending within the budget resolution targets. While we debate functional categories during consideration of the budget, the fact is that these categories (with the possible exception of the defense category) are almost entirely irrelevant to the appropriations process.

Constrained only by an overall discretionary spending cap, the Appropriations Committees allocate the spending authority to its 13 subcommittees. Based on virtually no guidelines, tens of billions of dollars are allocated to the subcommittees. The rest of Congress never knows how this was done or how their constituents' money can be spent until they've been handed the results.

We need to return this power to the voters by allowing all of their representatives to determine how to distribute the money within the budget targets and subcommittee jurisdictions. That means nothing more than requiring a vote by each House on how much money each subcommittee should get. This is the first element of my bill.

Unfortunately, this step alone doesn't solve the problem. When the appropriations bills come to the floor, there are different complex rules but the same problem: the ability to cut spending is greatly limited.

Here's how it works on the House and Senate floors: if you offer an amendment to cut a specific spending item, such as the purchase of Lawrence Welk's childhood home, and it passes, the category that money came from remains intact, and the money you saved can be spent somewhere else in that category.

If you want to avoid the trap I just described, you also have to get approval to cut the overall allocation, and lock in that cut. These allocations and caps are very important in Congress—we have rules that say you need 60, not 50, votes to reduce these privileged entities. You can raise taxes with 50 votes but to cut spending you need 60 votes. The second part of my bill changes the Cap—-if you have the support of a majority, you can cut spending.

But there's one last problem. Even if the House and Senate agree on similar program and allocation cuts, the Conference Committee that creates the final bill is virtually free to reinstate whatever funding might have been cut. This couldn't happen under the terms of the third part of my proposal.

These problems are real. I know firsthand. This really happens. It happened last Congress to a spending cut amendment I offered. After the Senate agreed to cut $22 million from the High Temperature Gas Reactor, the Conference Committee scaled the reduction down to $10 million. Half a loaf, but still $10 million in deficit reduction, right?

Wrong. The Energy and Water Appropriations Bill—which was $108 million in deficit reduction, the HTGR by $10 million—actually increased in size during the conference, gaining an extra $20 million out of thin air.

Let me make an analogy between cutting spending under the present system and basketball. Imagine you make a free throw—cut a specific program—but it doesn't count unless you go back to the three-point line and make the shot again—cut the allocation or cap. But it doesn't count again unless you make another free throw—cut a shot from there—keep the cuts in a conference report. All of that in order to get credit for a single free throw—or a single deficit reduction amendment.

We've created this system. We can straighten it out. We have to turn the process around so that it's as easy to cut spending in the future as it is to protect spending now. We need a new system, which would be created by the adoption of my reforms.

Again, there are three key elements to my proposal:

First, we need to give to Congress the right to debate and set priorities for discretionary spending. These are the most fundamental decisions, and they are out of the reach of most of the Congress.

I propose we put these decisions before Congress, for approval or modification by majority vote. My bill would require a separate resolution to allocate spending among the appropriations subcommittees. Both houses would have to agree beforehand on how much could be spent by each house's subcommittees.

Second, we need to change the rules that prevent cuts in appropriations spending from being actual budget cuts. These obstacles—which were put in place to hinder an increase in spending—represent bad policy when the goal is deficit reduction.

My legislation would allow cuts in programs and cuts in spending. There would be several options: one, follow the status quo, and let money saved from an appropriations cut amendment be spent elsewhere; two, cut a program and cut the current year's allocation (thereby reducing the deficit); or three, cut a program and reduce the budget, and force a reduction in future budgets. All of these approaches would require only a majority vote—not the current supermajority of 60 votes—to be adopted.
Third, real accountability is needed in conference committees, where expensive deals are often cut. Even when the House and Senate cut programs, the compromise may turn out to be that no program is cut.

My bill would change Senate rules to prohibit an Appropriations Conference Committee from reporting a bill containing spending cuts less than either the House or Senate language. Even if the House and Senate cuts are in different programs, the conference will have to reduce spending by at least one-third the smaller of the two amounts. In other words, if the House agrees to $100 million in cuts on a particular appropriations bill, and the Senate agrees to $200 million on the same bill, the Conference would be constrained to produce a Conference Report with at least $100 million in cuts included.

Are these budget reforms the answer to the deficit crisis? No. Entitlement and tax expenditure outlays are both growing rapidly, and neither can be addressed by changing congressional procedures. Tightening controls on discretionary spending, we must move forward to confront the huge growth in the other two-thirds of the budget.

Americans are right when they think that we are truly inspired when it comes to spending: we need to bring the same zeal to cutting spending. We need basic reforms that assure that spending cuts are spending cuts, not just reductions in spending. In my view, these changes are needed and overdue.

Mr. President, I urge my colleagues to consider this legislation seriously. This bill would go a long way towards creating a balanced approach to the budget and spending. In my view, these changes are needed and overdue.

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. 492

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 "Spending Reduction and Budget Control Act of 1995." 

SEC. 2. JOINT RESOLUTION ALLOCATING APPROPRIATIONS ON A SUBCOMMITTEE BASIS.

(a) COMMITTEE ON APPROPRIATIONS RESOLUTION.—Section 302(b) of the Congressional Budget Act of 1974 is amended to read as follows:

"(b) COMMITTEE SUBALLOCATIONS.—

'(1) COMMITTEES ON APPROPRIATIONS.—(A) As soon as practical after a concurrent resolution on the budget is agreed to, the Committee on Appropriations of each House shall, after consulting with Committee on Appropriations of the other House, report to its House an original joint resolution on appropriations for each subcommittee to which all or part of its allocation was to its House the subdivisions made by it pursuant to this section.

'(2) CONFERENCES COMMITTEE.—At any time after a committee reports its joint resolution, it shall be in order to consider a conference report on the joint resolution.

SEC. 3. AMENDMENTS TO APPROPRIATIONS BILL.

(a) Section 302 of the Congressional Budget Act of 1974 is amended by—

'(1) redesignating subsection (g) as subsection (h); and

'(2) inserting after subsection (f) the following:

"(g) AMENDMENTS TO APPROPRIATIONS ACT REDUCING ALLOCATIONS.—

'(1) FLIGHT FROM DEFICIT.—Notwithstanding any other provision of this Act, an amendment to an appropriations bill shall be in order if—

'(A) the amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill; or

'(B) such amendment reduces an amount of budget authority and discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill and the 4 succeeding fiscal years.

'(2) CONFERENCE REPORTS.—(A) It shall not be in order to consider a conference report on an appropriations bill that contains a provision reducing subcommittee allocations and discretionary spending included in both the bill as passed by the Senate and the House of Representatives provision provides reductions in such allocations and spending that are less than those provided in the bill as passed by the Senate or the House of Representatives.

'(B) It shall not be in order in the Senate or House of Representatives to consider a conference report on an appropriations bill that does not include a reduction in subcommittee allocations and discretionary spending in compliance with subparagraph (A) contained in the bill as passed by the Senate and the House of Representatives.

SEC. 4. SECTION 602(b) ALLOCATIONS.

Section 602(b)(1) of the Congressional Budget Act of 1974 is amended to read as follows:

"(1) SUBALLOCATIONS BY APPROPRIATIONS COMMITTEES.—The Committee on Appropriations of each House shall make allocations under subsection (a)(1)(A) or (a)(2) in accordance with section 302(b)(1)."

SEC. 5. SPENDING REDUCTION AND BUDGET CONTROL ACT OF 1995—LEGISLATIVE SUMMARY.

The legislation introduced today increases the likelihood of deficit reduction and the accountability of the budget process. The amendment gives legislators new tools to address spending priorities and deficit reduction.

STEP 1: FIX THE ALLOCATION PROCESS

Problem

A central decision in the Appropriations process is the distribution of available spending authority (BA and outlays) among the thirteen subcommittees. While the Budget Resolution may fix the total spending for these "functional categories" and provide little guidance for these allocations, the Appropriations Committee made fundamental decisions about spending priorities that are not subject to approval by the entire Senate. Additionally, the House and Senate figures often differ.

Solution

The Congress would require that each Appropriations Committee must be able to originate and be managed within the Appropriations Committees. Have privileged status and supersede other pending business; Limit debate (Reconciliation-type rules—20 hour debate, tight germaneness rules for amendments)

Specify allocations by Subcommittee

Meet appropriate overall Budget cap Be passed by both Houses in final form prior to the approval of any Appropriations Bills by either House. Subcommittees allocations can be modified in subsequent Appropriations Bills—downward by a majority vote—upward by a three-fifths vote, as is the case today.
A critical step in any amendment to cut Appropriations is that such amendments are unlikely to result in deficit savings. If a legislator succeeds in cutting an account, the funds saved remain available under the Subcommittee's 302(b)/602(b) allocation to be spent on other items. If the appropriations cut amendment contains reductions in the 302(b)/602(b) allocation, then it is subject to a "supermajority" (i.e., three-fifths vote) point of order. Finally, even if both Houses pass similar cuts or if both Houses come in below the 302(b)/602(b) allocation figures, there is no explicit constraint on Conference to maintain deficit reduction.

Solution

Senators and Representatives would be allowed to offer appropriations cut amendments in one of three forms:

(i) Cut the program account, but retain current law subcommittee allocation and discretionary cap figures;

(ii) Cut the program account and drop subcommittee allocation and discretionary cap figures accordingly for current year;

(iii) Cut the program account and drop subcommittee allocation figure for current year and drop figure for current year and for an additional four years.

Any amendment offered in one of the above forms would not be subject to a three-fifths vote point of order.

STEP 2: CUT THE CONFERENCE COMMITTEE ON DEFICIT REDUCTION

Problem

Even if each House adopted reduced spending proposals, there's no guarantee that the conference committee will reduce spending.

In fact, our experience is that the conference committee will reduce spending. If a legislator succeeds in cutting an account, the funds saved remain available under the Subcommittee's 302(b)/602(b) allocation to be spent on other items. If the appropriations cut amendment contains reductions in the 302(b)/602(b) allocation, then it is subject to a "supermajority" (i.e., three-fifths vote) point of order. Finally, even if both Houses pass similar cuts or if both Houses come in below the 302(b)/602(b) allocation figures, there is no explicit constraint on Conference to maintain deficit reduction.

Solution

By Mr. BRADLEY (for himself, Mr. SPECTER, Mr. LAUTENBERG [and Mr. EXON]):

S 164. A bill to require States to consider adopting mandated, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1996

● Mr. BRADLEY. Mr. President, I introduce the Comprehensive One-call Notification Act of 1996, a necessary step to prevent the inadvertent injury and potential tragedy.

We need to acknowledge Edison for the response they have made. However, great as this response was, it is that simple. It is that simple.

Unfortunately, miracles are a poor basis for public policy. You can't count on them. I am not about to count on them. The fact is that there is no margin for error in today's pipeline industry. The natural gas industry does have an excellent safety record, especially when you consider that 25 percent of the energy we consume moves by these pipelines. For example, there are seven major pipelines that cross my home State, and hundreds of smaller ones. The Edison accident never should have happened.

We have to acknowledge Edison for what it is: a breakdown in the regulatory system. These marks appeared to be due to some powerful machinery, such as a backhoe, that struck the pipeline repeatedly.

At this point, we don't know whether the Edison accident was unintentional on purpose. We don't know who struck the pipeline, whether there was negligence or whether this was an act of God. We do know, however, that there was no requirement of utility notification prior to the excavation. And we know that there is no penalty for digging in the vicinity of a pipeline without notifying the utility operator.

This is simply wrong, and represents a failure of public policy. At the hearing before the Senate Energy Committee, every witness agreed that we need a new national program of utility notification. If someone is excavating or grading a site, there has to be proper notification and it has to be mandatory—not voluntary—with penalties for negligence or noncompliance. This national program will be created by the comprehensive legislation we are considering today.

Right now, the gas industry is making plans for a rapid expansion into new markets, particularly in the areas of natural gas vehicles and electric power production. The Department of Energy has predicted that the market will expand by a third over the next 15 years. If accidents occur—regardless of who is at fault or how the industry follows up—this growth will not. It is that simple.

The telecommunications industry is likewise spending billions to expand its infrastructure and capabilities. If this investment, however, is held hostage by every backhoe operator in every State, without serious controls and oversight, we won't see a lot of traffic on this information superhighway.

In one sense, this bill is unnecessary. Sooner or later, I predict, every State will adopt one-call provisions like those identified in this legislation. The reason is simple: sooner or later, every pipeline will experience an accident involving third-party damage to underground utilities. Then, just as has happened in New Jersey, one-call provisions will be introduced or strengthened. This is not an issue of cost. Most States have these programs already. The problem is that, absent sufficient political motivation, these programs are just not as effective as they need to be.

We should not have to wait for another disaster to understand the importance of this modest bill. This comprehensive one-call legislation represents a necessary step if we are to do everything reasonable and appropriate to protect the public from the kind of tragedy that struck Edison.

Passage of this legislation will send a message to the public that our concern is serious and the risks are real. A national program will create a new level of awareness and this awareness would
be a powerful ally in our fight for increased safety.

Mr. President, last Congress, this legislation was passed twice by the House of Representatives and was passed unanimously by the Senate Commerce Committee. This bill was on the verge of final approval when the Senate adjourned last October. I urge all my colleagues to consider this bill carefully and approve it without delay.

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.

This Act may be cited as the “Comprehensive One-Call Notification Act of 1995”.

SEC. 2. DEFINITIONS.

In this Act:

(1) DAMAGE.—The term “damage” means—

(A) impact or contact with an underground facility, its appurtenances, or its protective coating; or

(B) weakening of the support for the facility or protective housing that requires repair.

(2) EXCAVATION.—The term “excavation” means—

(A) an operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of a mechanized tool or equipment or by means of an explosive; but

(B) does not include—

(i) a generally accepted normal agrucultural practice or activity taken in support of such a practice, as determined by each State, including tilling of the soil for agricultural purposes to a depth of 18 inches or less; (ii) a generally accepted normal lawn and garden activity, as determined by each State; (iii) the excavation of a gravesite in a cemetery; or

(iv) each routine railroad maintenance as such maintenance would disturb the ground to a depth of no more than 18 inches, as measured from the surface of the ground, in accordance with rules adhered to by a railroad requiring underground facilities other than its own to be buried 3 feet or lower on railroad property or within the boundaries of a city, town, or village.

(3) EXCAVATOR.—The term “excavator” means a person that conducts excavation.

(4) FACILITY OPERATOR.—The term “facility operator” means a person that operates an underground facility.

(5) HAZARDOUS LIQUID.—The term “hazardous liquid” has the meaning stated in section 60101(a)(2) of title 49, United States Code.

(6) NATURAL GAS.—The term “natural gas” has the meaning given the term “gas” in section 60101(a)(2) of title 49, United States Code.

(7) PERSON.—The term “person” includes an agency of Federal, State, or local government.

(8) ROUTINE RAILROAD MAINTENANCE.—The term “routine railroad maintenance” includes such activities as ballast cleaning, general ballast work, track lining and surfacing, signal maintenance, and replacement of crossties.

(9) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(10) STATE.—The term “State” has the meaning stated in section 60101(a)(20) of title 49, United States Code.

(11) STATE PROGRAM.—The term “State program” means the program of a State to establish or maintain a one-call notification system.

(12) UNDERGROUND FACILITY.—The term “underground facility” means—

(A) an underground line, system, or structure used for gathering, storing, transmitting, or distributing oil, natural gas, communication, water, sewer, steam, or any other commodity that the Secretary determines should be included under the requirements of this Act; but

(B) does not include a portion of a line, system, or structure if the person that owns or leases, or holds an oil or gas mineral leasehold interest in, the real property in which that portion is located also operates, or has authorized the operation of, the line, system, or structure only for the purpose of furnishing services or materials to that person, except to the extent that that portion—

(i) contains predominantly natural gas or hazardous liquids; and

(ii) is located within an easement for a public road (as defined under section 101(a) of title 23, United States Code), or a toll highway, bridge, or tunnel (as described in section 129(a)(2)(A) of title 23, United States Code).

(11) PERIODIC MAINTENANCE.—The term “periodic maintenance” means—

(A) the maintenance scheduled, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(B) notify facility operators to provide for locating and marking or otherwise identifying their facilities at an excavation site, in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(C) provide for a fair and appropriate schedule of fees to cover the costs of providing, maintaining, and operating the State program;

(D) provide an opportunity for citizens to sue the State program; and

(E) require railroads to report any accidents that occur during or as a result of routine railroad maintenance to the Secretary and the appropriate local officials.

(11) EMERGENCY EXCAVATION.—When excavation is undertaken by or for a person on real property that is owned or leased by, or in which an oil or gas mineral leasehold interest is held by, that person, and that person operates an underground facility located at the site of the excavation, a State program may Elect to require that such person contact the one-call notification system before conducting excavation.

SEC. 5. ELEMENTS OF STATE PROGRAM.

(A) IN GENERAL.—Each State shall adopt a State program that—

(1) provides for a comprehensive Statewide one-call notification system to which all facility operators, excavators, and anyone else engaged in excavation, a State program may elect not to include any excavation except emergency excavation, with the manner and scope of coverage determined by the State;

(2) provides for a fair and appropriate schedule of fees to cover the costs of providing, maintaining, and operating the State program;

(3) requires railroads to report any accidents that occur during or as a result of routine railroad maintenance to the Secretary and the appropriate local officials;

(4) requires state or local officials to receive and record appropriate information from excavators about intended excavations;

(5) requires state or local officials to inform facility operators of any intended excavations that may be in the vicinity of their underground facilities; and

(6) inform excavators of the identities of facility operators who will be notified of the intended excavation;

(7) provide effective mechanisms for penalties and enforcement as described in section 6;

(8) provide for a fair and appropriate schedule of fees to cover the costs of providing, maintaining, and operating the State program;

(9) provide an opportunity for citizens to sue the State program; and

(10) require railroads to report any accidents that occur during or as a result of routine railroad maintenance to the Secretary and the appropriate local officials.

(B) EXCEPTION.—When excavation is undertaken by or for a person on real property that is owned or leased by, or in which an oil or gas mineral leasehold interest is held by, that person, and that person operates a one-call notification system before conducting excavation.
actual damage to property exceeding $50,000, or danger of injury or destruction to any underground facility resulting in the release of more than 50 barrels of product, the penalties shall be increased, and an additional penalty of imprisonment may be assessed for a knowing and willful violation.

(c) DECREASED PENALTIES.—Each State's consideration under section 4(a) shall include consideration of reduced penalties for a violation, that results in or could result in damage, that is promptly reported by the violator.

(e) I MEDIATE CITATION OF VIOLATIONS.—Each State's consideration under section 4(a) shall include consideration of procedures for issuing a citation of violation at the site and time of the violation.

SEC. 7. GRANTS TO STATES.

(a) A UTHORITY.—

(1) FUNDING.—Using $4,000,000 of the amounts previously collected under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1995 (previously codified as 49 U.S.C. App. 1660a) or section 69301 of title 49, United States Code, for each of the fiscal years 1996, 1997, and 1998, to the extent provided in advance in appropriations Acts, the Secretary shall make grants to States, or to operators of one-call notification systems in such States, that have elected to adopt a State program described in section 5.

(2) M ANDATORY ELEMENTS.—The model program developed under paragraph (1) shall include all elements of a State program described in section 5.

(b) ALTERNATIVE NOTIFICATION PROCEDURES.—If a State has procedures for licensing or permitting entities to do business, procedures for the revocation of the license or permit, or to do business of any excavator determined to be a habitual violator of the requirements of the State program.

(c) PUBLICATION OF LICENSES AND PERMITS.—If a State has procedures for licensing or permitting entities to do business, procedures for the revocation of the license or permit, or to do business of any excavator determined to be a habitual violator of the requirements of the State program.

(d) USE OF TECHNOLOGIES FOR REMOTE EXCAVATION.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. DOLE):—

S. 166. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.
In 1979, the Federal District Court in Washington, DC added 1,235 acres to the trust lands of Taos Pueblo in the Taos Valley as a result of passage of this legislation. The history of this area is fascinating and involves the only living culture in the United States to be recognized by the United Nations as a World Heritage Site. Americans can be very proud of the Taos Pueblo Indians who live in the Rocky Mountains of New Mexico. New Mexicans are proud of the Taos Pueblo for this most unique international honor in our land of enchantment.

Designation as a World Heritage Site is an honor we share with the Grand Canyon, Yosemite, the Statue of Liberty, and Independence Hall, to name several such sites in the United States. The Taos Pueblo, however, is the only living culture to be so honored in the Western Hemisphere. A well known cultural and religious attribute of the World Heritage Site at Taos Pueblo is the Blue Lake and its special spiritual significance to the Taos Pueblo and other New Mexico Indians. Blue Lake is nestled high in the Sangre de Cristo Mountains east of the Pueblo. The sacred ceremonies of the Taos Pueblo people at this site pre-date the signing of the Magna Carta.

The Bottleneck area is an integral part of Blue Lake and continues to be used by Taos Pueblo for religious pilgrimages. The sacred Path of Life Trail, connecting the Pueblo with Blue Lake, runs through the bottleneck. The Blue Lake Wilderness includes Blue Lake, Star Lake, and Bear Lake. Headwaters to Rio Pueblo de Taos and the Rio Lucero are also in this sacred area. There is no doubt that the Blue Lake Wilderness, designated a wilderness area in the 1970 law, has been a vital source of livelihood and spiritual strength for the Taos Pueblo for over 1,000 years.

Until the Senate today is intended to complete the full transfer of the Blue Lake territory to the Taos Pueblo. The Path of Life Trail in the Bottleneck Trail will be returned to its rightful owners. Most of the Blue Lake area transfer took place in 1970, when Public Law 91-550 was signed by President Richard M. Nixon. At that time, 48,000 of the 50,000 acres of Blue Lake Wilderness were returned to the Taos Pueblo. The entire 50,000 acre area known as the Blue Lake was acknowledged by the Indian Claims Commission in 1965 to be Taos Pueblo land. The creation of the Blue Lake Wilderness in 1970 by the Congress transferred 48,000 acres of the 50,000 acres back to Taos Pueblo to be held in trust by the United States for the Pueblo.

In 1979, the Federal District Court in Washington, DC added 1,235 acres to the trust lands of Taos Pueblo in the Tract C transfer, leaving only the so-called Bottleneck Tract from the original 50,000 acre claim. Our legislation contains the Blue Lake transfer. Drafted as an amendment to the Blue Lake Wilderness Act, our bill requires that the Bottleneck also be maintained as wilderness. The Taos Pueblo has an excellent record of maintaining the Blue Lake Wilderness. We have every confidence that adding the Bottleneck to the Blue Lake Wilderness will increase the enthusiasm of the Pueblo for continuing its excellent stewardship of the Blue Lake Wilderness.

The Wilderness Society, Audubon Society, Sierra Club, and the National Wildlife Federation support the return of the Bottleneck to Taos Pueblo. Under the terms of this legislation, Taos Pueblo will hold the responsibility and right to manage and control the entire Blue Lake Territory. The Bottleneck Tract is currently a part of the Wheeler Peak Wilderness Area in the Carson National Forest, New Mexico, and is managed by the Forest Service. Taos Pueblo lands surround the Bottleneck on three sides (east, south, and west). Unfortunately, public access to this Bottleneck tract leads to unwelcome intrusions. During Indian Ice closes the area for their pilgrimages, hikers often find their way into the Blue Lake Wilderness Area. Our bill will resolve this and related problems in favor of the Taos Pueblo. There will no longer be questions of ownership or rights of way, and the Pueblo will be responsible for management of the entire Blue Lake area including the Bottleneck Tract added by this legislation.

The Bottleneck Tract, is currently managed by the Forest Service as a scenic overlook. Taos Pueblo leaders are issued permits and the Forest Service closes the area for their pilgrimages. There are no public camping, fishing, or other recreational uses permitted. Hiking is allowed.

It is the intention of Taos Pueblo, under the terms of this bill, to continue to use traditional purposes only. These uses include religious and ceremonial pilgrimages, hunting and fishing, a source of water, forage for their domestic livestock, timber, and other natural resources for their personal use. These uses are all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe as managed by the Taos Pueblo under the terms of the Blue Lake wilderness legislation.

There is no intention in our legislation to change any water rights associated with the Blue Lake area or the Taos Pueblo. I have personally discussed this issue with the Taos tribal leaders who have assured me that the return of the Bottleneck will not alter their claims to water in the Taos Valley. The impact on downstream water users in the Taos Valley as a result of passage of this legislation. In fact, I remain optimistic about the on-going water negotiations in the Taos Valley and look forward to working with all parties to ratify a negotiated settlement in the Congress.

The Nuclear Waste Policy Act of 1995 provides a complete substitute for the 1982 law. It provides for the construction of an interim storage facility, which would provide adequate spent fuel storage capacity until the repository can be built and licensed. It places the existing repository program on sounder foundations by providing rational, health-based standards for licensing the repository. It provides authority for the Department of Energy to begin construction of the rail spur needed to transport nuclear waste to the new interim storage facility and repository. And it provides special budget treatment for the Nuclear Waste Fund to ensure that the program will be able to use the funds that are now being collected for that purpose.
Mr. President, I urge my colleagues to join me in supporting this important legislation, and I ask unanimous consent that 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 and table of contents. (a) SHORT TITLE. ÐThis Act may be cited as the “Nuclear Waste Policy Act of 1995.”

(b) TABLE OF CONTENTS. Ð Sec. 1. Short title and table of contents. Sec. 2. Definitions.

T I T L E I Ð S T O R A G E A N D D I S P O S A L
Sec. 101. Interim storage. Sec. 102. Permanent disposal. Sec. 103. Land withdrawal.


T I T L E I I I Ð F U N D I N G A N D O R G A N I Z A T I O N

T I T L E I V Ð G E N E R A L A N D M I S C E L L A N E O U S P R O V I S I O N S
Sec. 401. NRC regulations. Sec. 402. Judicial review of agency actions. Sec. 403. Title to material. Sec. 404. Licensing of facility expansions and transshipments.


S E C . 2. D E F I N I T I O N S.
For purposes of this Act:
(I) The term “affected unit of local government” means the unit of local government with jurisdiction over the site of the repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

(2) The term “atomic energy defense activity” means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:
(A) naval reactors; (B) weapons activities including defense in-}

...
Policy Act of 1969 and this section, the Secretary need not consider the need for the interim storage facility or alternative sites or designs in the environmental impact statement.

(3) The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (a), a license under subsection (e), or a license amendment under subsection (f). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969.

(c) Site Suitability Determination.—(1) The Secretary shall determine, based upon the results of the site characterization activities at the Yucca Mountain site, whether it is suitable for development of a geologic repository and report her determination to the Congress.

(2) If the Secretary determines that the Yucca Mountain site is unsuitable for development of a repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada, and the State shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (a), a license under subsection (e), or a license amendment under subsection (f). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969.

(2) The Secretary shall determine that the Yucca Mountain site is unsuitable for development of a repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada, and the State shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (a), a license under subsection (e), or a license amendment under subsection (f). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969.

(2) Release Standards.—(a) In general.—The Commission shall find that the repository will not constitute an unreasonable risk to the health and safety of the public if there is reasonable assurance that high-level radioactive waste and spent nuclear fuel during any period the Secretary determines to be appropriate, the Secretary shall apply to the Commission for authorization to construct the repository.

(b) Construction Authorization.—(1) Construction and operation of the repository shall begin storing spent nuclear fuel at the earliest practicable date. All actions by the Secretary, the Commission, the Secretary of the Interior, or any federal agency or officer with respect to consideration of applications or requests for the issuance or grant of any authorization related to the interim storage facility shall be expedited, and any such application or request shall take precedence over any similar applications or requests not related to the interim storage facility.

(c) Waste Confidence.—(1) Licensing and operation of the interim storage facility shall be consistent with the common defense and safety of the public; and

(2) consistent with the common defense and security.

(d) License.—(1) Following substantial completion of construction and the filing of any additional information necessary to complete the license application, the Commission shall issue a license to dispose of high-level radioactive waste and spent nuclear fuel in the repository upon determining that there is reasonable assurance that the repository has been constructed and will operate—

(1) in conformity with the provisions of this Act and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(e) Closure.—Following the filing of a construction authorization, the Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's Program Approach to site characterization. The Secretary shall review its existing regulations for the disposal of high-level radioactive waste in geologic repositories and shall amend them as may be necessary to reflect the Program Approach and this Act.

(f) Environmental Impact Statement.—(1) Construction and operation of the repository shall be considered a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application.

(2) For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary need not consider the need for the repository or alternative sites or designs in the environmental impact statement.

(g) Site Characterization.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's Program Approach to site characterization. The Commission shall review its existing regulations for the disposal of high-level radioactive waste in geologic repositories and shall amend them as may be necessary to reflect the Program Approach and this Act.

(h) License.—(1) Following substantial completion of construction and the filing of any additional information necessary to complete the license application, the Commission shall issue a license to dispose of high-level radioactive waste and spent nuclear fuel in the repository upon determining that the repository has been constructed and will operate—

(1) in conformity with the provisions of this Act and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(i) Closure.—After placing high-level radioactive waste and spent nuclear fuel in the repository, and after providing for the retrievability of such high-level radioactive waste and spent nuclear fuel during any period the Secretary determines to be appropriate, the Secretary shall apply to the Commission for authorization to construct the repository.

(j) Construction Authorization.—The Commission shall initially grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that high-level radioactive waste and spent nuclear fuel can be disposed of in the repository—

(1) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(k) License.—(1) Following substantial completion of construction and the filing of any additional information necessary to complete the license application, the Commission shall issue a license to dispose of high-level radioactive waste and spent nuclear fuel in the repository upon determining that the repository has been constructed and will operate—

(1) in conformity with the provisions of this Act and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(l) Closure.—After placing high-level radioactive waste and spent nuclear fuel in the repository, and after providing for the retrievability of such high-level radioactive waste and spent nuclear fuel during any period the Secretary determines to be appropriate, the Secretary shall apply to the Commission for authorization to construct the repository.

(m) License.—(1) Following substantial completion of construction and the filing of any additional information necessary to complete the license application, the Commission shall issue a license to dispose of high-level radioactive waste and spent nuclear fuel in the repository upon determining that the repository has been constructed and will operate—

(1) in conformity with the provisions of this Act and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(n) Closure.—After placing high-level radioactive waste and spent nuclear fuel in the repository, and after providing for the retrievability of such high-level radioactive waste and spent nuclear fuel during any period the Secretary determines to be appropriate, the Secretary shall apply to the Commission for authorization to construct the repository.

(o) License.—(1) Following substantial completion of construction and the filing of any additional information necessary to complete the license application, the Commission shall issue a license to dispose of high-level radioactive waste and spent nuclear fuel in the repository upon determining that the repository has been constructed and will operate—

(1) in conformity with the provisions of this Act and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(p) Closure.—After placing high-level radioactive waste and spent nuclear fuel in the repository, and after providing for the retrievability of such high-level radioactive waste and spent nuclear fuel during any period the Secretary determines to be appropriate, the Secretary shall apply to the Commission for authorization to construct the repository.
storage, transportation, and disposal. The Secretary shall apply to the Commission to certify such systems for the storage and transportation of spent nuclear fuel. The Secretary is authorized to procure such systems in quantities necessary for the transport, storage, and disposal of spent nuclear fuel as part of the integrated nuclear waste management system established under this Act. The Secretary is authorized to deploy such systems to holders of spent fuel disposal contracts under section 302.

SEC. 202. RAILROAD.

(a) AUTHORIZATION.—The Secretary shall acquire, by right of eminent domain or in any other manner specified in this Act, the right to construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the interim storage facility and the repository.

(b) ROUTE DESIGNATION.—(1) The Secretary shall acquire such rights of way and develop such facilities within the corridor depicted on the map.

(2) Within 30 days after the date of the enactment of this Act, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the corridor designated in subsection (b) and shall construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the interim storage facility and the repository.

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(A) publish in the Federal Register a notice containing a legal description of the corridor designated in subsection (b) and shall construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the interim storage facility and the repository.

(b) ROUTE DESIGNATION.—(1) The Secretary shall acquire such rights of way and develop such facilities within the corridor depicted on the map.

(2) Within 30 days after the date of the enactment of this Act, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the corridor designated in subsection (b) and shall construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the interim storage facility and the repository.

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the State or affected unit of local government, respectively, would receive if authorized to tax site characterization activities at such site, the development and operation of the interim storage facility, and the development and operation of the repository, or was adopted by formal means; or was adopted by formal means; or was imposed by any standard, criterion, or limitation) if the President determines, in his discretion, that such requirement was imposed for the purpose of delaying or obstructing construction or operation of the interim storage facility, repository, or associated facilities under this Act, the President may exempt the Secretary from all State requirements under such provisions beyond the period of 180 days after January 7, 1998, unless the Secretary determines otherwise.

TITLE II—FUNDING AND ORGANIZATION

SEC. 301. BUDGET PRIORITIES.

For purposes of preparing annual requests for appropriations from the Waste Fund and allocating appropriated funds among competing requirements, the Secretary shall accord—

(1) the licensing, construction, and operation of the interim storage facility under section 101 the highest priority;

(2) the acquisition of rights of way and the construction and operation of the railroad under section 102 the next highest priority; and

(3) the licensing, construction, and operation of the repository under section 103 the lowest priority.

SEC. 302. NUCLEAR WASTE FUND.

(a) CONTRACTS.—(1) In the performance of his functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to high-level radioactive waste, or spent nuclear fuel, of domestic origin for the acceptance of title, subsequent transportation, and disposal services for such high-level radioactive waste or spent nuclear fuel. Such contracts shall provide for payment to the Secretary of fees pursuant to paragraphs (2) and (3) sufficient to offset expenditures described in subsection (c).

(2) For electricity generated by a civilian nuclear power reactor and sold on or after the date 90 days after January 7, 1983, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt-hour.

(b) FEE FOR TRANSPORTATION.—(1) For spent nuclear fuel, or solidified high-level radioactive waste derived from spent nuclear fuel, which was used to generate electricity in a civilian nuclear power reactor prior to the application of the fee under paragraph (2) to such reactor, the fee shall be $100 per ton of spent high-level radioactive waste or spent nuclear fuel involved as provided in subsection (a)(2).

(c) FEE—(1) In the event the President makes a determination not later than January 31, 1998, to impose a fee under subsection (b) and allocates appropriated funds among compet...

(2) Not later than 180 days after January 7, 1983, the Secretary shall establish in writing criteria setting forth the terms and conditions under which such disposal services shall be made available.

(b) ADVANCE CONTRACTING REQUIREMENT.—(1) The Commission, as it deems necessary, may require as a prerequisite to the issuance of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unles...

(2) Except as provided in paragraph (1), no high-level radioactive waste or spent nuclear fuel generated or owned by any person (other than the Federal Government) shall be admitted to the repository under this Act unless the generator or owner of such waste or spent fuel has entered into a contract with the Secretary under section 301 or 302, respectively, and has paid for such services. No high-level radioactive waste or spent nuclear fuel shall be admitted to the repository unless the fee to ensure full cost recovery. The Secretary shall, not later than 90 days after January 31, 1998, adjust the fee to ensure full cost recovery.
section 101 or 102 of title 5, United States Code, may be deposited by the Secretary in any repository constructed under this Act unless such department transfers to the Secretary, for deposit in the Nuclear Waste Fund, any other person.

(2) any appropriations made by the Congress to the Waste Fund; and

(3) any unexpended balances available on the date of the enactment of this Act for functions or activities necessary or incident to the disposal of civilian high-level radioactive waste or civilian spent nuclear fuel, which shall automatically be transferred to the Waste Fund on such date.

(c) Establishment of Nuclear Waste Fund.—Thereby hereby is established in the Treasury of the United States a separate fund, to be known as the Nuclear Waste Fund. The Waste Fund shall consist of—

(1) all receipts, proceeds, and recoveries realized by the Secretary under subsections (a), (b), and (e), which shall be deposited in the Waste Fund immediately upon their realization;

(2) any appropriations made by the Congress to the Waste Fund; and

(3) any unexpended balances available on the date of the enactment of this Act for functions or activities necessary or incident to the disposal of civilian high-level radioactive waste or civilian spent nuclear fuel, which shall automatically be transferred to the Waste Fund on such date.

(d) Use of Waste Fund.—The Secretary may make expenditures from the Waste Fund, subject to subsection (e), only for purposes of radioactive waste disposal activities under titles I and II, including—

(1) the identification, development, licensing, construction, operation, decommissioning, and monitoring of the interim storage facility or repository constructed under this Act;

(2) the conducting of nongeneric research, development, and demonstration activities under this Act;

(3) the administrative cost of the radioactive waste disposal program;

(4) any costs that may be incurred by the Secretary in connection with the transportation, treating, or packaging of spent nuclear fuel or high-level radioactive waste to be disposed of in the repository or to be stored in the interim storage facility, including the cost of designing and procuring multi-purpose canisters under section 201 and the cost of constructing and operating railroad systems under section 202;

(5) the costs associated with acquisition, design, modification, replacement, operation, and maintenance of the facilities for the interim storage facility or repository constructed under this Act; and

(6) the provision of assistance to the State of Nevada, and affected units of local government under section 204.

(e) Administration of Waste Fund.—(1) The Secretary shall, after consultation with the Secretary, annually report to Congress on the financial condition and operations of the Waste Fund during the preceding fiscal year.

(2) The Secretary shall submit the budget of the Waste Fund to the Office of Management and Budget triennially along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 5, United States Code. The Office of Management and Budget shall review the budget of the Waste Fund shall consist of the estimates made by the Secretary of expenditures from the Waste Fund and other relevant financial data for the preceding fiscal years, and shall be included in the Budget of the United States Government. The Secretary may make expenditures from the Waste Fund, subject to appropriations which shall remain available until expended. Appropriations shall be subject to triennial authorization.

(3) If the Secretary determines that the Waste Fund contains at any time amounts in excess of current needs, the Secretary may require the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Waste Fund; and

(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with maturities within a year of the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

(4) Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Waste Fund, shall be exempt from annual appropriation under the provisions of subchapter II of chapter 15 of title 31, United States Code.

(5) If at any time the moneys available in the Waste Fund are insufficient to enable the Secretary to discharge his responsibilities under this subtitle, the Secretary shall issue the following obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be agreed to by the Secretary of the Treasury and the Secretary of the Treasury, The total of such obligations shall not exceed amounts provided in appropriation Acts. Redemption of such obligations shall be made from moneys available in the Waste Fund. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall not be less than a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations under this paragraph.

The Secretary of the Treasury shall purchase any issued obligations, and for such purpose the Secretary may, at any time, use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code. Such securities may be issued under such Act are extended to include any purchase of such obligations. The Secretary of the Treasury may, at any time, use as a public debt transaction the proceeds from the sale of any securities acquired by him under this paragraph. All redemption, purchases, and sales by the Secretary of the Treasury of obligations under this paragraph shall be treated as public debt transactions of the United States.

(6) Any appropriations made available to the Waste Fund for any purpose described in subsection (d) of this section shall be treated as public debt transactions of the United States.

(f) Borrowing.—(1) Any amounts available in the Waste Fund for any purpose shall be treated as public debt transactions of the United States under section 201 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The Secretary of the Treasury shall hold the funds in the Waste Fund for any purpose described in subsection (d) of this section, and any interest payments so deferred shall be treated as public debt transactions of the United States under the Balanced Budget and Emergency Deficit Control Act of 1985.
SEC. 402. JUDICIAL REVIEW OF AGENCY ACTIONS.
(a) JURISDICTION OF UNITED STATES COURTS OF APPEALS.—(1) Except for review in the Supreme Court of the United States, the United States Courts of appeals shall have original and exclusive jurisdiction over any civil action—
(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;
(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;
(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or
(D) required under this Act of the Commission to provide any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any act under this Act or alleging a failure to prepare such statement with respect to any such act.
(2) The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia.

(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a) may be brought not later than the 180th day after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that any delay was unreasonable, such party shall be entitled to bring such a civil action not later than the 180th day after the date of the decision or action or failure to act complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action not later than the 180th day after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

SEC. 403. TITLE TO MATERIAL.
Delivered, and acceptance by the Secretary, or any high-level radioactive waste or spent nuclear fuel for the interim storage facility or repository shall constitute a transfer to the Secretary of title to such waste or spent fuel.

SEC. 404. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.
(a) ORAL ARGUMENT.—In any Commission hearing under this Act, the Atomic Energy Act of 1954 (42 U.S.C. 2239a) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the use of a nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel for use in another nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity, or the addition of dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall prescribe. Oral argument shall be limited to those parties of record who have presented written argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

(b) ADJUDICATORY HEARING.—(1) At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—
(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and
(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute;
(2) in making a determination under this subsection, the Commission—
(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and
(B) shall not consider—
(i) any issue relating to the design, construction, operation, or regulation of any civilian nuclear power reactor already licensed to operate a such site, or any civilian nuclear power reactor to which a construction permit has been issued or which has been approved for site location by the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license is being considered or
(ii) any site or design issue fully considered by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (I) such issue results from any revision of siting or design criteria by the Commission following such decision; and (II) the Commission determines that such issue substantially affects the design, construction, operation of the facility or activity for which such license application, authorization, or amendment is being considered.
(3) The Provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.
(4) The provisions of this section shall not apply to the first application for a license or for an amendment to a license to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant.

(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of any failure by the Commission to use a particular procedure pursuant to this section unless—
(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and
(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

SEC. 405. SITING A SECOND REPOSITORY.
(a) APPLICATION.—The Secretary of Energy shall be granted an application for a license, or for an amendment to licenses, or authorizations, or amendments to licenses or authorizations, or applications for authorization, of the facility or activity for which such license application, authorization, or amendment is being considered.
(b) DETERMINATION.—(1) After making a determination under this subsection, the Commission—
(A) shall specify in writing the specific issue and facts that are in genuine and substantial dispute, the reason why the decision of the Commission is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and
(B) shall not consider—
(i) any issue relating to the design, construction, operation, or regulation of any civilian nuclear power reactor already licensed to operate a such site, or any civilian nuclear power reactor to which a construction permit has been issued or which has been approved for site location by the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered or
(ii) any site or design issue fully considered by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (I) such issue results from any revision of siting or design criteria by the Commission following such decision; and (II) the Commission determines that such issue substantially affects the design, construction, operation of the facility or activity for which such license application, authorization, or amendment is being considered.
(2) The Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall prescribe. Oral argument shall be limited to those parties of record who have presented written argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

Sec. 406. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.
(a) FINANCIAL ARRANGEMENTS.—The Commission shall establish by rule, regulation, or order, after public hearing, such financial arrangements as the Commission determines to be necessary or desirable in order to assure that adequate financial arrangements will be provided by a licensor to permit completion of all requirements established by the Commission for the decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be land on which such waste is disposed of, upon, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) to be used or otherwise acquired or constructed.

(b) TITLE AND CUSTODY.—(1) The Secretary shall have authority to assume title and custody of low-level radioactive waste and the owner of such site to transfer title to the United States, or to convey to the United States the owner of such site.
(2) The Secretary shall have authority to assume title and custody of low-level radioactive waste and the owner of such site to transfer title to the United States, or to convey to the United States the owner of such site.

(c) S PECIAL SITES.—If the low-level radioactive waste site is an existing license, filed after January 7, 1983, to expand the use of a nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel for use in another nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity, or the addition of dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall prescribe. Oral argument shall be limited to those parties of record who have presented written argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

Sec. 407. JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of any failure by the Commission to use a particular procedure pursuant to this section unless—
(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and
(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

Sec. 408. SITE CLOSURE REPOSITORY.
(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository site unless the President and Congress have approved the site, and has approved and appropriated funds for such activities.
(b) REPORT.—The Secretary shall report to the President and Congress on or after January 1, 2007, but not later than January 1, 2012, on the need for a second repository.
The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualification of civilian nuclear power-plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power-plant operator licenses and for operator requalification programs; requirements governing Commission approval of qualifications and training programs; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear powerplant licensee personnel training programs.

**SECTION 501. DEFINITIONS.**

(1)(I) The term "Chairman" means the Chairman of the Nuclear Waste Technical Review Board.

(2) The term "Board" means the Nuclear Waste Technical Review Board established under section 502.

**SECTION 502. NUCLEAR WASTE TECHNICAL REVIEW BOARD.**

(a) ESTABLISHMENT. There is established a Nuclear Waste Technical Review Board that shall be an independent establishment within the executive branch.

(b) MEMBERS.—The Board shall consist of 11 members, 3 of whom shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

(3) Each person nominated for appointment to the Board shall be:(I) eminent in a field of science or engineering, including environmental sciences; and

(ii) selected solely on the basis of established records of distinguished service.

(iii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

(iv) No person shall be nominated for appointment to the Board who is an employee of—

(I) the Department of Energy;

(II) a national laboratory under contract with the Department of Energy; or

(III) an entity performing high-level radioactive waste or spent nuclear fuel activities under contract with the Department of Energy.

(v) Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraph (1) and (3).

(4) Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment.

**SECTION 503. FUNCTIONS.**

The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

(1) site characterization activities; and

(2) activities relating to the packaging or transportation of high-level radioactive waste or spent nuclear fuel activities.

**SECTION 504. INVESTIGATORY POWERS.**

(A) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit in such places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(B) PRODUCTION OF DOCUMENTS.—(1) Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as may be necessary and appropriate, to respond to any inquiry of the Board under this title.

(2) Subject to existing law, information obtainable under paragraph (1) shall not be subject to final orders of the Secretary, but shall include drafts of such products and documentation of work in progress.

**SECTION 505. COMPENSATION OF MEMBERS.**

(A) Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the performance of Board business.

(B) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is provided under sections 5702 and 5703 of title 5, United States Code.

**SECTION 506. STAFF.**

(a) CLERICAL STAFF.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

(b) PROFESSIONAL STAFF.—(1) Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

(2) Not more than 20 professional staff members may be appointed under this subsection.

(3) Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid at rates, including overtime expenses, as are authorized by law and requested by the Chairman.

**SECTION 507. SUPPORT SERVICES.**

(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General, the Librarian of Congress, and the Director of the National Institute of Standards and Technology shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

**SECTION 508. REPORT.**

The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations. The first such report shall be submitted not later than 12 months after December 22, 1987.

**SECTION 509. AUTHORIZATION OF APPROPRIATIONS.**

Notwithstanding subsection (d) of section 302, and subject to subsection (e) of such section and the provisions of such title relating to classification and General Schedule pay rates.

**SECTION 510. TERMINATION OF THE BOARD.**

The Board shall cease to exist not later than 1 year after the date on which the Secretary begins disposal of high-level radioactive waste or spent nuclear fuel in the repository.

By Mr. Kennedy:

S. 166. A bill to ensure individual and family security through health insurance coverage for all Americans; to the Committee on Labor and Human Resources.

The Affordable Health Care for All Americans Act

Mr. KENNEDY. Mr. President, the crisis in health care has not gone away, but hopefully the partisan gridlock that blocked action last year has. Our failure to enact comprehensive reform in 1994 guarantees that this crisis will continue every year until Congress finally has the courage to pass a genuine solution.

Last year, despite the economic recovery, the number of Americans without health insurance increased by 1 million. This year, the number of uninsured is certain to increase again. The rise in national health spending was close to $100 billion last year, and total spending will top $1 trillion this year. The main reason the Federal deficit is soaring is that out-of-control health costs continue to drive up Medicare and Medicaid spending faster than anything else in the budget. No American family can be confident that the insurance protecting them today will be there for them tomorrow if serious illness strikes.

Last year, we had the most extensive debate in the Nation's history on comprehensive reform. Committees in both the House and Senate reported out measures that met the two key tests of
real reform—guaranteed health insurance for all Americans and control of health costs. For the first time, comprehensive reform legislation was debated on the floor of the U.S. Senate. In the end we were not successful in passing health reform, but the American people expect us to keep trying until we succeed.

Today I am introducing new legislation to achieve the central goals of reform—the Affordable Health Care for All Americans Act. This legislation builds on what we accomplished in the last Congress, while responding to the criticisms of the various bills proposed.

This legislation will guarantee every American comprehensive, affordable coverage, and it will control health care costs. All employers will be expected to contribute to the cost of coverage for their employees, except for mom and pop small businesses. Subsidies will be provided to help low-income workers and the unemployed. Costs will be controlled by market forces, approved competition among insurers and providers, with tough backup premium limits in cases where competition fails.

At the same time, the legislation responds to criticisms made in the last Congress. Bills proposed by committees tried to do too much and were excessively regulatory and bureaucratic. The legislation I am introducing today is one-third the length of the bill reported by the Labor and Human Resources Committee last Congress. It does not include proposals that are desirable but that can be considered more carefully on a separate legislative track. It eliminates most new boards and commissions, and it adopts, in large measure, the market reform and oversight structure included in last year’s bipartisan mainstream proposal.

This legislation will guarantee affordable, comprehensive health care for every American, a system of shared responsibility among individuals, businesses, and the Government. Employers are required to contribute to the cost of insurance for their employees and their families, and individuals are expected to contribute to the cost of their own coverage and the coverage of their dependents. Subsidies are provided for low-income workers and the unemployed.

This measure also provides assistance to businesses for the cost of covering low-wage workers, with greater assistance for smaller, low-wage businesses that have the most difficulty in affording a full contribution to the cost. In addition, small businesses with 10 workers or less and below average wages are exempt from the requirements, and special help is provided to assure affordability for the employees of these businesses. One hundred percent tax deductibility is provided for health insurance premiums paid by the self-employed. People who now rely on Medicaid for coverage of acute care services will participate in the same private health insurance system as all other Americans. Insurance reforms eliminate preexisting condition exclusion and provide guaranteed issue and renewability at affordable prices.

Elderly Americans and disabled Americans will benefit from substantial provisions on long-term care coverage. The bill closes the greatest current gap in Medicare by providing prescription drug coverage. It also establishes a new, voluntary program of insurance against the high cost of nursing home care. Such insurance will be available at a reasonable price to anyone 35 or older.

The bill controls health care costs by improving the health care market. Reforms here will require insurers to complete by providing care more efficiently and effectively, rather than by trying to insure only those least likely to get sick. The bill relies primarily on competition to hold down spending, but it also recognizes that excessive inflation is deeply embedded in the health care system and that competition will work more quickly in some health care markets than others. A backup system of premium limits is included in case competition forces are ineffective in restraining inflation. A reform of medical malpractice also is included.

Finally, the bill recognizes that an insurance card alone is not enough to assure access or protect quality. Increased funding is provided to assure the viability of the Nation’s teaching hospitals, to expand access to care through community health centers and school health clinics, and to support biomedical research.

The bill is financed without broad-based new taxes. The basic financing comes from premiums paid by individuals and businesses, as is the case today. The subsidies for low-income individuals and small businesses are financed by lower rates of increase and other savings in existing government health programs and an increase in the cigarette tax.

To respond to criticisms that the bills in the last Congress tried to do too much, the legislation focuses only on those aspects of last year’s bills that are truly central to reform. Provisions that are desirable but less essential have been eliminated from the bill, such as those dealing with administrative simplification, privacy, health care fraud and abuse, new regulation of private long-term care insurance, and new remedies for disputes between insurance companies and individuals.

Most important, this legislation eliminates much of what was criticized as excessive bureaucracy and regulation. A great deal of this criticism each was disingenuous, but we have made a new effort to eliminate unnecessary burdens on individuals, businesses, and State governments. The insurance reform and oversight is based on the proposal developed by the bipartisan Community Care Task Force.

S. 170. A bill to amend the Public Health Service Act to provide a comprehensive program for the Prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Finance.

Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Mr. KERRY, Mr. REID, and Mr. INOUYE):

S. 171. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain incarcerated individuals; to the Committee on Finance.

Mr. DASCHLE (for himself, Mr. SIMON, Mr. KENNEDY, Mr. KERRY, Mr. REID, and Mr. AKAKA):

S. 504. A bill to amend the Public Health Service Act to provide a comprehensive program to prevent the tragic problem of Fetal Alcohol Syndrome [FAS] and the related condition known as Fetal Alcohol Effect [FAE] for other purposes; to the Committee on Finance.

Mr. DASCHLE, Mr. President, today I am reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act and the Medicaid Substance Abuse Treatment Act, legislation that will enhance our national effort to eliminate the tragic problem of Fetal Alcohol Syndrome [FAS] and the related condition known as Fetal Alcohol Effect [FAE].

FAS-FAE constitute the leading cause of mental retardation in the United States today. Although both conditions are completely preventable simply by abstaining from the consumption of alcohol during pregnancy, many people unfortunately do not realize the dangers of drinking while pregnant. The Office for Substance Abuse Prevention estimates that as many as 66 percent of all women drink while they are pregnant, endangering their infant’s health and putting them at risk of being born with FAS or FAE.
Misconceptions about the impact of alcohol intake during pregnancy are not limited to the general public, however. Even some health care providers are unaware of the danger of drinking during pregnancy, and for many years it was widely held that moderate alcohol consumption during pregnancy was beneficial.

There are approximately 5,000 children born each year in the United States with FAS. It is estimated that the incidence of FAS is as high as 1 per 100 in some Native American communities. The Centers for Disease Control and Prevention estimates that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS is close to $1.6 billion each year. This is an extraordinary and unnecessary expense, given the fact that FAS is 100 percent preventable.

The first step toward eliminating this devastating disease is raising the public’s consciousness about FAS—FAE. Although great strides have been made in the past, much more remains to be done. The Comprehensive Fetal Alcohol Syndrome Prevention Act attempts to fill in the gaps in our current FAS–FAE prevention system. It contains four major components, representing the provisions of the original legislation that have not yet been enacted. These provisions include the initiation of a coordinated education and public awareness campaign; increased support for basic and applied epidemiologic research into the causes, treatment and prevention of FAS–FAE; widespread dissemination of FAS–FAE diagnostic criteria; and the establishment of an interagency task force to coordinate the wide range of Federal efforts in combating FAS—FAE. I ask that a summary of the bill be inserted into the Record following the completion of my remarks.

A prevention strategy cannot succeed in the absence of increased access to comprehensive treatment programs for pregnant women, addicted women so that women and their children can access care. Many pregnant substance abusers are denied treatment because facilities refuse to accept them, or the women cannot accept treatment because they lack adequate child care for their children while they receive treatment. In fact, many treatment programs specifically exclude pregnant women or women with children. To make matters worse, while Medicaid covers some services associated with substance abuse, like outpatient treatment and detoxification, it fails to cover residential treatment, which is considered by most health care professionals to be the most effective method of overcoming addiction.

The Medicaid Substance Abuse Treatment Act would permit coverage of residential alcohol and drug treatment for pregnant women and certain family members under the Medicaid Program, thereby assuring a stable source of funding for States that wish to establish these programs. The bill has three primary objectives. First, it would facilitate the participation of pregnant women who are substance abusers in alcohol and drug treatment programs. Second, by increasing the availability of effective and comprehensive treatment programs for pregnant women and, thus, improving a woman’s chances of bearing healthy children, it would help combat the serious and evergrowing problem of drug-injured infants and children, many of whom are born with FAS and FAE.

And, third, it would address the unique situation of pregnant addicted native American and Alaska Native women in Indian Health Service areas.

Mr. President, the cost of prevention is substantially less than the downstream costs in money and human capital of caring for children and adults who have been impaired due to prenatal exposure to alcohol and drugs. These services and efforts are an investment that yields substantial long-term dividends—both on a societal level, as welfare dependence by substance abusers and their children is reduced, and on an individual level, as mothers plagued by alcohol and drug addition are given the means to heal, for themselves and their unborn children.

FAS and FAE represent a national tragedy that reaches across economic and social boundaries. The demand for a comprehensive and determined response to this devastating problem is clear. I urge my colleagues to support these measures, and am hopeful that, with widespread support, we can enact this important legislation without delay. I ask unanimous consent that the full text of both bills and a summary be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 170

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 “Comprehensive Fetal Alcohol Syndrome Prevention Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading cause of mental retardation, and it is 100 percent preventable;

(2) each year, more than 5,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effects, which are lesser, though serious, alcohol-related birth defects;

(4) Fetal Alcohol Syndrome and Fetal Alcohol Effects are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming; and

(5) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are 30 times greater than national averages;

(6) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected infants and children, and to their communities;

(7) as a reliable comparison, delivery and care costs are four times greater for infants who were exposed to illicit substances than for infants with no indications of substance exposure, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(8) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the risks and the emotional, physical, and social services to treat all Americans with FAS and FAE.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate, support, and conduct basic and applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and other activities that have an impact on the prevention or treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end thereof the following new part:

*PART Q—FETAL ALCOHOL SYNDROME PREVENTION PROGRAM*

SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

(a) FETAL ALCOHOL SYNDROME PREVENTION PROGRAM—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects prevention program that shall include—

(i) education and public awareness programs to—

(A) support, conduct, and evaluate the effectiveness of—

(1) training programs concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) prevention and education programs, including school health and school-based clinic programs for school-age children, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(ii) community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;
There are authorized to be appropriated $235,000,000 for the fiscal year ending September 30, 1996, to carry out under section 705 of the ADAMHA Reorganization Act of 1980, the ADAMHA Reorganization Act of 1984, and section 385 of the Substance Abuse Prevention and Treatment Act [42 U.S.C. 485w-1(b)], for the purposes of this Act.

SEC. 3. ELIGIBILITY. To be eligible to receive a grant under this section, an entity shall

(1) be a State, Indian tribal government, local government, educational, foster care, residential, and nonprofit organizations engaged in the conduct of

(A) activities that the entity intends to carry out using amounts received under this Act; and

(B) technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of

(i) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(ii) improving and coordinating the current and planned activities of the participating agencies.

(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

SEC. 399I. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated $235,000,000 for the fiscal year ending September 30, 1996, to carry out under section 705 of the ADAMHA Reorganization Act of 1980, the ADAMHA Reorganization Act of 1984, and section 385 of the Substance Abuse Prevention and Treatment Act [42 U.S.C. 485w-1(b)], for the purposes of this Act.

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(B) technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of

(i) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

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(B) technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of

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(B) technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of

(i) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(ii) improving and coordinating the current and planned activities of the participating agencies.

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that needed services will be available and appropriate.

SEC. 3. MEDIACAID COVERAGE OF ALCOHOLISM AND
AND DRUG DEPENDENCY RESIDEN-
TIONAL TREATMENT SERVICES FOR PREGNANT WOMEN, CARETAKER PARENTS, AND THEIR CHILDREN.

(a) COVERAGE OF ALCOHOLISM AND DRUG
DEPENDENCY RESIDENCY TREATMENT SER-
VICES—

(1) OPTIMNAL COVERAGE.—Section 1905 of
the Social Security Act (42 U.S.C. 1396d) is amend-
ed—

(A) in subsection (a) by striking "and at the end of para-
graph (8)"; and

(B) in the following sentence—

"(24) alcoholism and drug dependency resi-
dential treatment services to the extent al-
lowed and as defined in section 1931; and; and

and

(2) IN GENERAL.—Subject to subsection (a) the
Secretary may waive the requirement of subsection (a)(24) as
applies to the following.

(A) on the basis of the special needs of the indi-
vidual in the delivery of the plan and its objectives;

(B) REQUIRED SERVICES DEFINED.—

(1) IN GENERAL.—The required services de-
scribed in this subsection are as follows:

(A) Counseling education, and treatment provided
on an individual, group, and family basis and provided
pursuant to individualized treatment plans, including
the opportunity for treatment in Alcoholics Anonymous and
Distincs Anonymous.
(B) Parenting skills training.
(C) Education concerning prevention of HIV infection.
(D) Assessment of each individual’s need for
domestic violence counseling and sexual
abuse counseling and provision of such coun-
seling where required.
(E) Room and board in a structured envi-
ronment with on-site supervision 24 hours-a-
day.
(F) Therapeutic child care or counseling
for children of individuals in treatment.
(G) Assisting parents in obtaining access to

(ii) developmental services to the extent available
for their preschool children;

(iii) public education for their school-age children,
including assistance in enrolling them in school;

(iv) public education for parents who have
completed high school.

(F) Continuing specialized training for
parents and children of individuals in
outpatient treatment and counseling after
obtaining suitable affordable housing and
employment upon discharge.

(G) Therapeutic child care or counseling
for children of individuals in treatment.

(H) Monitoring of children.

(i) developmental services to the extent
available for their preschool children;

(ii) public education for their school-age
children, including assistance in enrolling
them in school;

(iii) public education for parents who
have completed high school.

The required services described in subsection (b) are to be
provided to women eligible to receive services in Indian
Health Facilities; and

(3) LIMITATIONS ON COVERAGE.—

(A) IN GENERAL.—The required services de-
scribed in subsection (b) to an individual eligible to receive services in
dhäuser such a facility dem-
strates (as required by the Secretary) an
ability to meet the special needs of Indian
Health Facilities, such a facility dem-
strates (as required by the Secretary) an

(ii) the facility can provide quality care
and services provided to women eligible to receive serv-
ices in Indian Health Facilities; and

(B) IN GENERAL.—Subject to subsection (a)
the Secretary may waive the requirement for a
facility to be licensed to the single State agency under
section 17 of the Child Nutrition Act of 1966, excluding
services under title V, services and
appropriate and to the extent available, in-
cluding services under subparagraphs (A), (B), and (C), and
relevant to other health and social services where
appropriate and to the extent available, including services
provided by federally qualified health centers, outpatient
pediatric services, well-baby care, and early and periodic
screening, and treatment services (as defined in section 1905(r)).

(i) Ensuring supervision of children dur-
ing times their mother is in therapy or en-
gaged in other necessary health or rehabilita-
tive activities, including facilitating ac-
cess to child care services under title IV and
title V.

(ii) Planning for and counseling to assist
re entry to society, including appropriate
outpatient treatment and counseling after
discharge (which may be provided by the
same program or a related program) to
assist in preventing relapses, assistance in
obtaining suitable affordable housing and
employment upon discharge, and referrals
to appropriate social, educational, and
other employment-related programs (to the
extent available).

(iii) Continuing specialized training for
staff in the special needs of residents and
their children, designed to enable such staff
to stay abreast of the latest and most effec-
tive treatment services.

(2) REQUIREMENT FOR CERTAIN SERVICES.—

Services under subparagraphs (A), (B), (C), and
(D) of paragraph (1) shall be provided in a
cultural context that is appropriate to the
individuals and in a manner that ensures that
the individuals can communicate effec-
tively, either directly or through inter-
preters, with persons providing services.

(3) LIMITATIONS ON COVERAGE.—

(A) IN GENERAL.—Subject to subparagraph
(B), services described in paragraph (1) shall be covered in the
amount, duration, and scope the treatment.

(B) RESTRICTIONS ON LIMITING COVERAGE.—

A State may not cover the services described in
paragraph (1) except in the following instances:

(i) when the treatment is for any period of
less than 12 months per individual, except in
those instances where a finding is made that such services are no longer therapeutically
necessary for an individual.

(C) FACILITY REQUIREMENTS.—The require-
ments of this subsection with respect to a fa-
cility not be a hospital, if the Secretary finds
that such facility is located in an Indian
Health Service area and that such facility is
the only one or one of the only facilities avail-
able in such area to provide services under
this section.

(3) WITH RESPECT TO FACILITIES DESCRIBED
IN SECTION 1905(a)(24) AS APPLIES TO THE
SECRETARY may waive the require-
ment described in subparagraph (A) if the fa-
cility not be a hospital, if the Secretary finds
that such facility is located in an Indian
Health Service area and that such facility is
the only one or one of the only facilities avail-
able in such area to provide services under
this section.

(4) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—A State plan shall limit
coverage of alcoholism and drug dependency
treatment services under section 1905(a)(24) to
the following individuals other-
wise eligible for medical assistance under
this title:

(i) Women during pregnancy, and until
the end of the 12th month following the termi-
nation of the pregnancy.

(ii) Children of a woman described in
paragraph (A) who are less than 12 months
old.

(i) At the option of a State, a caretaker
parent or parents and children of such a par-
et.
Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subparagraph:

``(y) Notwithstanding the preceding provisions of this section, the Federal medical assistance percentage for purposes of payment under this section for services described in section 1903(m) for treatment requiring inpatient or receiving services in an Indian Health Service area shall be 100 percent.''.

Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) by striking ``, and (XIII) the making'' and inserting ``, (XIII), and (XIV) the making''; (2) by adding ``, and (XIV) the making'' and inserting ``, (XIV), and (XV) the making''; (3) by inserting after the semicolon at the end of subsection (j), and (XV) the making'' and inserting ``, and (XV) the making''; (4) by adding ``, and (XVI) the making'' and inserting ``, (XVI), and (XVII) the making''; (5) by adding ``, and (XVII) the making'' and inserting ``, (XVII), and (XVIII) the making''; and (6) by amending the end of subsection (j) by inserting before the period the following: ','. (XVIII) the making'' and inserting ``, and (XVIII), and (XIX) the making''.

Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subparagraph:

``(z) For payment for alcoholism and drug dependency residential treatment services which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide all the services (listed in conformity with applicable Federal and State laws, regulations, and quality and safety standards and to assure that individuals eligible for such services have reasonable access to such services.''.

C O N G R E S S I O N A L  R E C O R D — S E N A T E

January 5, 1995

FOUR-PART PROGRAM

The bill would create a program within the Department of Health and Human Services (HHS) with four primary components:

1. Education and public awareness

Various agencies under HHS would be required to coordinate, support and conduct national, State and community-based public awareness and prevention programs on FAS/FAE. The bill would authorize grants for State, local and other FAS/FAE prevention programs.

2. Applied epidemiologic research and prevention

The bill would require various agencies under HHS to conduct and support research (basic and applied epidemiologic) on the causes, prevention and intervention of FAS/FAE. It would provide technical assistance to State, tribal and local governments, as well as scientific and academic institutions and other public entities that are conducting research on FAS/FAE or are engaged in prevention and early intervention programs. Grants would be awarded to such entities to assist in determining the most effective strategies for prevention and intervention of fetal exposure to alcohol.

3. Diagnostic Criteria for FAS/FAE

Various agencies under HHS would be required to widely disseminate to health care providers, public health professionals, extension educators and concerned individuals the FAS/FAE diagnostic criteria developed pursuant to the ADAMHA Reorganization Act.

4. Inter-agency task force

A large number of government agencies are concerned directly or indirectly with FAS/FAE and alcohol problems. These agencies include the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, the Food and Drug Administration, the National Institute of Environmental Health Sciences, the Centers for Disease Control and Prevention, the Indian Health Service, the Indian Health Service, the Public Health Service, and many others. The task force would coordinate the development and implementation of the four-part program and would be responsible for the comprehensive dissemination of information to all health care providers and the public.
FAE, but there is little coordination of these programs, and in November 1994, I reinaugurate the Inter-Agency Task Force to coordinate federal efforts and report on an annual basis to the Secretary of HHS and to relevant congressional committees. The panel will include representatives from the Departments of HHS, Agriculture, Education, Defense, Interior, Justice, and Veterans Affairs; from the Bureau of Alcohol, Tobacco and Firearms; from the Federal Trade Commission; and from any other relevant federal agency.

Mr. BINGAMAN. Mr. President, I am pleased today to join the distinguished minority leader, Senator DASCHLE, in reintroducing the Comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects Prevention and Awareness Act of 1995. Through this legislation, we are proposing a comprehensive, coordinated, national effort to prevent one of the leading causes of birth defects in this country: Fetal Alcohol Syndrome.

The need for this legislation is well documented. Fetal Alcohol Syndrome [FAS] is the nation's primary known cause of mental retardation; yet it is completely preventable. According to a 1993 report issued by the Centers for Disease Control and Prevention, the number of reported FAS cases has tripled over the past decade. The CDC reports that in 1992, nearly 4 infants out of every 10,000 births were born with FAS, suffering irreversible physical and mental harm. In 1979, the first year the CDC conducted national surveillance on incidence of Fetal Alcohol Syndrome, it estimated the number of reported FAS cases at only 1 per 10,000 births. Adding to the extent of the problem are estimates which indicate that each year 10,000 to 12,000 infants are born with lesser, though still serious, alcohol-related birth defects known as Fetal Alcohol Effects [FAE].

In my home State of New Mexico, the number of infants born with FAS has exceeded the national average for a number of years. Each year, more than 36 babies are born in New Mexico with FAS, and more than 80 are born with FAE. Some experts believe our FAS rate has been consistently higher than the national average because the Navajo, Apache, and Pueblo children and families in New Mexico and to American Indians throughout the nation.

New Mexico health officials estimate that the combined FAS rate for our State's 22 Indian Tribes is two to five times that of the national average. According to the Indian Health Service, rates are significantly higher among American Indians and Alaska Natives than nationally. I have been told that in some American Indian and Alaska Native communities, as many as one in four newborns may be affected by FAS or FAE.

Mr. President, the real tragedy of Fetal Alcohol Syndrome and Fetal Alcohol Effects is that both are completely preventable. Not one more infant would be born with FAS or FAE if every pregnancy was an alcohol-free pregnancy. If we could get the message out that alcohol and pregnancy do not mix, if we could explain the compelling need for every mother to stay away from alcoholic beverages while she is pregnant, then we could eliminate this disease. The key is prevention through education.

Prevention through education is the cornerstone of the Comprehensive Fetal Alcohol Syndrome Prevention Act. As I mentioned earlier, this bill will create a comprehensive coordinated program within the Department of Health and Human Services to help prevent FAS and FAE. Specifically, this bill:

- Establishes an Inter-Agency Task Force on FAS-FAE: to coordinate all Federal activities, recommend Federal funding for FAS-FAE research, programs, and surveillance or otherwise meet the general needs of populations actually or potentially impacted by FAS-FAE.
- Establishes a national network of educational, prevention, and education programs on FAS-FAE; coordinate and support basic and applied epidemiologic research on FAS-FAE; assist states in establishing FAS-FAE surveillance programs; focus efforts on the needs of at-risk populations, and American Indians and Alaskan Natives in particular.
- Requires a two-thirds vote. So there were two additional votes over the required two-thirds vote. One year there was one vote shy, which was 66 votes. And then on another occasion we got 63 votes.

In each of the occasions in which the Senate has acted pertaining to the constitutional amendment requiring a balanced budget, the House has failed to pass it by the required two-thirds vote. But this time I believe the House will pass it. Regarding the last time when we got 63 votes, I believe if the House had not acted before the Senate, the Senate would have voted the required two-thirds vote at that time. This measure has been around for a long time. It has maintained its mark in the past, but I believe it will be difficult for the Senate to pass this bill.
budget each year deals with debt service. If interest rates were to double, then you will see that the amount of money that will be required to pay debt service will be doubled also. And so it is important that we go ahead and act soon to provide the necessary fiscal discipline.

It has been 33 years since the Government of the United States has operated on a balanced budget. Most of the States have provisions that require a balanced budget, and it provides the discipline which is needed relative to Government operations and fiscal restraint.

So it is my pleasure again today to offer a bill or resolution which is quite similar to the resolutions which I am cosponsoring with other Senators, including Senator HATCH. I want to congratulate Senator HATCH on his leadership in moving forward. He has a hearing set today relative to resolutions requiring a balanced budget which has a group of very distinguished Americans, a lot of former Attorneys General, and others, who will be testifying at that particular hearing.

So I think it is important that we move forward and move forward as fast as we can. So I send to the desk at this time a resolution requiring it.

Mr. President, the time has finally come to pass this legislation, and send it to the States for ratification. This amendment is not a gimmick; nor is it chicanery; it is good common sense.

Since I first came to the Senate in 1979, every Congress I have introduced legislation proposing a constitutional amendment to balance the Federal budget, and I have dedicated myself to many years of work with my colleagues to adopt a resolution which would authorize the submission to the States for ratification of a constitutional amendment to require a balanced budget.

For much of our Nation's history, a balanced Federal budget was the status quo and part of our unwritten constitution. For our first 100 years, this country had a balanced budget. In recent years this Nation's spending has gone out of control. Indeed, the fiscal irresponsibility demonstrated over the years has convinced me that constitutional discipline is the only way we can achieve the goal of reducing deficits.

As you know, in 1982, the Senate did pass, by more than the required two-thirds vote, a constitutional amendment calling for a balanced budget. There were 69 votes in favor of it at that time. It was sent to the House of Representatives, where, in the House Judiciary Committee it was bottled up. The chairman would not allow it to come up for a committee vote, in order that it might be reported to the floor of the House of Representatives. It was necessary to file a discharge petition. This is a petition that has to be signed by more than a majority of the whole number of the House of Representatives, and then it is brought up and voted on without amendment. The Senate-passed amendment failed to obtain the necessary two-thirds vote that was required in the House of Representatives at that time.

In the 98th Congress, after extensive debate, passage of a balanced budget amendment by the Senate failed by one vote. But in the 101st Congress, I supported a measure which passed the Judiciary Committee, but it was never considered by the full Senate. In the 102d Congress, the Judiciary Committee favorably reported a bill, but since the amendment failed to pass the House by the necessary two-thirds vote, this killed the possibility of favorable action by the Senate.

In the 103d Congress, the Senate again narrowly defeated an amendment, which I cosponsored, by a vote of 63-37—only four votes short of the 67 votes needed for passage. If the recent elections tell us anything, it is that the American people want a leaner, more efficient Federal Government and a government that lives within its means.

Mr. President, I hope the time has come to finally adopt this long-overdue amendment and begin to move toward our goal of a balanced Federal budget.

Section 1 of the amendment requires a two-thirds vote of each House of Congress before the Federal Government can engage in deficit spending. A 60-percent vote in the Senate is a very difficult one to obtain. This requirement should establish the norm that spending will not exceed receipts in any fiscal year. If the government is going to spend money, it should have the money on hand to pay its bills.

Section 2 of the amendment requires a three-fifths vote by both Houses of Congress to raise the national debt. In addition to the three-fifths vote, Congress must provide "by law" for an increase in public debt. As I understand it, this means presentment to the President, where the President has the right to veto or sign. If the President chooses to return to Congress for action to possibly override the veto, it is also important to note that section one, regarding the specific excess of outlays over receipts, contains this same requirement that Congress act "by law."

Section 2 is important because it functions as an "enforcement mechanism" for the balanced budget amendment. While section 1 states outright that "total outlays shall not exceed total receipts" without the three-fifths authorization by Congress, the judicial branch would lack the ability to order the legislative and executive branches to meet this obligation. Therefore, section 2 will require a three-fifths vote to increase the national debt. This will increase the pressure to comply with the directive of this proposed constitutional amendment.

Other than just being directory, the amendment, by way of section 2, has some teeth and that is what is so important if we are going to do away with deficit spending and operate so that we do not spend any more money than the amount coming into the government. That is what we are trying to achieve here.

Section 3 provides for the submission by the President of a balanced budget to the States for ratification. This reflects the belief that sound fiscal planning should be a shared governmental responsibility by the President as well as the Congress.

Section 4 of the amendment requires a majority vote of the whole number of each House of Congress any time Congress votes to increase revenues. This holds public officials responsible, and puts elected officials on record for any tax increase which may be necessary to support Federal spending.

Section 5 of the amendment permits a waiver of the provisions for any fiscal year in which a declaration of war is in effect. This section also contains a provision long-supported by myself—that of allowing a waiver in cases of less than an outright declaration of war—where the United States is engaged in military conflict which causes an imminent and serious threat to national security, and is so declared by a joint resolution, which becomes law. Under this scenario, a majority vote of the whole number of each House of Congress may waive the requirements of a balanced budget amendment.

I firmly believe that Congress should have the option to waive the requirement for a balanced budget in cases of less than an outright declaration of war. Looking back over the history of our Nation, we find that we have had only five declared wars: The War of 1812, the Mexican War, the Spanish-American War, the First World War, and the Second World War.

The most recent encounters of the United States in armed conflict with enemies have been, of course, undeclared wars. We fought the Gulf War without a declaration of war. In addition, we fought both the Vietnam and Korean actions without declarations of war.

This country can be faced with military emergencies which threaten our national security, without a formal declaration of war being in effect. Circumstances may arise in which Congress may need to spend significant amounts on national defense without a declaration of war. Congress and the President must be given the necessary flexibility to respond rapidly when a military emergency arises.

The United States has engaged in only five declared wars, yet the United States has engaged in hostilities abroad which required no less commitment of human lives or American resources than declarations of war. In fact, our Nation has been involved in approximately 200 instances in which the United States has used military forces abroad in situations of conflict. Not all of these would move Congress to seek a...
waiver of the requirement of a balanced budget, but Congress should have the constitutional flexibility to provide for our Nation's security.

Section 6 of the amendment permits Congress to rely on estimates of outlays and receipts in the implementation and enforcement of the amendment by appropriate legislation.

Section 7 of the amendment provides that total receipts shall include all receipts of the United States except those derived from borrowing. In addition, total outlays shall include all outlays of the United States except those for repayment of debt principal. This section is intended to better define the relevant amounts that must be balanced.

Section 8 directs the amendment to take effect beginning with fiscal year 2002 or with the second fiscal year beginning after ratification, whichever is later. This section will thus allow Congress an adequate period of time to consider and adopt the necessary procedures to implement the amendment and to begin the job of actually balancing the Federal budget.

Mr. President, the future of our Nation's economy is not a partisan issue. Furthermore, the problem of deficit spending cannot be blamed on one branch of government or one political party. Similarly, just as everyone must share part of the blame for our economic ills, everyone must be united in acting to attack the growing problem of deficit spending. I recognize that a balanced budget amendment will not cure our economic problems overnight, but it will act to change the course of our future and lead to responsible fiscal management by our national government.

ADDITIONAL COSPONSORS

At the request of Mr. Gramm, his name was added as a cosponsor of S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

At the request of Mrs. Hutchison, her name was added as a cosponsor of S. 2, supra.

At the request of Mr. Levin, his name was added as a cosponsor of S. 2, supra.

At the request of Mr. Reid, his name was added as a cosponsor of S. 2, supra.

At the request of Mr. Grassley, the name of the Senator from New York [Mr. D'Alema] was added as a cosponsor of S. 2, supra.

At the request of Mr. Daschle, the names of the Senator from Nevada [Mr. Reid] and the Senator from Vermont [Mr. Leahy] were added as cosponsors of S. 10, a bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate, the House of Representatives, and to reform the Federal election laws applicable to the Congress.

At the request of Mr. Daschle, his name was added as a cosponsor of S. 14, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.

At the request of Mr. Lott, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

At the request of Mr. Hatfield, the name of the Senator from Washington [Mr. Gorton] was added as a cosponsor of S. 92, a bill to provide for the reconstitution of the United States in the Federal Columbia River Power System.

At the request of Mr. Warner, his name was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

At the request of Mr. DeWine, his name was added as a cosponsor of Senate Resolution 1, a resolution informing the President of the United States that a quorum of each House is assembled.

SENIATE JOINT RESOLUTION 1

At the request of Mr. Warner, his name was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENIATE RESOLUTION 1

At the request of Mr. DeWine, his name was added as a cosponsor of Senate Resolution 1, a resolution informing the President of the United States that a quorum of each House is assembled.

SENIATE RESOLUTION 26—RELATIVE TO APPOINTMENTS TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. Cochran (for Mr. Dole) submitted the following resolution; which was considered and agreed to:

Resolved, That the following shall constitute the majority party's membership on the following standing committee for the 105th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. Grassley, Mr. McCain, and Mr. Smith.

SENIATE RESOLUTION 27—AMENDING RULE XXV

Mr. Dole submitted the following resolution; which was considered and agreed to:

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Banking, Housing, and Urban Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works,
may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2. A Senator who on the date this subdivision is agreed to is serving on the Committee on Banking, Housing, and Urban Affairs, and the Committee on Energy and Natural Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2. A Senator who on the date this subdivision is agreed to is serving on the Committee on Commerce, Science, and Transportation, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENNATE RESOLUTION 30—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN STANDING COMMITTEES

Mr. GRASSLEY (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

``RESOLVED, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Energy and Natural Resources: Mr. Murkowski, Mr. Hatfield, Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Thomas, Mr. Kyhl, Mr. Grams, Mr. Jeffords, and Mr. Burns.

Committee on Environment and Public Works: Mr. Chafee, Mr. Warner, Mr. Smith, Mr. Fathorn, Mr. Kempt, Mr. Inhofe, Mr. Thomas, Mr. McConnell and, Mr. Bond.

Committee on Foreign Relations: Mr. Helms, Mr. Luar, Mrs. Kassebaum, Mr. Brown, Mr. Coverdell, Ms. Snowe, Mr. Thompson, Mr. Thomas, Mr. Grams, and Mr. Ashcroft.

AMENDMENTS SUBMITTED

OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF ACT

JOHNSTON AMENDMENT NO. 2

(Submitted to the Committee on Energy and Natural Resources.)

Mr. JOHNSTON submitted an amendment to the bill (S. 158) to provide for the energy security of the Nation through the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; as follows:

At the end of S. ... adds a new section as follows, numbered appropriately:

"SEC. 101(c)(1) of the Oil Pollution Act of 1990 (Pub. L. 101-380) is amended by adding "up to" before "$150 million".
(3) 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, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the application of this rule and the cause and extent of circumstances under which a gift may be accepted under this exception.

(4) A contribution or other payment to a legal nonprofit organization or association established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Ethics.

(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $50.

(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 officerholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, or a member of the immediate family 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) of the Internal Revenue Code of 1986 in connection with a fundraising or candidate event sponsored by such an organization.

(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communications.

(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

(11) Honorary degrees (and associated travel, accommodations, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service, including food, refreshments, and entertainment provided in the presentation of such degrees and awards.

(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

(13) Food, refreshments, and accommodations provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

(15) Lodging food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee whose training is in the interest of the Senate.

(16) Bequests, inheritances, and other transfers at death.

(17) Gifts in 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, or secured by the Government under a Government contract.

(19) A gift of personal hospitality of an individual, as defined in section 10(14) 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; and

(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 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; or

(F) in the form of reduced membership or other fees for participation in organization activities that are unrelated to the official position of the Member, officer, or employee.

(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) A good faith estimate of the total of the reimbursed;

(b) Each advance authorization to accept reimbursement shall be signed by the Member, officer, or employee under whose direct supervision the employee works, to accept reimbursement, and by the Secretary of the Senate within 30 days after the travel is completed.

(c) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (c)(5) on an ongoing, periodical basis, to the extent necessary to adjust for inflation.

(2) The Select Committee on Ethics 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 because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

(4) a good faith estimate of the total of the reimbursed;

(5) Food, refreshments, and entertainment provided in the performance of the official duties or required by this Rule, if the Member, officer, or employee—

(A) 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

(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

(c) For purposes of clause (1), 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 officerholder.

(1) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

(2) The Select Committee on Ethics 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 because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

(4) A determination that the travel is in connection with the duties of the employee as an officerholder and would not create the appearance that the employee is using public office for private gain.

(c) Each disclosure made under subparagraph (a)(1) 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—

(1) the name of the employee;

(2) the name of the person who will make the reimbursement;

(3) the time, place, and purpose of the travel; and

(4) a good faith estimate of total lodging expenses reimbursed or to be reimbursed.

(2) A good faith estimate of total transportation expenses reimbursed or to be reimbursed;
“(5) A financial contribution or expendi-
ture made by a lobbyist or an agent of a for-
eign principal relating to a conference, re-
treat, or similar event, sponsored by or af-
iliated with an official congressional organi-
zation, for or on behalf of Members, officers,
or employees.

“(6) The following are not gifts subject to
the prohibition in subparagraph (1):

“(A) Any other individual to which the recip-
tant pays the market value, or does not use and
promptly returns to the donor.

“(B) A contribution, as defined in the Fed-
eral Election Campaign Act of 1971 (2 U.S.C.
431 et seq.) that is lawfully made under that
Act, or attendance at a fundraising event
sponsored by a political organization de-
scribed in section 527(e) of the Internal Re-

“(C) Food or refreshments of nominal
value offered or enhanced as part 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 customarily provided to
others in similar circumstances.

“(E) Pension and other benefits resulting
from continued participation in an employee
welfare and benefits plan maintained by a
former employer.

“(F) Informational materials that are sent
to the office of a Member, officer, or em-
ployee if such materials are customarily pro-
vided in this Rule, no Member, officer, or
employee shall be subject to the prohibition
in subparagraph (1).

“(G) A gift shall not be considered to be
given for a nonbusiness purpose if the indi-
vidual giving the gift seeks—

“(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 lobby-
ist or agent of a foreign principal.

“(C) In determining if the giving of a gift
is motivated by a family relationship or close
personal friendship and not by the position
of the Member, officer, or employee, shall not
be subject to the prohibition in subparagraph
(1).

“(D) If a gift given by an individual under
similar 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 position
of the Member, officer, or employee, shall not
be subject to the prohibition in subparagraph
(1).

“(E) Pension and other benefits resulting
from continued participation in an employee
welfare and benefits plan maintained by a
former employer.

“(F) Informational materials that are sent
to the office of a Member, officer, or em-
ployee if such materials are customarily pro-
vided in this Rule, no Member, officer, or
employee shall be subject to the prohibition
in subparagraph (1).

“(G) A gift shall not be considered to be
given for a nonbusiness purpose if the indi-
vidual giving the gift seeks—

“(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 lobby-
ist or agent of a foreign principal.

“(C) In determining if the giving of a gift
is motivated by a family relationship or close
personal friendship and not by the position
of the Member, officer, or employee, shall not
be subject to the prohibition in subparagraph
(1).

“SEC. 3. AMENDMENTS TO HOUSE RULES.

“Clause 4 of rule XLIIX of the Rules of the
House of Representatives is amended to read as
follows:

“(4) 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 lobbyist registered
under Subsection (b) of the Foreign Agents
Registration Act.

“(B) A charitable contribution (as defined
in sections 170c of the Internal Revenue
Code of 1986) made by a lobbyist or an agent
of a foreign principal on the basis of a des-
ignation, recommendation, or other speci-
fication of a Member, officer, or employee
(including not including a mass mailing or other solic-
itation directed to a broad category of per-
sons or entities).

“(D) A contribution or other payment by a
lobbyist or an agent of a foreign principal to
a legal expense fund established for the bene-
fit of a Member, officer, or employee.

“(E) A charitable contribution (as defined
in section 170c of the Internal Revenue
Code of 1986) made by a lobbyist or an agent
of a foreign principal in lieu of an hono-
rarium to a Member, officer, or employee.
and entertainment provided in the presentation of such degrees and awards.

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, with minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member’s home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(14) Fees or of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(15) 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.

"(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 that has been deified similar to section 102(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 among Government employees on the basis 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; or

(F) in the form of reduced membership or other fees for participation in organization activities of which are substantially related to congressional employment provided to all Government employees if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other items of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended event at the Member, officer, or employee’s home State, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

(A) A Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information relating to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member’s, officer’s, or employee’s official position; and

(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor’s unsolicited offer of free transportation or free accommodation individual if others in attendance will generally be similarly accommodated 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 or free transportation 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 conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and informational materials furnished to all attendees as an integral part of the event. The term does not include entertainment furnished to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept at least $50 or $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(3) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) 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 because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1) A Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the employee, an employee of the office shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

(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.

(2) 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 officer or employee.

(3) 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;

(C) the time, place, and purpose of the travel; and

(D) a determination that the travel is in connection with the duties of the member or officer or under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

(5) a determination that the travel is in connection with the duties of the member or officer as an officerholder and would not create the appearance that the employee is using public office for private gain.

(4) For purposes of this paragraph, the term ‘necessary transportation, lodging, and related expenses’—

(A) includes reasonable expenses that are necessary for travel—

(i) for a period not exceeding 4 days including travel time within the United States; and

(ii) 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 reimbursement for necessary transportation, lodging, and related expenses reimbursed or to be reimbursed; and

(C) with all or substantially all other attendees.

(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.”.

SEC. 304. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(18) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: “Reimbursements accepted by a Federal agency pursuant to section 1353 of
U.S.C. 31±2) is repealed.

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

(c) SENATE PROVISIONS.—

(1) AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition not made dependent upon some future performance by the United States.

(2) USE OF FREQUENT FLYER MILES.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member’s home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this subtitle.

(d) HOUSE PROVISION.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House or an employee of such a Member in the Member’s home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this subtitle.

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SEC. 05. EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.

Sections 201, 202, 203(c), and 203(d) of this subtitle are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representa-

tives, respectively, and pursuant to section 753(b)(1) 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 only 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. 06. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on May 31, 1995.

Mr. FORD (AND FEINGOLD) AMENDMENT NO. 4

Mr. FORD (for himself and Mrs. FEINGOLD) proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place, insert the following:

SEC. USE OF FREQUENT FLYER MILES.

(A) LIMITATION ON THE USE OF TRAVEL AWARDS.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate or House of Representa-

tives shall be considered the property of the Government and may not be converted to personal use.

(b) LIMITATION ON THE USE OF TRAVEL AWARDS.—The Senate Committee on Standards of Official Conduct and the Committee on Rules and Adminis-

tration of the Senate shall have authority to prescribe regulations to carry out this sec-

lion.

(c) DEFINITIONS.—As used in this section—

(1) the term “travel award” means any fre-

quent flyer, vacation, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term “official travel” means travel engaged in the course of official business of the House of Representative and the Senate.

SEC. 07. AUTHORITY FOR COMMITTEES TO MEET.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, January 5, 1995, to conduct a hearing to examine issues involving municipal, corporate, and individual investors in derivative products and the use of highly leveraged investment strategies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee (jointly with the Senate Budget Committee) for authority to meet on Thursday, January 5, for a hearing on S. 1, Unfunded Mandates.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, January 5, 1995, at 10 a.m. to hold a hearing on the balanced budget amendment to the Constitution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AN INTERVIEW WITH QUENTIN D. YOUNG

Mr. SIMON. Mr. President, one of the people who has been calling for justice in the field of health care in this Nation for many years is Dr. Quentin Young.

Recently, he was interviewed by the Christian Century, and that interview was published. It contains so much common sense that I hope some of my colleagues will read what he has to say. I ask to insert his comments at the end of my remarks.

A person does not have to agree with everything that he mentions in his interview to recognize that we should be doing much better and that our friends in Canada are doing much better.

My conversations with Canadian Members of Parliament suggest that there are some improvements that we could make on the Canadian system, if we were to adopt a similar system. To suggest that, as has been done in some countries, that the Canadian system is a failure, is an outright falsehood. It is of interest that not a single Canadian Member of Parliament has introduced legislation to repeal the Canadian system.

The article follows:

HEALTH REFORM AND CIVIC SURVIVAL: AN INTERVIEW WITH QUENTIN D. YOUNG

Since his days as a medical student at Cook County Hospital in Chicago, Dr. Quentin D. Young has been engaged professionally and politically in issues of public health. Young is presently clinical preventive medicine at the University of Illinois Medical Center in Chicago. Young is also national president of Physicians for a National Health Program. He has been a leading and tireless spokesman for health care reform. We spoke with him recently about the fate of the Clinton health care proposal and the alternative of a single-payer insurance system like Canada’s.

A year ago many people had high hopes for health care reform. It was at the top of President Clinton’s agenda to have widespread public support. Now the issue is dead, and perhaps a crucial political opportunity has been lost. What went wrong? Dr. Young believes Clinton prematurely complicated proposal, which left him vulnerable to attacks from across the spectrum. Those of us who support a single-payer plan should therefore keep in mind that if the reform package is refined in the way he proposed, it would have been a dreadful disappointment and a step backward. By going the route he did, he was forced to rely on the whole insurance infrastructure and a real nightmare of managed competition. All these huge bureaus he propo-sed—they invited ridicule and defeat. From his public and private comments it is clear that he understands the redundancy and the parasitic role of the insurance industry: it adds nothing to the product and subtracts mightily. (Basically insurance agencies and conglomerates are in the business of finding reasons not to give care.) So in light of that, his proposal showed a lack of courage. Another form of cowardice was that he didn’t come right out and call his mandated tax—a tax. So that’s the President’s contribution to the failure of reform.

The decisive factor was the appalling undermining of the democratic process that took place in Congress. At least $150 million was spent on lobbying, advertising, and on slayings from small business groups and others. In the face of this pressure, Congress became impotent. I think that viewing this activity intensified people’s dislike of the political process. And I also think that there’s a little bit of concern by those involved that perhaps the lobbyists engaged in overkill—that they created a sense of futility among the public. And power elites usually don’t like to see a sense of futility among the public. Nor is it wholesome from the point of view of a reformer.

The conventional wisdom was—probably still is—that a single-payer plan is politically unfeasible.

Well, the route Clinton tried was politically unfeasible. His proposal couldn’t have done any worse than it did. And winning the debate that terms that have occurred in American politics the abolition of slavery, the adoption of unemployment insurance and social security didn’t happen in one swift action. There was a buildup of popular pressure and finally a breakthrough.
A battle over a single-payer plan would have seemed inevitable. But that's not where the debate over the referendum on universal coverage in California is. They are having a huge David-and-Goliath fight against forces that defeat them yearly. The Clinton plan, because those forces know that if California should miraculously pass such legislation, then the game is over. In Canada in 1994, they passed health care legislation, and two years later Alberta did the same. In ' 91 the Tory Parliament in Ottawa voted unanimously for Medicare, which is what they call their national single-payer system. And, of course, the rest is history.

It's clear that you regard Canadian experience as a success story. Canada has had a fair, extremely popular system. It does better than we do in longevity and infant mortality and most other health indices. Its achievement in cost containment is very simply summarized. Twenty-three years ago, before Canada initiated its reform, the U.S. and Canada were both spending seven percent of their respective GDPs on health care. Now Canada's spending has risen to 9.5 percent—not a tiny rise, but nothing like our rise to about 15 or 16 percent, with no end in sight.

Whenever we talk about implementing a single-payer plan like Canada's that aims both to offer universal coverage and to cut costs, we are met with protests: "Who's going to pay for these medical facilities?" What scares people. We don't like the thought of needing a heart bypass operation and being billed $2,000 or $4,000. That's ridiculous.

In the U.S. under single-payer you'd immediately spend $300 billion available for health care by eliminating the waste in the insurance system. That's what Canada experienced when it initiated its reform. Canadians used to devote 11 percent of health care expenditure on insurance administration, which is what we spend. Now Canada spends about three percent on insurance administration.

Add to that the benefits of negotiated fees. Under a single-payer there'd be an 80-90 percent reduction in negotiated fees. With this profile you can expect an 80 percent reduction in health care costs. With this profile you can expect an 80 percent reduction in health care costs. With this profile you can expect an 80 percent reduction in health care costs. With this profile you can expect an 80 percent reduction in health care costs. With this profile you can expect an 80 percent reduction in health care costs.

In the year 2010 it may be different. People are living longer. There is no question about the correlation of age with medical utilization, with more people living longer and so more and more complicated things that we can do to help people, which always adds big costs. But on the other end of the spectrum, 40 percent of people are spending all because you've immunized all the kids and you will have early detection of breast cancer, and so on.

One of the benefits of single-payer is that, as it's played out in Canada, which I concede is due to its parliamentary system: every week in each of the provinces and in Ottawa the minister of health has to face questions and complaints—"Mrs. Jones spent six hours in the emergency room."

Also, it is illegal in Canada, as it would need to be under single-payer legislation here, for a private insurer to offer a benefit that is covered under the plan. If you allow that, you begin to undermine the system. You have to have everybody in it—particularly the elites. They will guarantee the insurer is in business forever and large and there's equity, there's high quality, there's a way to correct incompetence.

This point came home to me when I was on a radio show with an Anglican archbishop from Canada. He talked about the danger of Canada's being torn apart by the Francophile issue, and how a survey was conducted to see what makes Canadians feel patriotic, what brings them together. In the midst of division. And how to the top of the poll, for Canadians of all stripes—including Francophones—the one thing they wanted was a single-payer system. Here's a civic adventure that has brought people together. Compare that to the U.S. system of government, which every American is so proud of, but it became clear that a doctor could come into this country and sell the Canadian system a thousand dollars worth of services and they wouldn't give them a very short stick. When you saw them medically and psychologically in that broken, oppressed state, it was clear what they had to address issues of justice, not just medical treatment.

I had to decide which of these value systems was fair and just, and which one I could live with. It seemed to me the first approach is judgmental and harsh and simplistic. Taking the alternative view gave me a shot at being a part of the human race. And taking that view also accounts for my optimism.

Well, certainly training at Cook County was part of it. It's a big public hospital that deals with an endless sea of patients—the poor, the diseased, through the state of malady: end-stage Alzheimer's, gunshot wounds, bad colds, gallbladder problems, cancer. Whatever there was, County had. A $2,000 or $4,000 charge for a $10 visit. I was trained to think of the Canadian system a thousand dollars less than 1 percent on insurance administration, which is what we spend. Now Canada spends about three percent on insurance administration.

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I had to decide which of these value systems was fair and just, and which one I could live with. It seemed to me the first approach is judgmental and harsh and simplistic. Taking the alternative view gave me a shot at being a part of the human race. And taking that view also accounts for my optimism.
It’s not fair to say that. The polls keep saying that Americans want universal care. They even say health care is a human right, which of course it isn’t. It is, at best, an implied right the way privacy is.

There is a dialectic in being one’s brother’s keeper. It isn’t simply, “Christ asserted it and therefore it’s right.” It’s a living thing. I don’t have the credentials to be theological. But I think that the act of taking care of everybody in our health care system will make us our brother’s keeper. It will emancipate us to attack the other enormous problems we have to solve. We can’t let people hungry every night. We can’t have children uneducated. But we do. We have to stop that. We won’t survive otherwise. And nowhere is that more evident than every society survives. It’s written somewhere that they all perish. And we’ve got all the credentials to go down the road to oblivion—not tomorrow or the next day, but not necessarily very much later. Time is running out.

You are putting health care reform in the context of a much larger moral crisis. I do see health care reform as crucial to national civic survival. Consider some of the huge problems we have: air pollution, waste disposal, failed schools, homelessness, crime in the streets, hunger. The common denominator is that there are no resources available to solve these problems beyond what’s already available. Then consider health care, which is the biggest problem, and one that affects everybody. Homelessness affects those who have to live around the homeless, and it affects people who have other wise the problem belongs to the people who are homeless—and so on with all the problems I mentioned. But when you get to health, it’s everybody’s problem—if not today, then tomorrow. And it’s the only social problem that we can fix using the resources, facilities, expenditures—we already have in place.

I don’t want to be apocalyptic, but I think the case can be made in terms of the national mood—the polarization, the hate, the despair, the dissatisfaction with the political process—that health care reform offers us our last best chance to restore a sense of civic life and civic responsibility.

COSPONSORSHIP OF THE BASEBALL PRESERVATION ACT

Mr. GRAHAM. Mr. President, I lend my support to the National Pastime Preservation Act submitted to the new Congress by Senator DANIEL PATRICK MOYNIHAN and cosponsored by Senator JOHN WARNER.

Once again, Major League Baseball has shown that it does not warrant an exemption from our antitrust laws. Our national pastime has been silenced, with little or no immediate prospect of a resumption in play.

Mr. President, today is perhaps the coldest day of the winter so far this season. On these chilly days, our Nation should be on the verge of anticipating the annual ritual that signals hope of warmer weather on the way: the crack of bats at spring training.

But let it be a true spring. The possibility—which would compound the loss of part of the 1994 regular season and the World Series—underscores the urgency of prompt consideration of the National Pastime Preservation Act.

For one, the loss of spring training would result in an estimated loss in tourism dollars of at least $350 million, perhaps $1 billion. In the last several years, communities in Florida have made substantial investments in new and upgraded training facilities for the very clubs that will not be able to play. This crisis has hurt Florida and America. Clearly, it is time to subject Major League Baseball to the same laws of competition that apply to the rest of our economy. No other professional sport has an antitrust exemption.

Major League Baseball has used its antitrust exemption to prevent franchise migration to areas more willing to subsidize its franchise. This, in turn, has led to revenue-sharing proposal to be financed by a ceiling on players’ salaries. Thus, the issue which is at the heart of the current controversy—a ceiling on players’ salaries—is attributable to a misuse of the antitrust exemption. Additionally, removal of the antitrust exemption would be an incentive to the players to go back to work and continue negotiations.

I urge my colleagues—in the name of restoring our national pastime—to consider and support the legislation to remove baseball’s antitrust exemption.

SPEECH BY U.S. AMBASSADOR TO ARMENIA

Mr. SIMON. Mr. President, recently, I read in the news of the Armenian General Benevolent Union, a speech by Ambassador Harry Gilmore, the U.S. Ambassador to Armenia.

Because it has insights into the problems faced in Armenia, I am asking to insert it into the CONGRESSIONAL RECORD at the end of these brief remarks.

The United States must exert every effort to see that Armenia and her neighbors, Turkey and Azerbaijan, can live together in peace. This is in the best interests of Armenia and is in the best interests of Turkey and Azerbaijan.

But there are emotional barriers to achieving this.

While those emotional barriers remain, the people of Armenia struggle.

This speech was given in Los Angeles, on June 14, 1994, to guests attending a fundraising banquet for the American University of Armenia, which I have had the privilege of visiting in Armenia.

The speech follows:

HARRY GILMORE—UNITED STATES AMBASSADOR TO THE REPUBLIC OF ARMENIA

Distinguished friends and guests of the American University of Armenia, I bring you a story tonight of darkness and light. The darkness you know. Armenia is going through a difficult period it has endured since the end of first Republic of Armenia in 1920. The people of Armenia have been living without heat and light, beset by war and economic hardship. But in the middle of the darkness there are some islands of light—and one of those is the American University of Armenia.

Tonight I want to tell you some of my experiences as the first Ambassador of the United States to the Republic of Armenia. I want to tell you something of the United States Government is doing in Armenia. And I want to tell you why I believe in the future of Armenia.

The Embassy in Yerevan, the first foreign Embassy in Armenia, opened in February 1992, in the Hrazdan Hotel. Now we are in the building that once was home of the Young Communist League. We have about fifteen people working from the Department of State, USAID, USIA, and the Peace Corps, and about sixty Armenian employees. Plus there are 25 Peace Corps Volunteers in Armenia, with us all July.

As you may know, in August 1992 I was first nominated to be Ambassador by President Bush. After the 1992 elections, President Clinton re-nominated me. I was finally confirmed by the Senate in May 1993. I arrived in Yerevan with my wife Carol that same month, one year ago.

Our diplomats in Yerevan were living, much like the residents of Yerevan, frequently without electricity, heat, or water. There was, and often still is, only about one hour and two hours of electricity during the first winter, our diplomats often wrote their cables by the light of butane lanterns. One diplomat found that his laptop computer wouldn’t start unless he heated it up first on top of his wood stove.

Now we are fortunate to have generators and kerosene heaters in our homes and at the Embassy. Most Americans are not so lucky. Nuclear physicists are working by candlelight. A factory that used to produce microprocessors is making kerosene stoves. One newspaper, the Voice of Armenia is being printed on ice-cream wrapping paper. The winter before I arrived, the temperature inside school classrooms was often well below freezing. Some classes consisted of little more than jumping up and down to stay warm.

I decided from the beginning that our Embassy should have three goals: first, to help Armenia survive, emphasizing humanitarian assistance; second, to try to help Armenia achieve peace, and an end to its economic isolation; and third, to build a democratic government and new free market economy that will allow Armenians to control their own destiny, and guarantee their own future.

HELPING ARMENIA SURVIVE: HUMANITARIAN ASSISTANCE

Our first job has been to help provide humanitarian aid, so Armenia can survive the economic crises caused by the collapse of the Soviet Union and the war. The Armenian-American community, the Armenian Church and other private donor organizations have been extremely active in these efforts. Soon after the Embassy opened, the U.S. Agency for International Development located its regional office for the Caucasus in Yerevan, and our government got involved in a major way.

Much of our time has been taken up by the logistics of getting wheat and fuel moving to Armenia. I now know more about the Georgians than I ever wanted to know. When U.S. government wheat was stranded in Batumi, in Georgia, because there was no electricity to run the Georgian railroad, we charter ships, and provided fuel for them. When there was a shortage of wheat in Armenia, because the trains in Georgia weren’t running, we obtained Army to buy kerosene and diesel fuel to trade to the Armenian farmers for wheat.
Armenia wants to see the children of the endless war. I don't believe that anyone in this point, the leaders of Azerbaijan and their efforts with those of the CSCE. We are trying to achieve a settlement. We are trying to do this through the international efforts and not by shooting. We believe the best way to Karabakh and Azerbaijan will have to live this is through the international efforts of the Russian Government is also a process which includes all the countries of the region. We believe that only a political process can help Armenia. Our third objective is to help Armenia build a durable democracy and a working free market. The government of President Ter-Petrosian is now one of only two governments in the world not headed by a former Communist. Armenia has a multi-party system and an active free press. Despite great criticism, an independent judiciary to try oil and other cases is working to establish the course of market reforms and independent foreign policy. Armenia has the potential to remain a democratic and truly independent state.

What Armenia needs is the experience of government and economic life can simply be copied in Armenia. America and Armenia have different histories and different traditions. But many Armenian members of parliament and members of the government have asked us for help. They want to learn from our experience, take note of our successes, try to avoid our mistakes.

**Peace Corps**

Today we have 25 Peace Corps Volunteers in Armenia. Teaching in villages, cities, and towns, and 9 experienced small business advisers. They've spent two winters there, sharing the hardships of the local people. I'm very proud of them. Some are young, young men and women, who are helping share our American know-how in Armenia.

**Farmers and Agriculture**

We have brought American farmers and agricultural professionals to help establish an extension service, similar to our own, for the farmers of Armenia. And we have provided new tools and methods to replenish stocks and to improve yields. One example of what they did: in Soviet times, combine opertors were given quotas of acres to harvest, regardless of how much wheat they actually harvested. Our extension agents shared their experience of how to use their harvesters to get the maximum amount of grain, with the least waste.

**Educational Exchanges**

We are working to give more Armenian students and professionals the chance to study in America, so they can take their new experiences back to Armenia and help restructure their country. We have open cold war competition in Yerevan for Fulbright scholarships and other exchange programs. Under the Fulbright program, leading scholars from Armenia, North America, Europe, and elsewhere are teaching and doing research in the United States, and Armenian scholars are working at the State University. This year we will send over 100 Armenian professionals for specialized short courses and workshops in the U.S.

**Junior Achievement**

USIA, the Peace Corps and the AUA worked together to launch the Junior Achievement Program in Armenia. Today the high school students in Yerevan feel a sense of energy, of purpose. When you look in the computer lab, and see the students at work, you could be in any American University. But I think there are very few universities in the United States where the students work with such dedication and enthusiasm. There is another difference—when you see the students from Armenian universities, you see there just for themselves, they are there because they want to make Armenia a better place to live for future generations.

**Cepra**

USAID is working with the University and the Ministry of Economy to establish Arme- 11. That is one reason why, on many projects, what Armenia needs is the experience of the future generation. America and Armenia exemplifies what is best about Armenian education. When you walk in the halls of this school, you feel a sense of energy, of purpose. When you look in the computer lab, and see the students at work, you could be in any American University. But I think there are very few universities in the United States where the students work with such dedication and enthusiasm. There is another difference—when you see the students from Armenian universities, you see there just for themselves, they are there because they want to make Armenia a better place to live for future generations.

**Radio Station**

Students learn more than just theory at AUA. One group of recent AUA graduates is trying to open the first independent radio station in Armenia. Who has started a newspaper. A third group has started a publishing house, and translated and published the first market economics textbooks in Armenian for the Junior Achievement Program. A team organized by the Center for Business Research and Development at AUA, with support from the Embassy, has translated into Armenian two books on business management, and is at work translating a university economics textbook that will be the textbook for future Armenian universities.

While we work closely with AUA, I should emphasize that we are not attacking the State University. This year, for the first time, two Fulbright lecturers will be teaching jointly...
CONCLUSIONS

In my first year in Armenia, I developed an even deeper respect for the Armenian people. Against terrible adversity, against heavy odds they have kept their faith, their language, their culture and their pride intact.

What happened then in America, we had to endure the conditions they endure; virtually no light, no heat, no gas, no electricity? The Armenian people have borne this stoically for four winters.

At the beginning of my remarks, I mentioned the First Republic of Armenia. You all know that after roughly two years—divided within, fighting with neighboring Azerbaijan over Nagorno-Karabakh, beset by hunger and cold, warring with Turkey, without substantial help from the West, it was invaded by the Red Army, lost its independence, and became part of the Soviet Empire.

This new Armenian Republic has now lasted longer than the first Republic. Today's Armenia is also beset by many problems—petroleum and transportation, the same geographic dilemma, and again conflict over Nagorno-Karabakh.

What is different now is that Armenia is a member of the United Nations and the CSCE, a full member of the family of nations.

Today, there are international mechanisms for helping resolve conflicts, and for helping new countries to get on their feet. One example is a successful and vigorous Armenian diaspora especially in the U.S. which is actively involved in supporting the reborn Armenian republic. These are now available to the Armenian Republic, and Armenia is using them.

But in the end, what can guarantee the independence of Armenia? In the 1930's, the great Armenian poet Charents looked into an acrostic into one of his poems—the second letter of each line spelled out, 'Oh Armenian people, your only salvation is in your united strength.' Today, it looks as if a successful Armenian diaspora can help.

Armenia cannot survive in economic or political isolation. She must have the friends of the community of nations, it will have to develop all of its resources. It must and will find ways to end the isolation, to establish connections with its neighbors, to establish connections with the rest of the world. Armenia has much to offer the world—a unique culture, a rich history, over all an abundant and talented people—especially young people—who want to make a mark on the future. I hope and believe they will continue to enrich world culture and to contribute to the welfare of the reborn Armenian state.

INTERSTATE BANKING AND BRANCHING ACT OF 1994

• Mr. BENNETT. Mr. President, last year we were assured, after careful consideration by the Senate Banking Committee, the Senate, and the conference committee, that banks providing credit to out-of-State borrowers would be unaffected by other changes made in the new interstate banking and branching law.

We considered the interests of the States, financial institutions, and regulators, and consumers on this very important point.

Unfortunately, and notwithstanding the care we took with the words we used, it has come to my attention that a recent court decision has misinterpreted several provisions of the interstate banking law. I want to set the record straight so that there is no confusion or misunderstanding.

Mr. Chairman, the intermediate appellate court in Pennsylvania issued its decision on December 14, 1994, in the so-called Mazaika case. In a 6-3 decision, the Pennsylvania Supreme Court held that a national bank located in Ohio was not authorized by section 85 of the National Bank Act to collect certain credit card charges from Pennsylvania residents—charges that the court acknowledged to be lawful in Ohio.

Mr. Chairman, every other final decision by other courts on the merits of this very question has concluded that such charges were authorized by section 85 to be collected from all borrowers, anywhere in the Nation, as long as they were legal in the bank's home State.

In its decision, the majority noted the enactment of the Riegle-Neal Interstate Banking and Branching Act of 1994 and said that the interstate banking law expressly provides that a national bank is bound, as to operations carried on in a particular State, by the consumer protection laws of that State. In particular, the majority stated that every other final decision on the merits of this question has concluded that such charges were authorized by section 85 to be collected from all borrowers, anywhere in the Nation, as long as they were legal in the bank's home State.

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Mr. Chairman, it is my view that the Mazaika majority made several mistakes in its reference to the applicable law provision of the interstate banking law. These matters should be clarified.

First, the applicable law provision in the interstate law applies only and by its terms when a bank actually has branches in a second State. And even in such circumstances, the applicable law provision subjects the interstate branch of a bank to certain State laws only where those laws are not preempted by Federal law. This provision has no bearing on or relevance to the Mazaika case because, in that case, no branch of the bank in Pennsylvania is subject to Pennsylvania law.

Second, the Mazaika majority simply ignored the very important savings clause in the interstate law. The savings clause is part of section 111 of the interstate law.

Mr. Chairman, I recall that this provision was included in the Senate bill at the request of the Senator from Delaware for two reasons. The clause makes clear that a branch of a bank in one State may charge interest allowed by that State's law. Thus making loans in another State even if the bank has branched interstate into the borrowers' State. In addition, the Senate Banking Committee and the Senate very much wanted this provision in the law in order to ensure the ability of banks to collect all lending charges on loans that have been affected by other provisions of the interstate law—such as the applicable law provision.

The savings clause provides that nothing in the interstate law affects section 85 of the National Bank Act and also section 27 of the Federal Deposit Insurance Act, which relates to charges by State banks. The savings clause therefore preserves the preexisting lending authority of banks to collect all lending charges in accordance with home State law, without regard to the changes in branching authority made by the interstate law.

Does the Senator agree with my understandings that the majority in Mazaika seriously misconstrued the interstate banking legislation?

Mr. ROTH. Yes, I most certainly do, and I agree that it is very important to confirm these points.

At the Senate Banking Committee, I requested, and the Managers' Amendment included, the savings clause. The savings clause, as I have previously stated, made clear that the adoption of interstate banking legislation will not and was not intended to affect the existing authority with respect to any charges imposed by national, and State banks for extensions of credit from out-of-state offices.

The Senate Banking Committee report and the conference report both contain explanatory language that is consistent with the wording of the interstate law. The reports state that, as a result of the savings clause, nothing in the interstate banking law affects existing authorities with respect to any charges under section 85 of the National Bank Act and section 27 of the Federal Deposit Insurance Act that are assessed by banks for loans made to borrowers outside the State where the bank or branch making the loan is located.

I ask to the floor of this Chamber on September 13, 1994, to reemphasize these important points.

I very much agree with the Senator from Utah that the majority in Mazaika misunderstood the interstate banking legislation and also section 27 of the Federal Deposit Insurance Act that are assessed by banks for loans made to borrowers outside the State where the bank or branch making the loan is located.

I wish to set the record straight about another provision in the interstate banking law. Section 114 establishes a
WHEN GAMBLING COMES TO TOWN

Mr. SIMON. Mr. President, during the last session of Congress, I introduced a bill to set up a commission to look at the whole question of where we're going in the United States on gambling and what our policy should be. This is a major cultural shift that is taking place that has an impact on our citizens and has an impact on government revenue.

Recently, I heard reference to an article by Stephen J. Simurda in the Columbia Journalism Review, and I got a copy of the article. I ask to insert it at the end of my remarks.

My instinct is that we should move with some caution in this field.

The article mentions that the Center for American Studies at Harvard University says that between 3.5 and 5 percent of adults exposed to gambling can make the transformation of America into a gambling society was, of course, greatly accelerated by the years of federal cutbacks, compelling cities and states to generate more revenue at a time when few politicians dare to prescribe an old-fashioned formula—raising taxes. So State legislators, mayors, and governors are often quite receptive to gambling promoters, a group that generally includes deep-pocketed developers, prominent local attorneys or financial consultants, and, in some cases, powerful political allies.

Armed with glowing economic impact studies, promoters seek to convince communities that casino gambling will provide a big boost to their economy. Journalists across the country are asked to cover legalized casino gambling, but it may be a confusing assignment for a variety of reasons. "It doesn't fit easily within the framework of a beat that most newspapers have, and there is a certain amount of technical expertise needed," says Robert Franklin, who covers philanthropy and charitable gambling for the Minneapolis/St. Paul Star Tribune. "There is no place from which to gather a lot of information in a hurry," adds Steve Wiegand, who covers gambling for The Sacramento Bee. "And so many of the people I speak to are so self-serving that it's hard to know how much of what they tell me is true."

These and other problems and potential pitfalls were mentioned by several journalists who have written some of the biggest local stories of the decade. What follows, then, is something of a field map for reporters and editors who find themselves suddenly compelling local stories and explaining a complicated piece of terrain.

THE PROPOSAL

It promises a lot and has a strong marketing effort behind it. In Bridgeport, Connecticut, a city that suffered a blow from Chapter 11 bankruptcy protection, Steve Wynn of Mirage Resorts promised 12,000 new jobs, four million visitors a year, and millions in tax revenues. In February of 1993, Steve Wynn was sued by local developers, who said that he and other casino promoters spent more than $2 million on lobbying, the most ever in Connecticut, to gain approval of a casino bill.

Legislators decided not to act on the bill after the Mashantucket Pequots—a tribe that operates a huge and hugely successful casino and tribal Antelope in the first batch of licenses issued by the state, is being built in Connecticut. The tribe has spent $30 million on legal gambling, and an entertainment industry analyst from a brokerage house to talk about gambling, and an entertainment industry analyst from a brokerage house came to the state to discuss the government's efforts to win control of the casino business. As a result, opposition presented in the media comes from a church, who said, "We don't support gambling, because it's anti-Biblical and anti-Christ." Reporters can usually get a more cogent analysis from economists, planners, psychologists, and other professionals. Pauline Yoshishashi of The Wall Street Journal, for example, in researching a piece that appeared in the Journal last October, asked a cultural anthropologist to explain the lure of gambling, and an entertainment industry analyst from a brokerage house to talk about the effect gambling may have on other entertainment businesses.

In a five-part series in The Boston Globe last October, in researching a piece that appeared in the Journal last October, asked a cultural anthropologist to explain the lure of gambling, and an entertainment industry analyst from a brokerage house to talk about the effect gambling may have on other entertainment businesses.
information he’s rarely asked about. “Reporters are interested in exploring my ties to the industry than they are in getting me to give the secret as to why gambling is bad,” Christiansen says. His willingness to speak on the spread of legalized gambling, it should be noted, does not conflict with the interests of some large casino companies that stand to lose revenue if rivals move in on their turf.

Then there’s I. Nelson Rose, a professor at the Whittier Law School in California, whose resume calls him the “nation’s leading authority on gambling and the law.” But nowhere in his nine-page vita does Rose mention that for the past three years he has been a partner in a plan to develop a string of Indian-run casinos in the northeast. “I have no trouble talking about it,” says Rose when asked about his business ventures, but he doesn’t always volunteer the information to reporters. (In the Globe series, Rose was described as a professor “who studies gambling law.” The Quad-City Times called him “one of the nation’s top authorities on legalized gambling.”)

It’s worth noting that Christiansen and Rose are still good sources for gambling stories, says David J. Johnston, “but you need to put them in the universe.”

Almost no source is safe, it seems. A reporter calling the National Council on Problem Gambling in New York City, for example, might get an anti-gambling perspective, or at least a view that is cautious about the spread of legalized gambling. “That’s not what my board wants me to do,” says John H. Chilson, the council’s executive director. Instead, the council, whose board includes several gambling industry executives, focuses on raising money, often from the industry for research about, and the education of, compulsive gamblers.

What’s a reporter to do? “You flat out ask them” if they make money off the industry, says The Wall Street Journal’s Yoshihashi. (For the record, two of the experts quoted in this story, Goodman and Abt, say they take no money from the gambling industry.)

Evaluating the Economic Benefits

A casino proposal will offer enough numbers to help a community-based reporter. And they’re all soft. Nevertheless, exploring the economic side of casino development can offer some of the best stories about gambling.

“Many real economic issues are not being discussed by promoters or local politicians who are eager to get casinos open and generating revenue,” the council’s executive director. One of these issues involves how many of a projected casino’s anticipated customers will come from outside the immediate area. If most of the gamblers are local, the dollars spent at the casino represent money not being spent on other things in the local economy, inevitably hurting some area businesses. Then, too, there’s the issue of which area businesses, touted as skilled and high-paying. In reality, the skills are usually pretty minimal, as is the pay, which generally anticipates generous tips. There’s also a history of legal discrimination and sexual harassment in the casino industry.

Another issue centers around the likelihood that new casinos will help a community turn its luck around. “There can be a lot of false expectations about long-term economic development,” says William Edington, director of the Study in Gambling and Commercial Gaming at the University of Nevada at Reno. “It’s all driven by a myopic perspective that all that matters is economic development because that’s what the government is interested in doing.” (Edington, by the way, makes money off the industry, running training sessions for casino managers and sponsoring an international gambling conference that draws from industry and academia.)

Lastly, despite regular denials from gambling promoters, there is abundant evidence that legalized gambling, especially state lotteries, is funding citizens gambling a disproportionate share of their income. Information on this often-scanted subject has come from the New Jersey Lottery Commission, The Heartland Institute in Chicago, and Duke University, among others.

Looking at the Social Costs

Examining the social cost of gambling can be a fertile area for an enterprising journalist. There’s absolutely been an explosion in the number of gambling-related cases in Minnesota since casinos began opening on Native American reservations across the state, says Jim Kely, assistant city editor of the Star Tribune in the Twin Cities. The paper has attempted to cover this issue, a notable example being a page-one November 12, 1992, piece that examined increases in crime related to compulsive gambling.

Howard Shaffer, director of the Zingber Center for Addiction Studies at Harvard University, says that between 3.5 and 5 percent of those adults exposed to gambling can be expected to develop pathological gamblers. Even more disturbing, the percentage is higher (6 to 8.5 percent) for college and high school students, according to Shaffer’s most recent research. “It’s like crack was to cocaine. It’s becoming too easy to gamble,” says Shaffer.

New forms of legalized gambling may also contribute to an increase in crime, or at least increases in the cost of ensuring public safety. Meanwhile, there’s the likelihood of more white-collar crime when gamblers who lose too much in the casinos try to make up their losses by stealing from employers or institutions.

How Will It Be Regulated?

“If you’re going to have gambling as public policy, you have to have regulation,” says Yoshihashi. The Wall Street Journal reporter suggests that communities consider imposing a waiting period between the time someone leaves the industry and the time the person can serve in a regulatory capacity, and vice versa.

David Johnston of The Philadelphia Inquirer adds that the industry would find out, for example, whether a tax agent will be required to be on hand when money is counted, and how much casino operators will have to disclose about their business relationships with those in the community. He also suggests looking into whether the casino will permit credit gambling, which he says creates a host of problems, and whether there will be stiff penalties for casinos that permit underage patrons to gamble.

Regulation is a particularly big issue at casinos on Indian reservations, because their sovereign-nation status has put them into something of a regulatory limbo. A recent article in Gambling & Wagering Business, a trade magazine, reported that some reservation-based casinos, in the absence of funds, ties to organize crime, and sexual harassment at one reservation-based casino in Minnesota.

Chris Shriver, one of five reporters at the Star Tribune who cover gambling in an unusual team approach, says he is aware of the allegations, but has yet to explore them in depth. “I’ve been told that various reports on such other forms of wrongdoing, some of which involve the regulators themselves. Last year, for example, he co-wrote a piece revealing that the federal Bureau of Indian Affairs was receiving cash vouchers with which to gamble when he made regulatory visits to a casino.

The Peace Powers Act of 1995

Mr. NICKLES. Mr. President, I am pleased to be a cosponsor of S. 5, the Peace Powers Act of 1995, which is being introduced by Majority Leader Dole. This is a much-needed piece of legislation, in that it not only unites the President’s hands in those instances where he needs to act to ensure American interests, it also enacts important reforms in the manner in which the United States participates in U.N. operations.

First, S. 5 repeals the unworkable— and probably unconstitutional—War Powers Resolution. This is long overdue as legal and political analyses, have always believed that the Framers of the Constitution always intended that the President should be able to act with dispatch to protect American interests in his capacity of Commander in Chief of the U.S. armed forces.

While Congress retains the power of the purse, and the continuing right to cut off funds at will, there is no clear right for Congress to preemptively subject the President to a drop dead date in the conduct of military operations. This bill does retain the consultation and reporting provisions of the War Powers Resolution, which have not been controversial and with which all administrations have complied, in the spirit of cooperation between the executive and legislative branches.

A major provision is section 5 of the bill, which amends the United Nations Participation Act to prohibit the President from placing any element of the U.S. armed forces under the command of international coalitions. This amendment would prevent any U.S. involvement in any UN peacekeeping operation. This is a matter that commands strong support among the American public, who do not want to see our service personnel placed willy-nilly under the control of non-Americans, exposed to dangers in operations that may have little if any relation to American interests. I am pleased to point out that this provision is very similar to an amendment that I attempted—unsuccessfully—at that time—to add to the Department of Defense appropriations bill in 1993. However, as President Clinton has shown himself more and more willing to delegate his constitutional power to international bureaucracies at the United Nations, the wisdom of this prohibition has become more and more apparent. I look forward to its becoming law in the very near future.

Finally, S. 5 includes provisions to reform the way U.N. peacekeeping is
paid for. With passage of this legislation, costs incurred by the Defense Department in U.N. peacekeeping operations will be credited to the United States against our assessments to the United Nations. No more would the United States be, in effect, stuck with the bill twice: the first time, when the Defense Department expends resources to support a U.N. mission, and the second time when the U.N. bills us for our share of the same mission. Also, the Peace Powers Act requires that advance notice of funding sources for peacekeeping operations be identified before the U.N. Security Council votes to establish, extend, or expand U.N. peacekeeping operations. This would prevent "deficit voting" by the Clinton Administration—which has treated peacekeeping, in effect, as a sort of "international entitlement program," where we commit to an operation and only worry about paying for it afterward.

The Peace Powers Act is the start of what I hope will be a major reexamination of U.S. priorities in the national security area. In particular, the Clinton Administration, in the view of many of us, has not approached its responsibilities in this area with sufficient seriousness. For example, we have seen the way in which the Clinton Administration has completely mishandled the nuclear crisis involving North Korea. In fact, while the Clinton Administration claims that preventing the proliferation of weapons of mass destruction is a top priority, its actions, as evidenced by the October 1994 nuclear agreement with North Korea, may do more to promote nuclear proliferation.

The Agreed framework commits the United States to provide North Korea with immediate economic, political and security benefits in return for Pyongyang freezing its nuclear complex.

What signal does this send to other would-be proliferators? That building a nuclear weapons complex, in violation of an international accord—namely, the 1968 Nonproliferation Treaty—is the best way to get economic aid, political concessions, and national security assurances from the United States. Here is what Iraqi foreign minister Mohammad Saeed Sahhaf [sah-YEED sah- HAHF] had to say about the United States-North Korea deal: "What does North Korea get for its refusal, [referring to international inspections of two sites suspected of holding nuclear weapons-related materials] "They get a $4 billion light-water reactor, get a couple billion dollars in addition, plus unlimited oil deliveries. What do we get? We get nothing." [As related to the Washington Post by Rolf Ekeus [EH-kyoos], director of the U.N. Special Commission on Iraq.]

Under the Agreed Framework the United States will: Immediately provide North Korea with close to $4.7 million worth of heavy oil; establish liaison offices with North Korea; begin relaxing trade restrictions; and cancel the annual United States/South Korean military exercise "Team Spirit." And North Korea will: Shooting down of a United States helicopter that accidentally strayed north of the snow-obscured border-line—and holding the surviving pilot prisoner—has not diluted this Administration's eagerness to deal with North Korea.

But even more astounding is that despite months of North Korean intransigence over allowing international nuclear inspections, the Clinton administration agreed to provide these valuable assets without ensuring international inspections for about 5 years into the agreement's implementation, and close to the completion of the first of two light water reactors, is North Korea required to come into full compliance with the 1968 Non-Proliferation Treaty, which prohibits the diversion of nuclear materials from peaceful purposes to weapons use and obligates signatories to accept "safeguards" to monitor and verify compliance. And it is only at this point that the special inspections of the two nuclear waste sites are allowed.

To give another example, I applaud the proposal of my colleague, Senator McCONNELL, the incoming Chairman of the Subcommittee on Foreign Operations, to take a new look at our foreign aid to Russia and other states of the former Soviet Union in light of some of the things that are happening there. Senator McCONNELL has called for cutting aid to Russia upon evidence that Moscow is directing or supporting the violation of another nation's sovereignty. In addition, I am sure my colleagues feel as do the disturbing television pictures we are seeing from Chechnya [chech-NYAH], and the actions of Russian forces there. While Chechnya is legally part of Russia and not a neighboring country, I am concerned what these actions may indicate about the direction of the Russian Government and its commitment to democratic reform.

So, as I have said, Mr. President, there are many issues for us to take a look at in the 104th Congress. The Peace Powers Act is an excellent beginning. I hope it will rapidly be enacted.

The material follows:

**UNIFIED STATES-NORTH KOREAN AGREED FRAMEWORK: WHAT IT MEANS FOR US; WHAT IT MEANS FOR SEOUL**

- Mr. SIMON. Mr. President, last month my colleague Senator Murkowski and I made a fact-finding trip to several countries, including North and South Korea. In both Pyongyang and Seoul we naturally focused much of our attention on the Agreed Framework recently concluded between the United States and North Korea. In that document, North Korea is to dismantle its nuclear weapons production capability in exchange for assistance—primarily from South Korea and Japan—in reconfiguring its energy sector.

- The Peace Powers Act is an excellent beginning. The material follows:

**WHAT THE U.S.-DPKR AGREED FRAMEWORK MEANS FOR KOREA**

South Koreans are nobody's fools when it comes to trusting North Korea. They don't. They are watching like hawks for the first sign of DPRK backsliding or nonperformance regarding the Geneva Agreed Framework. We drew heavily on the ROK's experience and advice to design a Framework that avoids the mistakes of past agreements with the DPRK. The Framework was designed to compel the DPRK to take measurable steps in compliance before getting significant benefits.

Determined not to be cut out of the game, the South Koreans are trying to promote inter-Korean dialogue and determined to hobble ROK influence (and perhaps unwilling to talk before the succession is completed in Pyongyang), the North Koreans are
resisting. The recent ROK initiative to unfreeze private commercial projects in the North was a clever first step which, in tandem with pressure from the U.S., may move Pyongyang back towards substantive dialogue. In the absence of dialogue, the DPRK is threatened with even severer economic sanctions. Yet most ROK analysts had judged that the White House’s decision to abrogate the Light Water Reactor (LWR) agreement was non-negotiable, but the timing could be critical in settling problems during the process of implementing North Korea’s agreement. Patience is needed on the part of the South to allow the DPRK to come on board. In the meantime, the U.S. and U.N. should continue to press Seoul for a more aggressive approach to economic sanctions.

**Six Months Ago**

U.S. pressure: We veered as close to armed conflict on the Korean Peninsula in 1994 as at any point since the 1953 Armistice. The United States, in response to the IAEA requirements in the UNSC and mobilized support for economic sanctions. We took a firm line and—to the great disappointment of many U.S. citizens and a massive augmentation to U.S. military forces.

**Six Months from Now**

The DPRK nuclear threat is over.

**South Korean Perspective**

War against Non-Proliferation: The U.S. and ROK shared the goal of ending the North Korean nuclear threat and agreed on strategy for that. South Korea’s overriding concern in dealing with the DPRK threat was to avoid turning the Korean peninsula into a battlefield. The conventional military threat—unabated by the Geneva Framework—was a more immediate danger than the nuclear threat in the eyes of many Koreans. During negotiations, we systematically but quietly upgraded our operational posture and today the U.S. is in the strongest position militarily that it has ever been with regard to the DPRK. Further South Korea’s objection to the Framework was more political and to disassociate it from the LWR project. It also promote inter-Korean relations by engaging North and South in a joint project that the DPRK would consider unacceptable, instead of the DPRK and the ROK—already in cooperation (while rendering the North in a stronger position militarily that it has ever been with regard to the DPRK). We are currently developing inter-Korean projects in the field of cooperation, including trade and investment, and the economic and cultural cooperation under the framework for cooperation. The DPRK would capitate; instead, Pyongyang began to speed up its nuclear program. Experts believed the DPRK could withstand economic sanctions for a year or two, especially with Chinese help. The ROK feared that North Korea would lash out in response to sanctions. The ROK did not include provocations on the DMZ; punitive military attacks on Seoul by commandos, artillery, missiles, and possibly even chemical weapons; terrorist acts in Seoul and Washington; or the extreme scenario of a full-fledged suicidal attack on the ROK. Only when we found a way to return to negotiations did the DPRK begin to reverse its hardline positions.

**SOUTH KOREANS DON’T LIKE ABOUT THE SETTLEMENT**

**Zero-Sum Approach:** A large and influential minority of Koreans who fled south during the war has traditionally clung to a “zero-sum” approach to North Korea. During U.S.-ROK talks there was discomfort at having the ROK’s ally engaged in dialogue with its adversary “over ROK heads.” Exaggerated and largely uninformed reports of U.S. “concessions” to the North were widely disseminated, even by otherwise responsible journalists. The ROK was unable to sustain its own own bilateral talks with the U.S. at the end of 1994. While the sensitive details were withheld from the public, the ROKG was briefed every step of the way in the course of negotiations.

**Special Inspections:** When the Geneva Framework was signed, initial South Korean complaints centered around the length of time before Special Inspections, which had become a symbol of DPRK non-compliance. Yet we agreed that the ROKG would never provide access to the disputed sites which were tangled in DPRK national pride and had become an important source of leverage. The ROKG agreed with us that the right of IAEA access was non-negotiable, but the timing could be flexible. This was a key in the DPRK’s current program took precedence over uncovering more details about its past activities. In the end, the DPRKG agreed to permit IAEA access to the disputed and other site by the mid-point in the LWR project.

**No turning back:** South Korea has already shifted from analyzing the framework to implementing it. The ROKG believes it is renegotiable or that we would be better off without it. In fact, the Koreans are worried that U.S. domestic debate on the Framework could inadvertently lead to results that threaten their interests. ROK analysts point out that the perceived threat the U.S. might renge on the deal only encourages the North to strengthen its leverage to forestall us. And in the event of any U.S. retreat from the Framework, they fear the DPRK would accelerate reform in the DPRK. The South’s new cooperation with the IAEA, expel the inspectors, restart plutonium production, and reprocess its accumulated spent fuel—returning us to the situation that precipitated the Framework.

**Strains on the Alliance:** Anti-U.S. feelings were evident in South Korea during this period. A misperception took root that the U.S. was bailing out a wounded but dangerous animal—gambling with Korean lives and interests in return for nothing more than its global non-proliferation policy or, less flatteringly, U.S. business interests.

**Six Months from Now**

In the Region: The U.S.-ROK alliance is stronger than ever and we are working as partners to see the Framework to a successful culmination. The U.S. has given birth to a three-way partnership: the U.S.-ROK-Japan trilateral alliance. North Korea’s efforts to sabotage the framework could inadvertently lead to the risk that the opening of U.S.-DPRK liaison offices will reignite the third party and the South. The ROKG has taken a constructive role in helping to recognize the fact that bringing the DPRK to a recognition agreement will be critical in settling problems during the process of implementing North Korea’s agreement. Patience is needed on the part of the South to allow the DPRK to come on board. In the meantime, the U.S. and U.N. should continue to press Seoul for a more aggressive approach to economic sanctions. Patience is needed on the part of the South to allow the DPRK to come on board. In the meantime, the U.S. and U.N. should continue to press Seoul for a more aggressive approach to economic sanctions.

**Like us, the ROK is watching the DPRK’s performance and is keeping its powder dry.**

**Maintaining U.S. Leadership**

Like us, the ROKG is watching the DPRK’s performance and is keeping its powder dry. Seoul is not about to let North Korea evade the terms of the settlement, which the ROKG has embraced as a blueprint for solving the nuclear threat and for transforming the DPRK. The leaders of the U.S., the ROK,
The opportunity of doing business in Seoul has already begun to appeal in favor of implementing the agreement. But far from achieving its major objective—normalization and an end to the U.S.-ROK consultation in both Geneva and the completion of the Geneva talks, President Kim Young Sam himself voiced some concern and many have more of their own, believe that the significant leverage the U.S. retains will be an important tool for influencing DPRK behavior in the non-nuclear area.

Seoul's Second Thoughts

With the new leadership in Congress taking a hard look at the recent Geneva Agreement Framework between the United States and North Korea, it seems worthwhile to ask how Seoul saw it, since it was the one that would most be affected by it and the one who will carry the largest share of the cost. It is true that, despite the closeness of U.S.-ROK consultation in both Geneva and Seoul throughout the course of the negotiations, and although the outcome met our joint objectives, it must be said that the Agreement Framework was initially greeted with criticism and even some dismay in Seoul. Just before the completion of the Geneva talks, President Kim received a number of caustic comments about American foreign policy in an interview with the New York Times. The real issue behind the criticism, however, was the pain that Koreans felt because they were not at the table in negotiations.

Only a few months ago, the United States was headed resolutely towards U.N. sanctions, which the North had declared would "be an act of war." During the previous six months, the United States had enhanced its military capability significantly by the introduction of advanced missiles, APHs, the HAWK, surface-to-air missiles, Apache helicopters and Counter-Fire Radars to check the enormous strength of the North Korean artillery along the DMZ. Our resolve to defend the Republic of Korea and our preparations for any eventuality did not go unnoticed by the North. We discouraged North Korean adventurism while encouraging them to negotiate.

While many South Koreans preferred the status quo, sustained through mutual deterrence for 40 years, the fact is it had been recognized that the regime could well have brought nightmarish consequences. The regime might indeed have provoked a weak and possibly unstable regime in South Korea that might have fended the Republic of Korea and our preparations for any eventuality did not go unnoticed by the North. We discouraged North Korean adventurism while encouraging them to negotiate.

Those here who have claimed that we have rewarded North Korea's bad behavior have been reminded that the agreement calls not only for North Korea to meet all of the NPT conditions, but to go far beyond them: no further construction of new reactors and no reprocessing; and in the end, the demolition of all the facilities associated with the present program. We intend to overlook how much the North is actually giving up—years of enormous investment in their ultimate and prized symbol of independence. United States technicians have even visited the nuclear site at Yongbyon, an event unthinkably a few months ago.

In conclusion, the U.S. and North Korea agreed to return to the non-nuclear zone, and the current investment climate in Seoul has improved remarkably, and the Seoul stock market has shot up more than 20% for an appreciation of some $28 billion in the North's stock. These and economic indicators speak worlds about the way business views the reduction in tensions.

Of course the jury is still out on whether this agreement will finally work. After all, North Korea has been unpredictable for more than forty years, and as long as its nuclear and conventional threat remains, we will remain on high alert and wary. The settlement is driven by performance, not by trust. But the International Atomic Energy Agency has confirmed that Yongbyon has taken the first steps in the agreement, and South Korea and the Northeast Asia region are breathing a little easier now with the reduction of tensions and the prospect of opening up the North.

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. GRASSLEY. Mr. President, I suggest without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASING PORTION OF FUNDS AVAILABLE TO COMMITTEE

A resolution (S. Res. 28) to increase the portion of funds available to the Committee on Rules and Administration for hiring consultants.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution? There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 28) was agreed to, as follows:

Resolved, That section 16(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "4,000" and inserting "40,000."

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.
mandates on State, local, and tribal governments with an understanding that Congress reserves the right to disapprove any spending that may displace other essential government programs, and to ensure that the Federal Government pays the costs incurred by the affected states in complying with those certain requirements under Federal statutes and regulations, and for other purposes.

Mr. GRASSLEY. I now ask for the second reading of the bill.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read on the next legislative day.

AMENDING RULE XXV

MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN COMMITTEES

Mr. GRASSLEY. Mr. President, I send the following two resolutions to the desk and ask unanimous consent that they be considered en bloc.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate proceeds to consider the resolutions, without objection, it is so ordered. The Clerk will report.

The Acting Sergeant at Arms read as follows:

A resolution (S. Res. 29) amending rule XXV, and a resolution (S. Res. 30) making majority party appointments to certain standing committees for the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolutions?

There being no objection, the Senate proceeded to consider the resolutions.

The PRESIDING OFFICER. The question on agreeing to the resolutions, en bloc.

The resolutions (S. Res. 29 and S. Res. 30) were agreed to, as follows:

S. Res. 29 Resolved, That the following shall constitute the majority party’s membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Energy and Natural Resources: Mr. Murkowski, Mr. Hatfield, Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. J. ellords, and Mr. Burns.

Committee on Environment and Public Works: Mr. Chafee, Mr. Warner, Mr. Smith, Mr. Ford, Mr. Rockefeller, Mr. Inhofe, Mr. Thomas, Mr. McConnell, and Mr. Bond.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Brown, Mr. Conrad, Ms. Snowe, Mr. Thompson, Mr. Thomas, Mr. Grams, and Mr. Ashcroft.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the resolutions were agreed to. Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. tomorrow.

Mr. FORD. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. GRASSLEY. Mr. President, I move that the Senate stand in recess under the previous order.

The motion was agreed to, and the Senate, at 7:49 p.m., recessed until 9:15 a.m. tomorrow.

NOMINATIONS

Executive nominations received by the Senate January 5, 1995:

National Council on Disability

YERKER ANDERSSON, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995, VICE ANNE C. SEGGERMAN, TERM EXPIRED.

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 12, 1995, REAPPOINTMENT.

PINDER I. MCCORMIN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995, VICE ROBERT S. MUELLER, TERM EXPIRED.

LILLIAN RANGEL POLLO, OF COLO., TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995, VICE HELEN JOHN WRIGHT WALSH, TERM EXPIRED.

DEBRA ROBINSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995, VICE ANTHONY HURLBUT FLACK, TERM EXPIRED.

Metropolitan Washington Airports Authority

ROBERT CLARKE BROWN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM OF 4 YEARS, VICE JACK EDWARDS, TERM EXPIRED.

National Museum Services Board

ROBERT G. BREUNING, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE FRANCES E. ROSS, TERM EXPIRED.

KINSHASHA HOLMAN CONWAY, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE MAY LINDSEY ROY, TERM EXPIRED.

CHARLES HUMMEL, OF DELAWARE, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE ALBERT W. PHILLIPS, TER EXP Foreclosed.

AYSE MANYAS KENMORE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE BRUNO ANDREONI, TERM EXPIRED.

ALBERT NAPOLITANO, OF RHODE ISLAND, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE DAVID JOHNSON, TERM EXPIRED.

JOHN A. RYAN, OF SOUTHERN CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE JENNIFER L. BROWN, TERM EXPIRED.

RUTH Y. TAMURA, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE JAMES S. HURST, TERM EXPIRED.

ARTHUR ROSENBLATT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE RICHARD M. PETERSON, TERM EXPIRED.

RICHARD J. SCOTT, OF MONTANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE JOHN A. GANNON, TERM EXPIRED.

TOWNSEND WOLF, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE ROBERT R. MCCORMAN, TERM EXPIRED.

SCHWARZ, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE DAVID L. KEEPER, TERM EXPIRED.

PHILIP FROST, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE JOHN A. GANNON, TERM EXPIRED.

Harri S Truman Scholarship Foundation

E. E. GREGORY, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARVARD TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM OF 4 YEARS, COMMENCING SEPTEMBER 1, 1995, VICE THOMAS A. SMITH, TERM EXPIRED.

JOHN M. WILLIAMS, OF OHIO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARVARD TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM OF 4 YEARS, COMMENCING SEPTEMBER 1, 1995, VICE GARY EUGENE WOOD, TERM EXPIRED.
ALBERT JAMES DINOSKIN, OF VIRGINIA, TO BE A DI-
RECTOR OF THE SECURITIES INVESTOR PROTECTION
CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1999,
VICE FRANK G. ZABRY, TERM EXPIRED.

FEDERAL HOUSING FINANCE BOARD
BRUCE A. MORRISON, OF CONNECTICUT, TO BE A DIRE-
CTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A
TERM EXPIRING FEBRUARY 27, 2001, VICE WILLIAM C.
PERKINS, RESIGNED.
J. TIMOTHY O'NEILL, OF VIRGINIA, TO BE A DIRECTOR
OF THE FEDERAL HOUSING FINANCE BOARD FOR THE 
REMAINDER OF THE TERM EXPIRING FEBRUARY 27, 1997,
VICE MARILYN R. SEYMAN, RESIGNED.

NATIONAL CONSUMER COOPERATIVE BANK
TONY SCALLON, OF MINNESOTA, TO BE A MEMBER OF
THE BOARD OF DIRECTORS OF THE NATIONAL
CONSUMER COOPERATIVE BANK FOR A TERM OF 3
YEARS, VICE JOHN K. STEWART, TERM EXPIRED.
SHEILA ANNE SMITH, OF ILLINOIS, TO BE A MEMBER
OF THE BOARD OF DIRECTORS OF THE NATIONAL
CONSUMER COOPERATIVE BANK FOR A TERM OF 3
YEARS, VICE FRANK B. SOLLARS, TERM EXPIRED.

NATIONAL SECURITY EDUCATION BOARD
HERSCHELLE CHALLENGER, OF GEORGIA, TO BE A MEM-
BER OF THE NATIONAL SECURITY EDUCATION BOARD
FOR A TERM OF 4 YEARS, VICE STEVEN MULLER,
STANLEY K. SHINBAUM, OF CALIFORNIA, TO BE A
MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD
FOR A TERM OF 4 YEARS, VICE JOHN P. ROCHE,
RESIGNED.

DEPARTMENT OF DEFENSE
SHEILA CHESTON, OF THE DISTRICT OF COLUMBIA,
TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE
AIR FORCE, VICE GILBERT F. CASELLAS,
ELEONOR HILL, OF VIRGINIA, TO BE INSPECTOR GEN-
ERAL, DEPARTMENT OF DEFENSE, VICE SUSAN J.
CRAWFORD.

PANAMA CANAL COMMISSION
VINCENT REED RYAN, JR., OF TEXAS, TO BE A MEM-
BER OF THE PANAMA CANAL COMMISSION, VICE WALTER J.
SHEA,

OFFICE OF MANAGEMENT AND BUDGET
G. EDWARD DE SEVE, OF PENNSYLVANIA, TO BE CON-
TROLLER, OFFICE OF MANAGEMENT AND BUDGET, VICE
WARREN J. MAZUR, RESIGNED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND
HERBERT F. DRINAN, OF MASSACHUSETTS, TO BE A
MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL
LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3
YEARS, VICE SUSAN NAAYE, OF CALIFORNIA,

SUSAN NAAYE, OF CALIFORNIA, TO BE A MEMBER OF
THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES
PUBLIC EDUCATION FUND FOR A TERM OF 3
YEARS, VICE FRANK B. SOLLARS, TERM EXPIRED.
CHERRY T. KINOSHITA, OF WASHINGTON, TO BE A MEMBER
OF THE BOARD OF DIRECTORS OF THE CIVIL LIB-
ERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2
YEARS, VICE JOHN K. STEWART, TERM EXPIRED.

JERRY F. KEVER, OF ILLINOIS, TO BE A MEMBER OF
THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIR-
ing AUGUST 28, 1998. (REAPPOINTMENT.)

VINCENT REED RYAN, JR., OF TEXAS, TO BE A DIRE-
CTOR OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND
FOR A TERM EXPIRING AUGUST 28, 1998. (REAPPOINTMENT.)
DENIS J. HAUPFL, OF MINNESOTA, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF 6 YEARS, VICE BARBARA JEAN MAHONE, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

DENNIS M. DUFFY, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE VICTOR P. RAYMOND.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JAY C. EHLE, OF OHIO, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE CONRAD FREDIN.

WILLIAM L. WILSON, OF MINNESOTA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE VIRGIN E. BROWN, RESIGNED.

COMMUNICATIONS SATELLITE CORPORATION


CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCTS SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 2000, VICE JACQUELINE JONES-SMITH, RESIGNED.

FEDERAL TRADE COMMISSION

ROBERT PITOFSKY, OF MARYLAND, TO BE FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1994, VICE DEBORAH KAYE OWEN, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT TALCOTT FRANCIS II, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1999, VICE JOHN K. LAUBER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

U.S. TAX COURT

MAURICE B. FOLEY, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE CHARLES E. CLAPP II, RETIRED.

JUAN F. VAZQUEZ, OF TEXAS, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE PERRY SHELDON, RETIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SHIRLEY SEARS CHATER, OF TEXAS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION.)

NUCLEAR REGULATORY COMMISSION

SHIRLEY ANNE JACKSON, OF NEW JERSEY, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF 5 YEARS EXPIRING JUNE 30, 1999, VICE FORREST J. REMICK, TERM EXPIRED.

ROBERT M. SUGSMA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF 5 YEARS EXPIRING JUNE 30, 1999, VICE JAMES R. CURTIS, TERM EXPIRED.

ROBERT M. BERKOVITZ, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANQUE, TERM EXPIRED.

COUNCIL ON ENVIRONMENTAL QUALITY

KATHLEEN A. MCGINTY, OF PENNSYLVANIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE MICHAEL R. DELAND, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING LAST RECESS OF THE SENATE.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE JAMES D. SANTINI, TERM EXPIRED.

FEDERAL AGRICULTURE MORTGAGE CORPORATION

EUGENE BRANSTOOL, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE JOHN R. DAHL.

DEPARTMENT OF THE INTERIOR

WILMA A. LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE INTERIOR, VICE JAMES R. RICHARDS, RESIGNED.
EXTENSIONS OF REMARKS

THE LENDER AND FIDUCIARY FAIRNESS IN LIABILITY ACT OF 1995

HON. FRED UPTON
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. UPTON. Mr. Speaker, in the last Congress, I called attention to some of the unintended effects of the Federal Superfund Program. I pointed out that Superfund’s draconian liability provisions were undermining job creation in older manufacturing areas by discouraging the redevelopment of previously used industrial sites.

We came close to fixing this problem in H.R. 3800, the Superfund reauthorization bill cleared by the Committees on Commerce and Public Works last year. It did not make it, however, and the distinguished gentleman from Louisiana, Mr. TAUZIN, and I are introducing “The Lender and Fiduciary Fairness in Liability Act” today so that no momentum will be lost in the effort to repair this broken program. Throughout America there are previously used industrial sites lying fallow because lenders and investors are afraid that owning or renting such sites will make them liable for the costs of cleaning up messes they did not make. Under Superfund, owners and operators of property requiring cleanup are assumed to be responsible for contamination found on or in such properties. In some cases, institutions that loaned money for the acquisition of such properties can be held liable, too. This shadow of liability hanging over previously used industrial properties often makes it impossible to sell property or to secure financing for acquiring and redeveloping it. Potential investors won’t invest and lending institutions won’t lend so long as Superfund threatens either liability, the loss of collateral value or both.

The safe alternative in such cases is to avoid the previously used “brownfields” in central cities and historic manufacturing areas in favor of virginial “greensites” far away. It is simply safer to develop a cornfield on the periphery than to redevelop a downtown site. A Michigan reporter described the net effect of this process thusly: “Urban devastation, and jobless workers, are left in the cities. With development forced outward, lots of open space and farmland gets gobbled up. There are tremendous public costs to provide new roads and services. And the old urban sites are not cleaned up—they just sit there!”

Mr. Speaker, I doubt that such results were intended by the authors of Superfund. In fact, I doubt that a single Member of this House or the other body even suspected such results when the statute creating Superfund was enacted in 1980 and extensively amended 6 years later. Nonetheless, more than a decade of court decisions and administrative interpretations have brought us to this point. The program is doing more harm than good in much of the country and we have a responsibility to get it back on track.

The bill my distinguished friend and I are introducing this evening addresses the redevelopment of contaminated sites in two ways. First, it shelters from Superfund liability innocent landowners who acquire property subsequently found to be contaminated. Second, it shelters lenders and lending institutions from Superfund liability unless they actively participate in the management of an organization subsequently found liable.

It is important to recognize that neither of these concepts is new. Superfund law currently exempts innocent landowners from liability and shelters lenders via the “secured creditor exemption.” The problem is that the law does not provide the executive and judicial branches with sufficient guidance on its implementation. Whether a given party qualifies for the innocent landowner or secured creditor exemption is virtually impossible to determine at the beginning of the process. One must take his or her chances and hope that EPA or the courts will make the appropriate interpretations later in the process. With Superfund cleanups averaging $30 million per site, this simply presents too much risk for potential redevelopers and those who provide the capital they need. This bill strengthens the existing by clarifying the specific steps a party must take in acquiring and financing previously developed properties. It lets no polluters off the hook. Those who contaminate will be just as liable after passage of this legislation as they are today.

Similar legislation garnered more than 300 cosponsors in the last Congress and became part of a bill reported unanimously by the Committee on Energy and Commerce. I hope my colleagues on both sides of the aisle will join Mr. TAUZIN and me in this effort.

ON THE INTRODUCTION OF THE COMMUNITY SOLVENCY ACT OF 1995

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce the Community Solvency Act of 1995. This bill represents the final product of a year’s worth of negotiation and compromise between county and local governments, the waste industry, and the financial community. This legislation, which passed the House in the final hours of the 103rd Congress enables communities in financial trouble to continue to treat and dispose of municipal solid waste in an efficient and cost effective manner, while, at the same time, protecting public health and safety and high environmental standards.

While the House was able to take decisive action passing this exact text last year, Senate action was unfortunately obstructed. For this reason, we now revisit this issue and must move swiftly on this bill beginning today.

As my colleagues will recall, local governing bodies nationwide suffered a tremendous blow last May when the Supreme Court ruled in C&A Carbone v Town of Clarkstown, New York that waste flow control authority violates the dormant commerce clause of the Constitution. As Justice Sandra Day O’Connor reminded us in her concurring opinion, Congress has implied that States and localities have this authority, but has never said so explicitly.

Communities nationwide have accumulated an outstanding debt of more than $10 billion assuming their ability to use flow control authority, only to have the Court take it away with the Carbone decision. But technologically advanced facilities require more money than many communities can afford. To meet their waste management responsibilities while protecting the environment and public health and these communities have turned to bond financing.

These communities have accepted the responsibility of constructing, maintaining, and often operating transfer stations, landfills, waste-to-energy facilities, composting stations, and other solid waste treatment sites. In many cases, these communities have even designed integrated solid waste management plans to meet the full solid waste needs of their residents. We should not punish them for their initiative.

Furthermore, this $10 billion in debt jeopardizes far more than the communities’ ability to meet solid waste management responsibilities. In fact, it jeopardizes many of their overall community bond ratings. At least two prominent credit rating agencies—Moody’s Investors Service and Duff & Phelps Credit Rating Co.—have already begun the combined reassessment of more than 100 communities’ credit standings as a direct result of the Court’s decision. Duff & Phelps announced that, “In its review of this issue, Duff & Phelps Credit Rating Co. found that Congress’ inability to take action is triggering greater uncertainty in the solid waste sector and, in the long run, may weaken credit quality of solid waste facilities.”

The debate continues, but the stakes are even higher now. The ultimate consequences of our inability to act decisively will be Orange County-like bankruptcies, higher municipal taxes, and outraged constituents nationwide. It is clearly up to Congress to address and remedy this situation. The Community Solvency Act is precisely the flow control language which the House passed on October 7, 1994. This language was supported by a wide coalition including private sector waste management companies; local government organizations, such as the National Association of Counties, the U.S. Conference of Mayors, and the League of Cities; recycling interests; and Wall Street representatives.

Congress must move a legislative remedy to Carbone swiftly through the committee structure and the floor schedule to ensure financial security to struggling communities in each of our States. I urge my colleagues to take an
active interest in this important issue by co-sponsoring this common sense measure—the Community Solvency Act of 1995.

IT IS TIME FOR TRUTH IN VOTING

HON. MICHAEL D. CRAPO
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. CRAPO. Mr. Speaker, I rise today in support of the toughest and most comprehensive internal reforms in over 50 years in this House. An open Congress is the only way to restore a sense of public confidence in our legislative process. I urge Members on both sides of the aisle to support this Contract for a People’s House.

When our constituents recently sent us to Washington as Members of the 104th Congress, they demanded that we change the way business is done. The past 2 years, however, have allowed little room for a more open and accountable process for Members of either party in Congress. What a remarkable opportunity it is then, to bring a breath of fresh air to the current business of the House by reforms of the committee system, House rules, and budget process. We are now making substantial progress in achieving the goal of comprehensive congressional reform that we promised to the American people. Gone are the days of ghost voting by proxy in committee, closed committee meetings that shut out the American people as well as other Members of Congress, and budget numbers that do not honestly reflect increases from year to year. And I am proud to say that the Speaker will institute a program to make the House electronically accessible to everyone. These reforms are just the beginning of a new House.

To supplement the already substantial list of reforms that are being proposed and debated today, I am reintroducing the Truth In Voting Act. Reintroduction of this legislation comes at a critical time now that we have more opportunity to end the manipulative procedures, sham votes, and secret meetings of the old Congress. This legislation would codify and clarify many of the fine reforms being debated today, and it keeps alive the perennial process of self-examination and reform that brings vitality to representative government. I urge my colleagues to support the Truth In Voting Act, and reforms that will lead this House into the 21st century.

CHILD SUPPORT

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 7, 1994, into the CONGRESSIONAL RECORD.

CHILD SUPPORT

Many Hoosiers speak to me about the difficulty they have collecting child support. The failure to adequately support from absent parents can place an enormous financial strain on families. Children need a stable family environment in which to grow and thrive, and too many children simply do not receive the support they need. We must insist that parents treat their children responsibly, including their economic needs. Children do best when they have financial as well as emotional support from both parents. Congress will likely address this issue during debate on welfare reform next year.

BACKGROUND

The states generally handle divorce, custody, and child support. In order to obtain child support, the custodial parent must obtain a state court order specifying the amount to be paid by the noncustodial parent.

Collection of that court-ordered support is not always easy. Almost one-quarter of American children grow up in single-parent households, and do not receive financial support from the absent parent. Over 40% of single mothers have no child support order in place and, therefore, no legal right to support. Single parents who do have support orders in place were entitled to a total of $20 billion last year, but received only $13 billion. Furthermore, many families find the support payments inadequate. In 1993, the average child support payment was about $250 per month.

There are some hurdles which make collection of child support difficult. First, non-custodial parents who move frequently can be difficult to locate. Second, if paternity is not established, a lawsuit in two-thirds of births to unmarried parents—children have no legal claim on their father’s income. Third, collection of child support can be difficult, especially for the custodial parent who must go to court. Child support can be collected through wage withholding from parents with steady jobs, but those who change jobs frequently or are self-employed sometimes evade traditional enforcement methods. Fourth, there is often confusion among parents over which court has jurisdiction in child support disputes. Over 30% of children live in a different state than their non-custodial parent.

EFFECTIVE SOLUTIONS

In 1975, Congress established a cooperative federal-state Child Support Enforcement (CSE) program. Welfare recipients are required to participate in the program, and most of the support collected for their children is used by the government for welfare payments. Families not on welfare may receive CSE services for a small fee. The CSE program secures 75% of all child support cases, and provides a variety of services:

Parent location: The Federal Parent Locator Service uses a variety of national databases to locate parents, including information from the Social Security Administration and the IRS. States also conduct searches through local records, including motor vehicle registries and criminal records. In 1993, 3.5 million absent parents were located, an increase of 22% over the year before.

Paternity establishment: Although primarily a state responsibility, the federal government has required states to emphasize establishing a legal identification of their father. For example, the federal government has required states to have all parties in a contested paternity case submit to a genetic test for acceptance of paternity determinations made by other states. Despite these efforts, a paternity establishment remains a weak link in child support enforcement. In 1993, 3.5 million children were born without a known father. For example, the federal government has required states to establish paternity for over 550,000 children, a 7% increase from the previous year. However, this left almost 2.5 million children still lacking legal identification of their father.

Collection: Most child support is gathered through wage withholding and garnishing federal and state income tax refunds and unemployment compensation. In 1993, $9.9 billion was collected through the CSE program, an increase of 12% over the year before. The amount of child support collected through wage withholding should increase as the federal law requires mandatory withholding for all child support orders issued or modified after January 1, 1994.

REFORM PROPOSALS

Improving child support enforcement is particularly a state function. While the federal government can play an important role, Congress has taken steps to improve child support enforcement. It approved measures that require states to accept parents owing at least two months of child support to consumer credit agencies; designate child support payments priority debts when an individual files for bankruptcy; give a state court’s ability to modify a child support order issued by another state without the consent of the child and custodial parent; and make parents who fail to pay child support ineligible for federal small business loans.

While plugging these loopholes in the child support enforcement system is useful, it is clear that more comprehensive improvements are needed. First, more emphasis must be placed on identifying fathers of children. Some states have been very successful—up to 85% of the time—while others have been woefully inattentive to this matter. Some propose withholding welfare benefits for children whose paternity is not documented. Second, more effective methods of collecting child support are needed. Some states already require new employees to report their child support obligations to employers so that their payments may be automatically withheld from their paycheck. One suggestion is to make this requirement national through the W-4 tax form. I prefer that the states remain in control, but with support from the federal government in doing those things states are unable to do. The child support system will work better if the laws and procedures are more uniform and less complex.

CONCLUSION

I think that most parents genuinely want to take care of their children, and millions of noncustodial parents want to support their children fully and regularly. But too many children do not receive adequate support. The federal government can help ensure their parents live up to their obligations. The goal in child support must be to improve the economic security of all children. Our society’s failure to consistently demand that parents treat their children responsibly has taken its toll in childhood poverty and welfare dependency.

A TRIBUTE TO JUDITH PISAR AND THE AMERICAN CENTER OF PARIS

HON. CHARLES E. SCHUMER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to call the attention of my colleagues to the achievements of a great American woman, born in the Ninth Congressional District of New York.

Judith Pisar, who was installed last year as a Chevalier of the Legion of Honor of France, has spent more than two decades building cultural bridges between the Americans and the
These horses are an important part of the Ozark cultural heritage. The residents of this area whose cultural and historical identity is deeply rooted in the Ozark tradition have had their input completely disregarded by an unwieldy bureaucracy. The horses within the scenic riverways are a great tourist attraction and are hurting no one. The bottom line is that the horses should stay.

Mr. Speaker, the Ozark Wild Horse Protection Act will prohibit removal of these horses from the ONSR except in the event of an emergency. The bill states that the Secretary of the Interior may not remove, or allow or assist in the removal of, any free-roaming horse from Federal lands whose boundaries of the Ozark National Scenic Riverways, except in the case of medical emergency or natural disaster.

I have maintained since the beginning of the Park Service's pursuit of the horses that they do, indeed, have the discretionary authority to withhold action and simply leave the horses alone. But since I have been advised by the National Park Service that legislative action is necessary, I am proud to introduce this bill today in the House.

LEGISLATION TO MODIFY THE LA FARGE PROJECT

HON. STEVE GUNDESON
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. GUNDESON. Mr. Speaker, today I am reintroducing with Representative PETRI, a measure which would direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake project—a Corps of Engineers flood control project initiated in 1962. This legislation would deauthorize the construction of the reservoir and dam, while completing other features of the original project.

On October 3, 1994, the House of Representatives passed the Water Resources and Development Act by a voice vote. This measure incorporated provisions in H.R. 4575 which modified the original LaFarge Dam project and provided the opportunity to lay to rest economic stagnation which has plagued this area for 30 years. Unfortunately, during the closing days of the congressional session the other body did not consider the legislation, the Act, the measure died when Congress adjourned.

Prior to 1962, the LaFarge area, nestled in the Kickapoo Valley of Wisconsin, was a farm community which suffered from severe flooding each spring. Responding to residents' complaints, the Federal Government promised to correct the flooding problem by constructing a reservoir and dam. For environmental reasons, work was suspended in July 1975, leaving 61 percent of the dam unfinished, while 80 percent of the land was acquired. By 1990, it is estimated a total loss of $17 million resulted from the removal of family farms and the unrealized tourism benefits anticipated with the completion of the project totaling over 300 jobs and $8 million for the local economy, further exacerbating poverty in the area.

Recognizing the tragic circumstances in which several generations of families in the area had found themselves, in 1991 Governor Thompson, State Senator Rude, State Representative Johnsrud, and I urged the residents in the Kickapoo Valley to form a Citizens Advisory Committee to initiate a plan for a positive resolution. Governor Thompson appointed Alan Anderson of the University of Wisconsin-Extension as coordinator for the Kickapoo Valley Advisory Committee. The Wisconsin Department of Natural Resources, Department of Transportation, and the State Historical Society provided professional assistance in the spirit of true cooperation. Over a span of 2 years the committee forged a consensus and recommended the establishment of a citizens advisory committee.

In the spring of 1994, the State of Wisconsin concurred in its recommendation and the legislature created the Kickapoo Valley Reserve and Governing Board. Having established this entity, the State of Wisconsin is prepared to receive the transfer of land from the Federal Government, pending action by the Congress.

This legislation, which transfers lands associated with the project to the State of Wisconsin, formally terminates, or "de-authorizes" the construction of the lake and dam portions of the original authorization. The legislation will authorize the $17 million necessary to require the corps to complete two central parts of the original project: finishing the relocation of Route "P" and Route "F", along with the construction of a visitor and education complex, recreational trails, and canoe facilities.

If the original project were to be completed today, the Corps of Engineers estimates the cost would be $102 million. Since the original authorization of the project in 1962, the corps has expended $18 million. Under the legislation introduced today, the Federal responsibility to conclude the original activities would be for $17 million, creating a savings of $66 million to Federal taxpayers.

With the reintroduction of this legislation we bring renewed hope to the people that Government can right a wrong. Thus, I urge my colleagues to pass this legislation. By doing so, we will have seized on a golden opportunity to make a profound difference in the lives of those in the Kickapoo Valley, while sustaining the region's rich environmental surroundings for generations to come.

REPEALING THE O'HARA-McNA MARA SERVICE CONTRACT ACT

HON. HARRIS W. FAWELL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. FAWELL. Mr. Speaker, today I am introducing, with my colleagues Mr. BALLENGER and Mr. BOEHNER, legislation to repeal the O'Hara-McNamara Service Contract Act, otherwise known as the Service Contract Act [SCA]. The Congressional Budget Office estimates that a repeal of this outdated, wasteful, and overly bureaucratic statute will save the taxpayers $3.16 billion over 5 years.

My reasons for introducing this repeal bill are many, but my primary criticism of the SCA is that it, like the Davis-Bacon Act, artificially...
increases the cost of Federal Government service contracts and imposes burdensome paperwork requirements on contractors in order to prove compliance with the law. The SCA also presents a number of pragmatic problems which undermine the effective administration of the act.

The SCA covers all contracts with the Federal Government in excess of $2,500. Its primary purpose is to provide services to the Government. Unless specified otherwise, any contract with the Government that is not for construction or supplies is considered a contract for services. Under the terms of the SCA, any service contract entered into by the United States or the District of Columbia must contain certain labor standards, including the payment of locally prevailing wages and fringe benefits. In fiscal year 1992, approximately $19.4 billion in Federal spending was covered by the requirements of the act.

The General Accounting Office (GAO) has outlined a number of shortcomings of the act, including: The inherent problems which exist in its administration; the fact that wage rates and fringe benefits set under it are inflationary to the local labor market; and the pay determination process is costly and inefficient. The SCA’s requirements could provide protection for employees the act now covers. The GAO concluded that for ‘[the Department] of labor to administer the SCA in a manner that would ensure accurate and equitable service wage determinations would be impractical and very costly, and that the most logical alternative is to repeal the act.’

Furthermore, a number of administrative difficulties have arisen from the broadened scope of the act’s application to service employees working under Federal Government contracts. Many categories of workers under the SCA are, for the most part, skilled and highly trained employees whose services are in demand in a highly competitive labor market. They are well-compensated, possess a high degree of job mobility, and thus are not susceptible to wage busting.

Mr. Speaker, as Vice-President Gore stated in his Reinventing Government report, "the Service Contract Act was passed because of valid and well-founded concerns about the welfare of working Americans. But as part of our effort to make the Government’s procurement process work more efficiently, we must consider whether these laws are still necessary—and whether the burdens they impose on the procurement system are reasonable ones." I have carefully reviewed the requirements and the application of the SCA and I have come to the conclusion that this statute is not necessary and that the burdens it imposes on contractors and the American taxpayer are not reasonable ones. The market is very capable of setting wage and fringe benefit rates and the labor protections in the SCA are available under existing statutes, such as the Fair Labor Standards Act.

Mr. Speaker, as we undertake the tremendous responsibilities of governing in the 104th Congress, and as we attempt to respond to the call of the American people to streamline government and make it work more effectively, repeating the Service Contract Act is a welcome first step, and a significant initiative to make our Government more efficient, responsible, and frugal. I urge my colleagues to join with me in cosponsoring this bill and working for its swift enactment.

WHY'S THE DIFFERENCE, SMITH MURDERS OR THOSE ABORTED?

HON. RANDY "DUKE" CUNNINGHAM OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CUNNINGHAM. Mr. Speaker, I wanted to call my colleagues' attention to a recent commentary from the News Reporter of San Marcos in the 51st District of California.

My constituent, D.J. Skinner Ross of San Marcos, raises some interesting questions about the recent tragic double murder of the Smith children in South Carolina. I urge my colleagues to read "A Question of Murder," as it offers a unique perspective on this sad case and on the larger issue of ethics in our society.

Mr. Speaker, I commend "A Question of Murder" to the House and ask that it be printed in the CONGRESSIONAL RECORD at this point.

[From the San Marcos News Reporter, Nov. 16, 1994]

WHAT'S THE DIFFERENCE, SMITH MURDERS, OR THOSE ABORTED?

(By Skinner Ross)

I'm a little confused regarding some people's stand on murder, specifically the murder of defenseless children. The nation, perhaps the world, is horrified and incensed over the killings of the little Smith boys. To learn that the killer was their own mother was almost more than all of us could bear. Many were, and still are, threatening to murder her.

Here is where I am confused:

1. Where are the Women's Rights groups?
2. Where are the Freedom of Choice groups?
3. Where is the politically-powerful American Civil Liberties Union?

Mrs. Smith could use your support during this terrifying, lonely time in her life. Mrs. Smith could use some of the ACLU's legal backing.

All her side of the story is no different now than it would have been five years and seven or eight months ago... or even as recently as 19 or 20 months ago. These babies were being delivered with the lifestyle she wished to follow.

They were a nuisance. They were fathered by a man she didn't love. (A little like rape, don't you agree?)

So I ask all the "rights" groups, Where are you now?

Before these little boys were given names, they were right. They would have pounded your fists on your podiums and shouted obscenities at anyone who would dare to say she did not have the "right" to take their "right to live" away from them.

Where is your courage to defend her now?

Nothing has really changed.

Those little defenseless little boys drowned in the fluid of a cold, murky lake. So I ask, in cases such as these, exactly whose "rights" have been wronged?

WHY HEALTH CARE REFORM FAILED

HON. LEE H. HAMILTON OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 12, 1994 into the CONGRESSIONAL RECORD.

WHY HEALTH CARE REFORM FAILED

After a long public debate Congress has decided that none of the many health care reform proposals would be considered for final passage this year. Instead, the President and Congress have agreed that health care reform should be addressed during the next Congress which starts in January.

A recent statewide poll showed that health care remains a top concern for many Hoosiers and I have been reviewing why health care reform efforts failed this year.

First, the health care system itself is complex and so are the proposed reforms. Our system is enormous, and Congress spent roughly one-seventh of our nation's economy (or over $1 trillion in spending). The challenges facing our medical system—such as rising costs and a growing number of uninsured Americans—are not easy to solve and require multi-faceted solutions.

Second, the President's proposal, at over 1,300 pages, was too complicated. The President tried to do too much—to create a perfect health care system that would be all things to all people. What resulted was a bewildering bill that frustrated the public's fears and gave opponents plenty to attack: bureaucratic structures, regulations, taxes, and other hot-button issues.

Third, many of the proposed reforms have never been tried on a national scale, and people preferred the status quo over the unknown. No one is really sure how the various health care proposals would work. Hoosiers became more skeptical as they learned more about health care reform. They began to focus less on the problems facing the health care system and more on the problems with the solutions. Our system has many strengths, and they want to preserve what works well and build on it, rather than supplanting current reforms which would have unknown consequences.

Fourth, Americans simply do not have a lot of confidence in the capacity of government. Several of the proposed reforms would have increased government bureaucracy, increased government regulation over important issues such as what doctor or hospital people can choose, and increased the level of taxes. People want reform but do not want the government to be the agent of reform.

Fifth, the major interested parties in health care reform—consumers, doctors, hospitals, employers, insurance companies, and taxpayers—have widely different views concerning health care reform. Successful reform hinges on balancing these competing interests. One thing I heard consistently from Hoosiers was that the President took too much time because a consensus had not yet been reached. They were right.

Sixth, opponents of reform were intense and effective. They spent millions of dollars attacking specific provisions of the reform proposals. Lobbyists for every conceivable...
interest that could be affected by health care reform. I refer to the public skepticism about the reform proposals. The end result was that attacks by opponents were met by many counterattacks by proponents were far fewer.

Seventh, Congress did not handle the health care reform debate well. The leaders of Congress supported much more wide-ranging proposals than any member of Congress. Congress would not agree on any single comprehensive reform proposal, and only one of the five House and Senate health committees have jurisdiction over health care issues successfully produced a bipartisan bill. Although most members decided early on that they could not support the President’s bill, or other comprehensive reform measures, Congress was unable to agree on what incremental reforms to support.

Eighth, outside events slowed the momentum for reform. The economic downturn ended, and the middle class concern over health care subsided. In addition, medical inflation, although still twice the rate of overall inflation, was much lower than the 12% or 15% annual increases from a few years ago.

Finally, all of these factors delayed consideration of health care reform. Time became the enemy of reform. Further delays occurred when the Administration needed nine months to introduce a bill, and the President and Congress were forced several times to delay health care reform in order to consider other issues such as the budget deficit reduction package, NAFTA, or the 1995 budget. These delays constrained the time available for Congress to consider, develop and then pass a bill.

WHAT IS AHEAD

The health care debate of 1994 was useful, if not satisfactory, and at least began to educate the public on health care and to illustrate some of the choices before us. The process of developing a consensus in the country has begun.

I have no doubt that there soon will be another health care reform bill. The problems facing the medical system are going to get worse and the pressure to act will mount. Medical costs still are increasing at rates two or three times inflation, and the number of uninsured Americans is increasing. As these trends continue, more and more people are going to find their benefits cut, their choice of doctor constrained, and their employer put in the position of the cost of health care on them.

I do not believe reform will happen all at once, or in a single bill, nor should it. No bill can solve all the health care system’s problems, and probably no bill that tries to do so can pass. I have believed for some time that comprehensive reform is probably not viable and that reform should come incrementally. One way to start in incremental reform may be to offer health care coverage for every child. An estimated eight million children lack health insurance and some four million more have substantially less than full coverage. Other incremental reforms Congress will consider include managed competition, insurance reforms, malpractice reform, subsidies to lower income working families, and opening the federal employee health benefit system, which covers government employees and members of Congress, to small businesses and individuals.

Mr. EMERSON. Mr. Speaker, today I am pleased to introduce once again the “Language of Government Act.” America is a nation of immigrants. As President Franklin Delano Roosevelt once said, “All of our people all over this country—except the pure-blooded Indians—are immigrants or descendants of immigrants, including those who came over here on the Mayflower.”

Indeed, we are a diverse lot. We are a country of many peoples, each with an individual cultural heritage and tradition. It is not often that people of so many varying cultures and backgrounds can live together in harmony, for human nature often leads us to resist and fear those who are different from us. Yet despite our differences, we do have a common bond. We have a common tongue, the English language, that connects us to one another and creates our national identity. It is this unity in diversity that defines us as uniquely American.

The time is right for passage of this important, unifying legislation. H.R. 123 offers a balanced, sensible approach to the common language issue. This legislation states that the government has an affirmative obligation to promote the English language, elevating that goal to official capacity. At the same time, the bill seeks to set some common sense parameters on the number and type of government services that will be offered in a language other than English. We do not need nor should we want a full scale multilingual government. But, if we do not address this issue in a forward-thinking, proactive manner, that is just what we would allow to develop.

I want to stress that the “Language of Government Act” is not “English only.” It simply states that English is the language in which all federal, executive branch United States Government business will be conducted. We have an obligation to ensure that non-English speaking citizens get the chance to learn English so they can prosper—and fully partake of all the economic, social, and political opportunities that exist in this great country of ours.

The late Senator Hayakawa, founder of this movement, was a prolific writer and I offer you one of my favorite quotes of his: “America is an open society more open than any other in the world. People of every race, of every color, of every culture are welcomed here to create a new life for themselves and the United States. And what do these people who enter into the American mainstream have in common? English, our shared, common language.”

As Americans, we should not remain strangers to each other, but must use our common language to develop a fundamental and open means of communication and to break down artificial language barriers. By preserving the bond of a unifying language in government, this nation of immigrants can become a stronger and more unified country.
players in the derivatives market, it is fitting that the bank regulators take the lead, and the Banking Committee serve as the committee of primary jurisdiction, in the derivatives area.

In responding to those who argue that legislation is not necessary, I remind them of the history of the Government securities market. When adopting the securities laws in the 1930's, Congress attempted Government securities from most regulation based on the financial sophistication and institutional nature of most customers, the low degree of risk posed by Government securities, and the perceived absence of market manipulation or fraud. Although bank dealers were generally subject to supervision and regulation by the bank regulators, and securities firms that dealt in nonexempt securities as well as Government securities were subject to supervision and regulation by the SEC, nonbank dealers who traded only in Government securities were not subject to any direct regulatory oversight. The failure of several of the unregulated Government securities dealers in the early 1980's—and the subsequent losses born by investors—prompted passage of the Government Securities Act. The Government Securities Act Act, rather than creating a separate agency to enforce the new regulations, relied on the existing regulatory structure when assigning oversight responsibility. This Act brought regulatory and oversight accountability to the Government securities market, clearly improving the market and protecting investors.

There are many similarities between the pre-1986 Government securities market and today's derivatives markets. The Derivatives Safety and Soundness Supervision Act of 1995 seeks to replicate the success of the GSA Act by imposing regulatory accountability, and recognizes the uniquely global nature of the derivatives market by promoting international cooperation. I look forward to working with Chairman LEACH and other members of the Banking Committee on this legislation in the 104th Congress.

TRIBUTE TO COL. RANDY RHNER, USAF

HON. DUNCAN HUNTER OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. HUNTER. Mr. Speaker, a friend of the Congress and a staunch advocate of U.S. national security is retiring from the U.S. Air Force on February 28 of this year. His name is Lt. Col. Randy Rhiner, USAF.

Colonel Rhiner has had a distinguished 22-year military career, which included service as a rated navigator and electronic warfare officer with operational experience in the B-52 heavy bomber. He also taught at the Electronic Warfare School at Mather Air Force Base, in my home State of California, and is a distinguished graduate of the Air Force Instructor School. He was selected for career broadening in the much sought after Education With Industry Program and worked acquisition programs for the Air Force.

For the last 4 years, Colonel Rhiner has served in the Secretary of the Air Force's Office of Legislative Liaison, with primary responsibility for long-range power projection forces. Colonel Rhiner was tireless in his efforts to ensure the Congress received timely and accurate information on which to base its decisions about the future of major defense programs, including the B-2 Stealth bomber and other advanced weapon systems.

Colonel Rhiner has received numerous awards and commendations, including most recently the Meritorious Service Medal, second Oak Leaf Cluster, which is reprinted below.

Randy plans to remain in the Washington area in order to teach science to elementary and middle school students. On behalf of my colleagues and the staff on the House National Security Committee, we wish Randy and his wife Roberta the very best.

CITATION TO ACCOMPANY THE AWARD OF MERITIOUS SERVICE MEDAL, SECOND OAK LEAF CLUSTER, TO RANDOLPH R. RHNER

Lieutenant Colonel Randolph R. Rhiner distinguished himself in the performance of outstanding service to the United States as Chief, Strategic Air Branch, and Chief, Long Range Power Projection Branch, Weapons Systems Liaison Division, Office of Legislative Liaison, Office of the Secretary of the Air Force, the Pentagon, Washington, District of Columbia, from 28 August 1989 to 28 February 1995. During this period, he made major contributions to the Air Force Long Range Power Projection Programs. Colonel Rhiner planned and executed Air Force Stealth Week, a highly successful static display attended by the President and Members of Congress, enhancing support for stealth technology. He ensured the Congressionally directed B-1 Operational Readiness Assessment was drafted with reasonable terms setting the stage for the aircraft's outstanding test results and promising future. Due to Colonel Rhiner's personal involvement in legislative activities, Air Force programs remained on track. The singularly distinctive accomplishments of Lieutenant Colonel Rhiner culminate a distinguished career in the service of his country and reflect great credit upon himself and the United States Air Force.

RULES PACKAGE/MEMORANDUM OF UNDERSTANDING

HON. JOHN R. KASICH OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. KASICH. Mr. Speaker, I rise in support of the Rules package and wish to take this opportunity to thank my colleagues on the Committee on Rules and the Committee on Oversight and Reform for their cooperation in providing the Committee on the Budget legislative jurisdiction in the area of the budget process reform. I submit the following Memorandum of Understanding between the distinguished chairman of the Committee on Rules, GERALD B.H. SOLOMON, and I, on the intent of subparagraph (1)(d)(3) as it pertains to the Committee on Rules and the Committee on the Budget. The distinguished chairman of the Committee on Government Reform and Oversight, and Oversight, WILLIAM F. CLINGER, shall submit a similar Memorandum of Understanding on budget process reform as it pertains to the Committee on Government Reform and Oversight and the Committee on the Budget.

STATEMENT OF UNDERSTANDING BETWEEN THE COMMITTEE ON THE BUDGET AND THE COMMITTEE ON RULES ON JURISDICTION OVER THE CONGRESSIONAL BUDGET PROCESS

HOUSE OF REPRESENTATIVES, Washington, D.C.

This statement addresses the intent of subparagraph (1)(d)(3) as it pertains to the Committee on the Budget and the Committee on Rules.

Such jurisdiction over the subject matter of the Rules package is intended to provide the Committee on the Budget primary jurisdiction over budgetary terminology and the discretionary spending limits that are set forth in the Congressional Budget Act. It is also understood that the Committee on the Budget shall have secondary jurisdiction over the other elements of the Congressional budget process that are under the primary jurisdiction of the Committee on Rules. Such jurisdiction shall include the budget timetable, the budget resolution and its report, committee allocations, the reconciliation process, and related enforcement procedures. It is understood that the Committee on Rules will retain its jurisdiction over the other elements of the Congressional budget process over all aspects of the Congressional budget process that are within the joint rule-making authority of Congress except for budgetary terminology and the discretionary spending limits.

GERALD B.H. SOLOMON, Chairman, Committee on Rules

JOHN R. KASICH, Chairman, Committee on the Budget.

CONGRATULATIONS AND THANKS TO SHERIFF COIS BYRD

HON. KEN CALVERT OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. CALVERT. Mr. Speaker, on December 14, 1994, Sheriff Cois Byrd officially retired as the sheriff of Riverside County, CA. His commitment to law enforcement and the professional manner in which he ran his department for 8 years after being elected Riverside's sheriff in November 1986 will be missed by all of us who have had the opportunity to work with him—and by all law-abiding citizens of the county.

During his tenure as our sheriff, Cois Byrd epitomized what it means to be a professional in the increasingly complex field of law enforcement. Since first being hired as a deputy sheriff in 1959—after returning to Riverside from 3 years with the Fleet Marines/Pacific—Cois Byrd worked hard to keep up with the latest techniques in fighting crime. During his tenure as sheriff, his department grew from some 1,250 employees to more than 2,000 deputies and civilians operating out of more than 25 offices, stations, and detention facilities. By working cooperatively with the county's board of supervisors, Sheriff Byrd was able to develop a population-driven growth formula for patrol operations. This formula has helped increase the sheriff's staff/population ratio so that the department can keep up with the growing demands for law enforcement in an increasingly urban environment.

Cois Byrd has also made his mark in law enforcement at the State level. He was an active member of the California Sheriff's Association, serving as a member of the executive
board and as the associate treasurer, and he served as the training committee chairman and as a member of the advisory committee for the California Commission on Peace Officers’ Standards and Training.

Locally, the sheriff was instrumental in guiding county policy for the development of the Southwest Justice Center, including a jail and sheriff’s station. In September 1989, Sheriff Byrd officially opened the Robert Presley Detention Center, which was the first major correctional facility constructed in the county in 50 years. The project came in on time and under budget, demonstrating the tight-listed budgeting and fiscal conservatism that Cois Byrd always practiced as our sheriff.

But, perhaps more important than his expertise at working with the board of supervisors, State law enforcement organizations, and other community groups, or even his superb management skills, what made Cois Byrd such an outstanding sheriff was his ability to motivate his deputies and other department staff. In spite of the rapid growth of the sheriff’s department, Cois always made it a practice to personally meet each graduating class of deputies from every training academy—and, he maintained a good, close working relationship with his employees.

While building one of the largest and most respected sheriff’s departments in the Nation, Cois also found time to participate in numerous civic activities, including serving faithfully as a volunteer for the Boy Scouts and sponsoring an explorer program. While we will miss Cois as our sheriff, we are delighted that he will continue to provide his law enforcement expertise at the Crime Control Technology Center at the University of California, Riverside, school of engineering. And, we are especially grateful that he and his wife, Evelyn, will remain in our community.

It is a great pleasure for me, on behalf of the citizens of California’s 43d Congressional District, to congratulate and thank Sheriff Cois Byrd for many years of dedicated service to the Riverside County Sheriff’s Department and to wish Cois and Evelyn continued good health and happiness, and much success in their new endeavors.

MENTAL HEALTH

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, Nov. 2, 1994 into the CONGRESSIONAL RECORD.

MENTAL HEALTH

One challenge facing our country is improving mental health care. Fewer than 40% of those who suffer from mental illnesses seek treatment from a mental disorder received treatment, despite significant progress in developing successful remedies. The federal government devotes significant progress in developing successful remedies. The federal government devotes significant progress in developing successful remedies. The federal government devotes significant progress in developing successful remedies.

What is mental illness? Mental disorders have intertwined biological, psychological and environmental roots. Many tend to recur throughout a person’s lifetime. Most mental illness (other than alcohol or drug abuse) fall into one of three categories:

Mood disorders—While everyone has changes in mood, some people experience periodic disturbances, the most common of which is depression. Persons with major depression have a persistent feeling of sadness, often accompanied by insomnia, intense guilt feelings, or recurrent thoughts of death or suicide.

The other major mood disorder is manic-depressive illness, in which people alternate experience periods of extreme euphoria and extreme depression. The mania phase of the disease may be marked by hyperactivity, irritability, decreased need for sleep, and loss of self-control and judgment.

Anxiety disorders—Persons with anxiety disorders are characterized by symptoms of nervousness, restlessness, and excessive worry. Examples include phobias, panic attacks, and posttraumatic stress disorder.

Schizophrenic disorders—Persons with schizophrenia do not have multiple personalities. One of the most debilitating mental illnesses known, schizophrenia is characterized by distorted thinking, delusions, hallucinations, and withdrawal from the outside world.

Who suffers from mental illness? Recent studies found that 28 percent of adults will suffer a mental disorder in any one year; five percent of them a severe disorder. Almost a third of adults also suffer from mental illness during their lifetime. While the overall rates of major mental disorders do not differ for women and men, some are more common in one or the other. Mental illness can strike at any age.

How are mental illnesses treated? Treatment may include medication, psychotherapy, hospitalization, or a combination of these. Recent research has yielded discoveries of several new drugs to treat mental illness today. Most mental disorders can be treated successfully.

What is the cost of mental illnesses to the nation? In 1991, the cost totaled just over $136 billion (not including alcohol and drug abuse). The biggest cost associated with mental illness is lost productivity. This is true in part because mental illness often strikes a person during the prime years of their working years, in part because many people with mental disorders do not get treatment. What is the federal government’s role in mental health care? The federal government plays a major role in research into causes and treatments of mental disorders, primarily through the National Institutes of Mental Health. The federal government also provides a majority of the funding for mental health services, ranging from inpatient hospital to community and residential treatment.

Congress has also established specific programs for providing mental health services to homeless individuals. An estimated one-third of the homeless population in the U.S. suffers from serious mental illnesses, and 30 to 60 percent of the homeless mentally ill also are substance abusers. While it did not receive as much attention as other aspects of the health care reform debate, discussion was given to expanding mental health insurance coverage. But the health insurance plans do not offer identical coverage for mental illnesses and other ailments, nor does Medicare. For example, almost 80% of large and 50% of small businesses which provide health insurance had more restricted coverage for mental health.

Critics of expanding coverage for mental disorders argue that they lack clear diagnostic criteria, potentially leading to coverage for almost any problem. They believe that too much money would be spent treating the so-called “worried well,” who are not in serious need of help. They also assert that mental illnesses often cannot be treated effectively.

Advocates for expanded coverage assert that mental illnesses are as definable, diagnosable, and treatable as other disorders. They also contend that the lack of private mental health insurance puts an unfair burden on the public, which currently pays for over half of all mental health treatment. Finally, they argue that the cost of not providing adequate mental health care coverage is ultimately higher than providing it.

It is hard to determine what shape the health care debate will take next year, but the issue of mental health coverage will not go away. I believe we must work toward a health care system that provides adequate mental health and substance abuse services. This will not come easily or cheaply. Both private and public health care plans should phase in coverage, allowing time to develop the capacity to deliver and manage a more comprehensive mental health and substance abuse benefit. Eventually these plans must include treatment in a variety of environments, ranging from inpatient hospital to community and residential treatment.

Mental health care should be provided in a variety of environments, ranging from inpatient hospital to community and residential treatment.

In addition, the federal government should continue to support research and treatment that can return mentally ill individuals to healthy, productive lives.

IT IS TIME FOR THE SOCIAL SECURITY EARNINGS TEST TO GO

HON. BILL EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, America has always stood as a shining example of opportunity for the rest of the world. But today, in the United States, opportunity for senior citizens is severely limited.

Fifty-nine years ago, when the Social Security System was launched, unemployment was as high as 25 percent. The earnings test of the Social Security Act was a conscious attempt by Congress to discourage the elderly from working and thus create jobs for younger Americans.

Times have changed dramatically since the 1930’s, and as we head toward the 21st century we must keep pace with those changes. We must change this discriminatory policy. In the 102d Congress, the House of Representatives passed a version of the earnings limitation repeal. To my dismay, this provision was later stripped from the legislation.

It is now up to the 104th Congress to finish the work. The Contract With America, which the public overwhelmingly endorsed in the November elections, includes a repeal of the Social Security earnings test. The public support is clear, and I urge my colleagues to make this the year we stop penalizing the work of seniors with some of our country's highest

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Marginal tax rates ever imposed on middle-income Americans.

Commemoration in Israel Marks the 20th Anniversary of the Jackson-Vanik Amendment

HON. NORMAN D. DICKS
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. DICKS. Mr. Speaker, this year marks the 20th anniversary of the Jackson-Vanik amendment to the Trade bill of 1974. The amendment made history by linking most favored nation trading status to free emigration from nonmarket economies. The purpose of the amendment was to spur the former Soviet Union to ease emigration for Soviet Jews during the cold war. The Jackson-Vanik amendment was instrumental in allowing hundreds of thousands of Jews and other Soviet citizens to leave the U.S.S.R. to experience the freedom and purity of life in Israel and the United States.

The Henry M. Jackson Foundation, in conjunction with the American Enterprise Institute, Hebrew University, the Zionist Forum, and the Jerusalem Post, is sponsoring a conference in Jerusalem this week, on January 8-10, 1995, to commemorate the anniversary of this legislation. The Boeing Corp. and Manro Haydan Trading of London are founding corporate sponsors. The conference will pay special tribute to Senator Henry M. “Scoop” Jackson, recognizing his lifelong work on human rights and assessing the current status of Russian Jews and their communities. We often mean this in a figurative way. Mr. SHUSTER. Mr. Speaker, today I rise to pay tribute to an individual who has an attachment to his native State of Pennsylvania that is as enduring as it is remarkable.

In Praise of Howard Yerusalim, Retiring Pennsylvania Secretary of Transportation

HON. BUD SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. SHUSTER. Mr. Speaker, today I rise to pay tribute to an individual who has an attachment to his native State of Pennsylvania that is as enduring as it is remarkable.

We often talk about men and women, Mr. Speaker, who leave their mark on their communities. We often mean this in a figurative way. But I want to recognize a man who has quite literally left his mark on the landscape of the Keystone State—the retiring Secretary of Transportation, Howard Yerusalim.

Howard and I have two important things in common. We both are native Pennsylvanians, and we both have viewed transportation as an organizing principle for the State and national economy.

Howard is an engineer by birth and training, and he has built upon this foundation. Indeed, he has combined two remarkable elements. First, he has had a visionary ability to look at the vast State of Pennsylvania and understand its many present and future transportation needs. At the same time, he has the knack of translating those visions into simple three-dimensional blueprints and then taking those blueprints and translating them into the nitty gritty of steel rods and asphalt. There are many people in the transportation industry who are good at one of these endeavors. Howard has been extremely able in both.

He understands roads, rails, and runways and he has the management skills to complement this knowledge. A list of his achievements and awards will fill these pages. But, I am particularly impressed by his selection as one of the Nation’s top ten public works leaders for 1992 by The American Public Works Association, and his tenure as president of the American Association of State Highway and Transportation Officials for 1994.

It seems, Mr. Speaker, that everyone in the transportation industry knows Howard, and everyone has their favorite moment involving him. My favorite concerns the time when he and I worked on the historic Intermodal Surface Transportation Efficiency Act of 1991. I was in constant contact with Howard, relying heavily upon his counsel on many major issues covered by the bill. Most of all, he provided me with an honest interpretation of how provisions in the bill would work in actual practice.

Great men and women rise to their potential. It was Pennsylvania’s great fortune that Howard came to PennDOT in 1968 and rose through the ranks to become its chief. As I’ve said in the past Howard Yerusalim is a capable and reliable advocate for public works expenditures and has earned my respect through his dedication and commitment to integrity in public service.

Mr. Speaker, transportation is the lifeblood of our communities, our Commonwealth, and our Nation, and yet it is often taken for granted—as the individuals who plan, design, and build it, and thus leave their mark on the landscape. In many ways, Howard Yerusalim is one of those individuals. And yet, through his leadership, Pennsylvania has developed—and continues to develop—a first-rate transportation system, a system which breathes life into our economy, and into our daily lives.

Legislation to Assist California Tourism

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Ms. HARMAN. Mr. Speaker, 2 years ago, Representative Lynn Schenk and I were both elected to the 103d Congress from districts hard hit by defense downsizing and the effects of a lingering recession. During her 2 years in this body, Representative SCHENK fought time and time again for California’s work force and on behalf of California’s tourism industry.

Mr. Speaker, I rise today to continue Congresswoman Schenks’ efforts to help California’s tourism businesses by reintroducing her cruise ship legislation to close a loophole in Federal law through which California loses an estimated $82 million annually. This issue is one of great concern to businesses in Representative Schenks’ San Diego district and to those that I represent in San Pedro and on Catalina Island. According to Catalina’s Chamber of Commerce, the city of Avalon itself loses $1.5 million annually in canceled port visits because of the existing loophole.

Currently under the Federal Johnson Act, a cruise ship that makes an intrastate stop is subject to State law even if that ship travels in international waters and is destined for another State or foreign country. In order to prevent the spread of gambling on the mainland, California currently prohibits gambling on cruise ships which make multiple stops in the State.

The legislation which I reintroduce today would allow gambling to continue on internationally bound cruises and would not cause mainland gambling to uncontrollably expand. My bill would amend the Johnson Act to allow Federal control over voyages that begin and end in the same State as long as those stops are part of a voyage to another State or foreign country which is reached within 3 days of the start of the voyage. The legislation reflects a hard-fought compromise reached last year with Senator DANIEL INOUYE by explicitly excluding the State of Hawaii.

Mr. Speaker, the legislation which I offer today will provide a much needed shot-in-the-arm to tourism in California. This issue is by no means partisan. Gov. Pete Wilson enthusiastically supported this legislation last year. On behalf of Representative Schenk, I urge the House to act swiftly in approving this measure.

Coordinator for Counter-Terrorism Bill, H.R. 22

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, today I introduce H.R. 22, a bill to preserve the coordinator for Counter-Terrorism Office at the State Department. I am pleased to tell the 103d Congress, we were able to enact into law my amendment to the State Department authorization bill to at least temporarily reverse the proposed reorganization plan that would have eliminated the Office of the Coordinator for Counter-Terrorism. That very important and high level, as well as independent office, was first established during the Reagan era as a response to international terrorism, and it reported directly to the Secretary of State. The office faced the cutting-room knife as the new administration began. And when it was planned to be merged into an office responsible for narcotics and international crime as well.
The damage from that shutdown policy debacle in these two key source nations on our international struggle against narcotics, will take years to undo. We also saw during the 103d Congress, that drug use is on the rise for the first time since the Carter era.

Let us be thankful, that we didn't let the administration do for international terrorism, what they have done for the war against drugs in the last 12 years.

The United States witnessed an increased level of international terrorism directed at American political leaders, citizens, their property, and their very safety and security now even here at home. For example in 1993, we had the New York World Trade Center bombing, which took six American lives—one a constituent of mine—1,000 people and cost over $600 million in property damage and business disruption; never mind the incalculable psychological damage to America's sense of internal security.

We also had the terrorist plots uncovered against commuter tunnels, Government facilities, and political leaders in New York City as well as in 1993. In 1994, we had the deadly terrorist attacks in the Middle East, Panama, Argentina, North Africa, Europe, and other spots around the globe. Terrorism hasn't gone away in the post-cold-war era, despite the hopes of many, and the time.

In light of these events, and the developing new loosely knit terrorist groups, and other forces promoting terrorism around the globe, this is not the time for America to be lowering its guard against the horrors and threats from international terrorism.

We must make international terrorism a high level national priority in our foreign policy agenda, and as part of our Government's permanent planning and response structure.

The proposed State Department downgrading of the counter-terrorism function would send the wrong signal at the wrong time, both to friends and foes alike, around the globe.

For example, the State Department's entire time, focus, and attention.

Unless we act prior to April 30, 1995, the State Department's counter-terrorism office, and the critical and important function it plays, could very well be relegated to a mid-level Deputy Assistant Secretary in a multiple function office, responsible for narcotics, terrorism, and international crime.

The international narcotics function alone, as we know, could easily consume the proposed National Narcotics Bureau's Assistant Secretary's entire time, focus, and attention.

In fact, in the 103d Congress the battle against drugs, especially overseas did not go well. For example, the State Department's international narcotics matter [INM] budget was cut by one-third. In addition, we had the disastrous aerial drug trafficking intelligence sharing cutoff with source countries Peru and Colombia over a questionable legal opinion. Now including President Clinton himself as he said on December 9, as "nutty."

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Should the merger be approved, the fight against terrorism will not be degraded, diminished, subordinated to a war on narcotics that has understandably become a matter of obsessive international concern. Such a shift in our attention and resources would seem to me senseless, dangerous and destructive.

Sincerely, CLAIRE STERLING.

H.R. 22

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

SECTION 1. COORDINATOR FOR COUNTER-TERRORISM.

(a) Establishment.—There shall be within the office of the Secretary of State a Coordinator for Counter-Terrorism (hereafter in this section referred to as the “Coordinator”) who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—(1) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

(2) The Coordinator shall have as his principal duty the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal advisor to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the management of the Department of State and report directly to the Secretary of State.

(c) Rank and Status.—The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of pay which the individual last received under the Foreign Service Schedule, received under the Foreign Service, the annual rate of pay which the individual last received under the Executive Schedule under section 5314 of title 5, in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.

(d) Diplomatic Protocol.—For purposes of diplomatic protocol among officers of the Department of State, the Coordinator shall take precedence after the Secretary of State, and the Deputy Secretary of State, and the Under Secretaries of State and shall take precedence among the Assistant Secretaries of State in the order prescribed by the Secretary of State.

LEGISLATIVE REORGANIZATION ACT OF 1995

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, today I am introducing the Legislative Reorganization Act of 1995, which contains those reform proposals recommended by the Joint Committee on the Organization of Congress that have not yet received full consideration by the House of Representatives.

As you know, the Joint Committee on the Organization of Congress, cochaired by myself and Congressman DAVID DREIER, was created by Congress in August 1992 with a mandate to conduct a comprehensive study of the internal operations of Congress and provide recommendations for reform by the end of 1993. The panel completed its task, and in 1994 the House did pass one of its major recommendations—requiring the House to live under the same laws it applies to the private sector.

Unfortunately, the remainder of the joint committee’s reform plan was not considered by the full House during the 103rd Congress. However, today many of the joint committee’s recommendations—fully or in part—will be adopted by the House, including proposals to: Again apply private sector laws to Congress; streamline the bloated congressional committee system by reducing the total number of committees and restricting the number of committee assignments Members can have; significantly reduce the number of subcommittees; cut congressional staff; open up Congress to enhanced public scrutiny by publicizing committee attendance and rollover votes; and require that the CONGRESSIONAL RECORD be a verbatim account of congressional proceedings.

The 104th Congress has made a good start toward meaningful congressional reform. These efforts have been assisted by the work of prior reform commissions such as the joint committee, as well as the continuing public demand for reform. But many important components of the joint committee’s reform package have not yet been considered by the House.

For example, the joint committee proposed that private citizens be included in the ethics process. Under this proposal, private citizens would investigate ethics complaints against Members of the House.

Another joint committee recommendation that has not been adopted would publicize the special interest projects and tax breaks included in legislation, providing additional barriers to wasteful spending and special interest tax loopholes.

Still another joint committee proposal would streamline the Federal budget process by shifting it from an annual to a biennial cycle, reducing redundant decisions, and allowing more time for oversight. But such budget reform proposals also have not received full consideration by the House.

Because the reform effort is not complete, I am introducing the Legislative Reorganization Act of 1995, which contains all of the reform recommendations of House Members on the joint committee that have not been adopted in some form by the House. Included are the ethics, special interest, and budget reform proposals that I have mentioned. Also included are a number of additional recommendations, such as the regular reauthorization of the congressional support agencies, scheduling reform, and enhanced public understanding of Congress. My sense is that the work of the Joint Committee on the Organization of Congress can continue to serve as a valuable vehicle for proceeding with reform.

I intend to work with other Members to ensure that these proposals are given full consideration by the committees of jurisdiction and the entire House. And over the next few months, I also intend to introduce additional reform proposals that would strengthen the joint committee’s package, and help make Congress more efficient and publicly accountable.

As I have said repeatedly over the past few years, a comprehensive reform bill should be brought to the House floor and under a generous rule, so that Members can consider, debate, and vote on the major reform alternatives. Although some of the reforms that will be adopted today are important, these proposals are to be considered under closed rules. Free and open debate about congressional reform has not yet occurred in the House.

Again, Members should have the opportunity to vote on the major reform issues.

Congressional reform should be an ongoing process. Every year a bill should be scheduled for floor consideration dealing with institutional reform, just as the House regularly deals with legislation reauthorizing major programs and agencies.

Of course, institutional reform is no panacea. Many difficult issues are on the agenda of the 104th Congress. But sustained and meaningful change is crucial for the restoration of public confidence in Congress.

BRUCE THOMPSON FEDERAL COURTHOUSE

HON. BARBARA F. VUCANOVICH
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. VUCANOVICH. Mr. Speaker, today I have reintroduced legislation to name the new Federal courthouse in Reno, NV after the late Judge Bruce R. Thompson.

I cannot think of a more deserving Nevadan on which to bestow this honor. Judge Thompson was one of Nevada’s most prominent, respected and beloved men in the Nevada legal community and led a long and highly distinguished career. After graduating from the University of Nevada and Stanford law school, he practiced law with George Springmeyer and later Mead Dixon for 27 years until 1963. He served as assistant U.S. attorney for the district of Nevada from 1942 to 1952 and as special master for the U.S. District Court of the District of Nevada from 1952 to 1953. Judge Thompson was also president of the Nevada State Bar Association from 1955 to 1956. Following a term as regent to the State planning board in 1958, he served as its chairman from 1960 to 1961. In 1963, he was appointed U.S. district judge by President John Kennedy.

His outstanding career is coupled by the immense love and respect Judge Thompson earned from his colleagues. In fact, numerous organizations representing nearly the entire legal community of Nevada have endorsed this legislation. These include, among many others, the Washoe County Bar Association, the State Bar of Nevada, the Nevada Trial Lawyers Association, the Association of Defense Counsel of Nevada and the Northern Nevada Women Lawyers Association.

Mr. Speaker, the House passed this bill (H.R. 3110) in the last session, only to see it die in the other body. Since construction began on this new courthouse last summer, the timeliness and importance of enacting this bill is clear. I look forward to working with my colleagues in the near future to ensure the smooth sailing of this legislation.
HON. GERALD B.H. SOLOMON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, it is my privilege once again this year to bring to your attention a professional organization which, in the best American tradition, finds the time to help its most unfortunate neighbors.

The New York Chiropractic Council deserves credit not only for serving as the voice of a group of dedicated health care professionals, but also for its continuing battle against hunger.

This year, the New York Chiropractic Council will sponsor its fourth annual HOPE [Helping Other People Eat] Day. Their goal is to collect 10,000 pounds of food for the Regional Food Bank of Northeastern New York and 75,000 pounds statewide for the hungry of the state.

The Council brought HOPE Day to New York in 1992, and in just its first 2 years raised over 80,000 pounds of food. The food was turned over to the Northeast Regional Food Bank, which delivers an average of 1 million pounds of food per month to 600 charitable organizations in 23 counties in New York State.

Over 180 participating doctors of chiropractic collected the nonperishable food from patients in exchange for adjustments and examinations.

Mr. Speaker, I can think of nothing more typically American than efforts like this. Perhaps their day-to-day dealings with people in pain that makes doctors of chiropractic sensitive to the sufferings of others. But what’s important is the fact that this organization has committed itself to helping hungry Americans, and I can think of few organizations that surpass them in this effort.

That’s why I would ask you, Mr. Speaker, to join me in saluting Dr. John M. Gentile, D.C., HOPE Day coordinator, and other members of the New York Chiropractic Council for their selfless and generous response to the problem of hunger.

INDUSTRY-BASED EDUCATION SUPPORT ACT

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. KILDEE. Mr. Speaker, I am pleased to be introducing today, the Industry-Based Education Act, a bill to build upon and strengthen the work that is being carried out under the Carl D. Perkins Vocational and Applied Technology Education Act in the areas of curricular development, professional development, and technical assistance for our Nation’s vocational education programs.

As the school-based education component of our Nation’s developing school-to-work transition system, vocational education is critical both as an ongoing program to prepare students to be productive members of our Nation’s work force and as a tool for improving the Nation’s high schools. The 1990 reauthorization of the Perkins Act created a framework for assisting State and local efforts to ensure that vocational programs are responsive to the needs of the workplace, and that they support integrated vocational and academic education that improves the educational achievement of all students. By focusing on curriculum development, professional development and technical assistance, the Industry-Based Education Support Act will give States and local school districts additional support to help them develop and implement programs that meet the vocational and academic needs of their students and communities in an integrated manner.

It is vitally important than any discussion of the future of Federal assistance for vocational education take into consideration the need to support State and locally developed curriculum development, professional development, and technical assistance. This bill is being introduced to help stimulate that debate.

TRIBUTE TO THE LATE DR. MARJORIE STEWART JOYNER

HON. BOBBY L. RUSH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. RUSH. Mr. Speaker, I rise this morning with great sadness to pay tribute to the late Dr. Marjorie Stewart Joyner, who passed away on Tuesday, December 27, 1994. Dr. Joyner was an inspiration to generations of Chicagoans who grew up coming to know and respect her for her remarkable achievements.

Dr. Joyner was born in 1896 in Monterey, VA. After moving to Chicago in 1912, Dr. Joyner embarked on a long and prosperous career in the beauty parlor business. In fact, she was the first African-American to attend and graduate from a Chicago-based beauty school, and later invented and patented a permanent wave in 1928.

It was through her endeavors in this field that Dr. Joyner was able to work toward providing increased economic opportunities for African-Americans. Her support made it possible for the establishment of the Cosmopolitan Community Church in Chicago in 1934. In addition, she and First Lady Eleanor Roosevelt established the National Council of Negro Women in 1935. This organization has been dedicated since that time in addressing Negro and women’s issues. Later, Dr. Joyner founded the United Beauty Owners and Teachers Association and the Alpha Chi Phi Omega Sorority. Dr. Joyner was also active in local charitable events, including the annual Chicago Defender Bud Eiken Parade, the largest parade for the African-American community in the country.

Mr. Speaker, Dr. Joyner was an American treasure who throughout her long life gave tirelessly of herself for the advancement of her race and all persons in need. She drew strong accolades from leaders and political figures around the country, and I am but one in a long line of persons who have come to pay their respects for this true American patriot. On this day, Mr. Speaker, I join her family, her friends, and all of Chicago and the Nation, in mourning the loss of a dear and special friend.

TRIBUTE TO THE LIONS CLUB OF PUNXSUTAWNEY

HON. WILLIAM F. CLINGER, JR.
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. CLINGER. Mr. Speaker, I rise today to honor the Lions Club of Punxsutawney, PA as they celebrate their 50th anniversary of becoming a charter member. On this day in 1945, the Punxsutawney chapter became part of the International Association of the Lions Clubs.

Through hard work and dedication, members were able to purchase 254 acres of land—complete with a small lodge—just 2 short years after its founding. In keeping with the true spirit of the club, the lodge is used for both Lions’ meetings and the benefit of the community as a whole.

When the Punxsutawney Lions Club was chartered, its main goal was to help fight blindness. Fifty years later, they are doing just that. The Lions are active in their support of various camps—as close as Indiana, Pennsylvania, and west to Rochester, Michigan—that benefit physically challenged people.

The Lions’ unconditional generosity and benevolence, however, do not end there. People in third world countries also feel the impact of their philanthropy. Better vision and increased health awareness are just two areas in which the Lions Club is making a difference.

Mr. Speaker, it is my distinct pleasure to recognize the Punxsutawney Lions Club on this special occasion. The celebration of their 50th anniversary is a testament to its members’ dedication and loyalty. I salute the Lions as they embark on their next 50-year journey and wish them much luck and happiness in that pursuit.

$2,000 REWARD

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. STARK. Mr. Speaker, the Republicans refuse to tell the American people how they will balance the budget, cut taxes, and increase defense spending.

On November 22, 1994 I offered a $1,000 campaign contribution to any Republican Member who signed the so-called Contract With America and who plans on running for reelection who could explain in detail what cuts he or she would make to achieve a balanced budget in fiscal 1996.

No one has taken me up on the offer. The Republican Contract With America will mean the destruction of Medicare, education aid, cancer research, and other programs the American people support.

The Republicans know that and refuse to explain it to the American people.

Mr. Speaker, I double my offer: I will contribute $2,000 for a charity in the district of any Republican who can explain exactly what they will cut to achieve a balanced budget while increasing defense and cutting taxes.
Mrs. VUCANOVIČ. Mr. Speaker, States with a source tax levy a tax on the retirement income of retirees who no longer reside in the State. Thousands of seniors across the country receive tax bills from States even though many of these retirees have not lived in that State for years. In every Congress since 1988, I have introduced legislation to prohibit the source tax.

I was very pleased last spring, when the Senate unanimously passed a source tax bill. I was even more pleased when, in the final week of the 103d Congress, the House also passed a bill to prohibit the source tax. Unfortunately, the Senate and House versions were not identical and there was no time for a conference.

Today I am again introducing a proposal to prohibit the source tax. The bill I am introducing will exempt all retirement income from State income tax if the individual receiving the income is not a resident of the State. This legislation will not place any cost on the Federal Government and may even cause a modest increase in Federal revenues.

This measure differs in two ways from the bill I sponsored in the 103d Congress. That bill included a cap on the amount of lump-sum distributions exempted from the source tax. My new bill will have no caps. Also, for the 104th Congress the measure covers all retirement plans, not just those that qualify for special tax treatment by the Federal Government. These changes, which extend the measure to all retirement income, make the bill more fair because it will treat all retirees equally.

Mr. Speaker, I urge my colleagues to support me in this cause. Retirees across the Nation will thank you.

TOWN OF SCHODACK CELEBRATES BICENTENNIAL IN 1995

HON. GERALD B.H. SOLOMON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, it’s been my privilege since entering Congress in 1979 to return home nearly every weekend.

That’s not only a wise policy for a Member of Congress, it’s good for a Member’s peace of mind. It’s necessary to get away from this artificial world of Washington, D.C., and get back to the real world where real people have real jobs and raise real families.

Our 22d district is a largely rural area, and it is the tried and true virtues of our small towns and villages that have made this country great, as recognized as early as the 1830’s by French visitor Alexis de Tocqueville. And today, I’d like to single out one of those communities, the Rensselaer County town of Schodack.

Schodack will celebrate its bicentennial in 1995, a celebration that will culminate in a gala-dinner dance on March 18.

Having visited Schodack many times during my 16 years of Congress and 6 years in the State assembly, I can personally vouch for the town’s embodiment of all of those smalltown virtues, the hard work, the patriotism, the spirit of volunteerism and helping one’s neighbor.

Notwithstanding my new duties as chairman of the House Rules Committee, Mr. Speaker, I still intend to return home as many weekends as possible to visit the good people of Schodack and all the other small communities that will always reflect the true heart and true character of America.

Mr. Speaker, I ask you and other Members to join me in congratulating the town of Schodack on this occasion of its 200th birthday.

EMPLOYEE COMMUTE OPTION

HON. DONALD A. MANZULLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. MANZULLO. Mr. Speaker, today is truly a landmark day in the history of this country. On November 8, the citizens spoke out against big government and unfunded mandates.

We have a unique opportunity to curtail many, if not all, unfunded mandates this Congress. One key mandate is the employee trip reduction contained in the Clean Air Act of 1990.

If you thought the electorate was angry in November, wait until they hear about this restriction on their ability to drive their own car to work. The employee trip reduction, known also as the employee commute option, requires businesses with over 100 employees in certain areas to force their employees to carpool to work. Thus, the employee commute option is really a mismatcher, because if the States do not enforce this mandate, they stand to lose much needed highway funding.

In my own State of Illinois, that is $700 million in the balance.

In other words, implement mandated carpooling, or else. That’s not much of an option.

Affected areas are designated “severe” nonattainment regions based on 1987–1988–1989 statistics, even though recent data shows these regions have cleaned-up their air and are in nonattainment.

As introduced, the bill exempts minor league baseball from the scope of its coverage. It may be that the current situation will demand an even stronger response and a broader repeal.

My legislation sends a message to the EPA that the voters voiced back in November—we need common sense and flexibility in the law.

In Illinois, it is estimated that this mandate alone will only reduce air pollution levels by an average of 1 percent. That small percentage has a price tag estimated at $200 million for businesses to enforce. This is a huge price tag, for a very small benefit. There are cheaper and better ways to achieve the same goals, but the States should have the flexibility to figure that out.

Please join me and the many Members who have cosponsored my bill in giving the States back the authority to improve their own air quality. Cosponsor and pass my bill to make the employee commute option truly an option.
enactment of my legislation. While I realize that there are some who wish to concentrate solely on the provisions of the so-called "contract with America" in the first 3½ months of the new session, I would urge all of my colleagues to join with me in moving this to a high priority status so that spring training and the regulator season are not lost to the American people.

We have the opportunity and ability to rescue the national pastime from its current dispiriting condition. Let's not allow this opportunity to pass by or be deferred. I urge all colleagues to join in the effort.

**CREDIT BUREAU REPORTING OF COURT-ORDERED CHILD SUPPORT OBLIGATIONS**

**HON. SANDER M. LEVIN**
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. LEVIN. Mr. Speaker, as this historic 104th Congress convenes, I am reintroducing the Child Support Credit Bureau Reporting Act of 1995, to require all States to participate in a simplified, nationally uniform child-support credit bureau reporting system.

I first introduced this bill in 1994. It is aimed at combating the woefully low rate of child support payments in the United States, without creating a new Federal Government program to do it. Credit bureaus and, through them, individual lenders will know on a monthly basis whether or not parents are fulfilling this most basic obligation. With negligible Federal costs, this bill will begin to get the private sector involved in addressing those adults who don't pay their court-ordered child support.

Children are created by two people, and both of them must accept personal and financial responsibility for raising their children. In broken, or never-formed families, financial responsibility is often defined by court-ordered child support payments. Unfortunately, too many noncustodial parents fail to comply with the court order.

A year ago, I received a letter from a constituent of mine in Warren, MI. This mother of two ran away from her husband, and moved into a shelter for abused women. She writes:

> I have been working as a secretary for almost eight years now, and it still seems that there is never enough money. My ex-husband doesn't even pay the ordered $55 per week, an amount so small it won't even buy them both new shoes or new coats. It won't pay for Little League registration *** and if I saved every penny, it wouldn't put them half way through college. Why does he do this? Because he knew he can get away with it and he says he's right.

Unfortunately, she's not alone. The Office of Child Support Enforcement in the Department of Health and Human Services reports that of $35 billion of cumulative court-ordered child support owed through 1992, $27 billion remains uncollected. In 1992, nearly six million absentee parents made no child support payments at all.

This is simply wrong and my child support credit bureau reporting bill will help to change this.

Very simply, State agencies responsible for child support enforcement will report the status of all child support accounts to the Nation's three major credit bureaus—TRW, Equifax, and Trans-Union. With this information appearing on their credit reports, individual lenders will know on a monthly basis whether parents owe court-ordered child support and whether they are fulfilling this most basic obligation. After all, is a parent's obligation to pay court-ordered child support any less important than that parent's obligation to make a car payment or pay the electricity bill?

Last year, I asked the GAO to survey 16 States, credit bureaus, and some lenders regarding this proposal. I introduced my bill after receiving the favorable GAO report, entitled "Child Support Enforcement—Credit Bureau Reporting Shows Promise," on June 3, 1994. Generally, the GAO found that my proposal can increase child support collections, that it is administratively feasible, and, most importantly, it can be implemented with little cost to either State or Federal governments. In short, over time, my bill will help save money and increase court-ordered child support collections.

Mr. Speaker, we have done nearly all we can in the way of Federal statute; we already mandate tax-refund intercepts, the withholding of court-ordered support from wages, liens on property, and so on. But government cannot do it all alone. It must also reinforce the principle of parental responsibility. My bill will provide private-sector banks, credit card agencies, merchants, and businesses the information they should weigh when making loan decisions. Private sector lenders should attach at least as much importance to a parent's track record for paying court-ordered child support as they do to credit card balances and loan payments. And failure to pay court-ordered child support should carry grave consequences.

Mr. Speaker, if we support family values, then surely this is a sensible and necessary step. Those in the private sector—banks, credit card agencies, and businesses—should put court-ordered child support on the scale when weighing the decision to make a loan. We must send the message that both parents are responsible for supporting their children and that child support is a debt parents cannot afford to ignore.

Mr. Speaker, I ask that a copy of the bill be inserted in the RECORD at this point.

**ALAN ELOGY ASSUMES GRIDIRON PRESIDENCY**

**HON. JOHN M. MCHUGH**
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. MCHUGH. Mr. Speaker, I want to recognize the achievements of a distinguished journalist who has been covering Washington since the days of President Truman. This week, as we seek a new direction for Congress and the country, so too will a new voice guide the well known Gridiron Club. Alan S. Emory, Washington correspondent for the Watertown (New York) Daily Times, assumed the presidency of the Club January 1. He has been that newspaper's Washington correspondent since 1951.

Gridiron is an organization of 60 journalists covering the Nation's Capital. They are well recognized for their annual gala dinner and musical spoof of politics, over which Mr. Emory will preside on March 25.

Mr. Speaker, Alan Emory has crossed many notable milestones in his career—recipient of the Thomas L. Stokes prize for conservation reporting, election to the Society of Professional Journalists, President of his Washington Professional Chapter and member of the Chapter's Hall of Fame—but he is probably most delighted at his elevation to the presidency of Gridiron. He has twice been music chairman of their spring show, a producer ten times and always one of the Club's most prolific writer of lyrics. As a member since 1976 and most recently its vice president, he will be a most capable leader.

Covering Washington politics for more than four decades, Mr. Emory is know as a journalist with the highest of standards. He can be tough on newsmakers but is as fair as they come. What public official could ask for more? And who better to be chief lampooner at the Gridiron?

Mr. Speaker, I join his fourth estate colleagues, his family, particularly his beloved wife, Nancy, and his Capitol Hill friends in congratulating Mr. Emory on his assumption of the Gridiron Club presidency and look forward to his continuing successes through the new year.

**CENTRALIZED AUTOMOBILE EMISSIONS INSPECTION**

**HON. GEORGE W. GEKAS**
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GEKAS. Mr. Speaker, I introduce today legislation to bring a commonsense approach to implementation of the 1990 Clean Air Act amendments. My legislation is designed to accomplish three goals: First, to delay for 2 years the implementation of the enhanced vehicle inspection and maintenance program; second, to require the Environmental Protection Agency [EPA] to reissue regulations for the program; and third, to provide for the redesignation of marginal and moderate ozone nonattainment areas.

This legislation is in response to a consistent trend by the EPA of regulating first and asking questions later. As far back as April 2, 1993, I contracted EPA Administrator Carol M. Browner with regard to a requirement that the Commonwealth of Pennsylvania implement a centralized vehicle inspection program. While I have many concerns with the EPA's Centralized Vehicle Emissions Inspection Program as feel of actually improving air quality, my main concern is over the Agency's Ozone National Ambient Air Quality Standards Report which found 41 of the 98 previously designated nonattainment regions registering ozone attainment for the years 1991 through 1993. Additionally, according to available ozone air studies these regions will again reach attainment in 1994. Had it not been for the inclusion of 1988, a climatological anomaly, in the EPA's 3-year average of ozone non attainment, regions such as Harrisburg and Lancaster, PA, would never have been caught in this bureaucratic web of regulations. In my opinion, the EPA is looking for a problem to regulate which does not exist.
Mr. Speaker, this is a fundamental problem with our Nation's environmental laws and one reason why Americans overwhelmingly voted for reform of our environmental laws through their endorsement of the Contract with America. Two key provisions in the Republican reform package are cost benefit analysis and regulatory reform. We have seen with the superfluous pesticide and clean air regulations a lack of consideration for cost in relation to benefit. For example, as I mentioned above Harrisburg and Lancaster, PA, have met national ambient air quality standards for 3 consecutive years. Nevertheless, these cities have complied with burdensome, regulatory requirements to centralize automobile mobile emissions inspections costing thousands of jobs across the Nation and adding Government cost and bureaucracy to the lives of many Americans. My bill is designed to ease the regulatory requirements of the 1990 Clean Air Act amendments and to direct the EPA to reassess its determination with respect to the centralized program and issue new regulations governing the program.

Mr. Speaker, we all support sensible environmental laws and cherish the natural and environmental laws and one of many Americans. My bill is designed to reduce Government cost and bureaucracy to the lives of many Americans. My bill is designed to ease the regulatory requirements of the 1990 Clean Air Act amendments and to direct the EPA to reassess its determination with respect to the centralized program and issue new regulations governing the program.

Mr. Speaker, we all support sensible environmental laws and cherish the natural and environmental laws and one of many Americans. My bill is designed to reduce Government cost and bureaucracy to the lives of many Americans. My bill is designed to ease the regulatory requirements of the 1990 Clean Air Act amendments and to direct the EPA to reassess its determination with respect to the centralized program and issue new regulations governing the program.

INTRODUCTION OF THE LOBBYING DISCLOSURE ACT OF 1995
HON. JOHN BRYANT OF TEXAS IN THE HOUSE OF REPRESENTATIVES Wednesday, January 4, 1995

Mr. BRYANT of Texas. Mr. Speaker, today, I am introducing the Lobbying Disclosure Act of 1995, a bill to reform the lobby disclosure laws and ban lobbyists' gifts to Members of Congress. This bill is identical to the legislation that the House of Representatives passed on September 29, 1994, by a vote of 306 to 122. The American people need to know whether this Congress will end this distortion of the 104th Congress by co-sponsoring this legislation and begin the process of regulatory reform.

This bill would permanently bar lobbyists from gaining access to Members of Congress by picking up their tabs for meals and entertainment, travel and airfare for what are essentially private vacation trips. It would also ensure that our constituents know how much is being spent to influence the decisions that we are sent here to make on their behalf by closing loopholes in existing lobby disclosure laws.

As my colleagues know, Republicans sought to block consideration of this bill last year and succeeded in killing it with a filibuster in the Senate. But the issue of how private interests seek to influence this chamber cannot be ignored. I urge the Congress to pass this legislation and help to restore the confidence of the American people in this institution.

LEGISLATION PERMITTING EXPORT OF ALASKA'S NORTH SLOPE CRUDE OIL

HON. DON YOUNG OF ALASKA IN THE HOUSE OF REPRESENTATIVES Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to rise to join my colleagues, Mr. THOMAS and Mr. DOOLEY, in introducing H.R. 70, legislation to permit the export of Alaska's North Slope crude oil. For too long, the State of Alaska has been denied the opportunity to export this valuable resource. I look forward to working with the administration to move this bipartisan legislation to create jobs, to preserve a vital element of our domestic merchant marine, to raise State and Federal revenues, and to spur domestic energy production.

To put this proposed legislation in perspective, I think it would be helpful to explain the origins of current law. The export restrictions were first enacted in 1973 during the Arab-Israeli war and the first Arab oil boycott. Follow ing the second major oil shock in 1979, the restrictions were further tightened, effectively imposing a ban on exports. Much has changed since then.

Over half of our imports now come from the Western Hemisphere and Europe. We are less dependent on the Middle East and Africa, but have shifted our purchases from Iran, Iraq, and Libya to Saudi Arabia and Kuwait. Today, U.S. oil supplies are ample and are more diversified. In addition, international sharing agreements are in place and the United States has filled a Strategic Petroleum Reserve with 600 million barrels of crude oil. In short, our Nation is not as vulnerable to the supply threats that motivated Congress to act in the 1970's.

While we have taken the steps necessary to reduce our vulnerability to others, we have not done enough to encourage domestic energy production. In fact, production on the North Slope has now entered a period of decline. In California, small independent producers have been forced to abandon wells or defer further investments. By precluding the market from operating normally, the export ban has had the unintended effect of discouraging further energy production. This legislation is designed to change that situation.

This proposed legislation would require the use of U.S.-flag vessels. Prior proposals would have permitted exports on foreign-flag vessels. Those bills never prospered, in part because they were opposed by the independent U.S.-flag tanker fleet that was built at considerable expense to move the crude oil to market. We have now forged common ground with the maritime industry. Our bill will help preserve this vital element of our merchant marine.

In June 1994, the Department of Energy issued a comprehensive report that concluded Alaskan oil exports would boost production in Alaska and California by 100,000 to 110,000 barrels per day by the end of the century. The sooner we change current law, the sooner we can spur additional energy production and create jobs on the west coast and in Alaska. In fact, Energy Secretary, Hazel O'Leary, is reported as saying in today's Journal of Commerce, which I would like to submit for the RECORD, "I have been strongly in favor of lifting that ban since I have been back in Government. You will see us carrying the initiative and supporting the lifting of the ban." I look forward to working with Secretary O'Leary and administration toward that end.

Mr. Speaker, as we enter a new era in the House, we have an opportunity to enact bipartisan legislation that will create jobs, help preserve our merchant marine, spur energy production, and raise State and Federal revenues. I urge my colleagues to work with me to enact this vital legislation as quickly as possible to achieve these objectives and to enhance our energy security.

[From the Journal of Commerce, Jan. 4, 1995]

O'Leary plans to push to end export ban on Alaskan oil
WASHINGTON.—U.S. Energy Secretary Hazel O'Leary said she plans to push this year to repeal the ban on exports of Alaskan North Slope oil.

Mrs. O'Leary also said she believed a broad coalition supporting the ban's repeal was forming late in the last congressional session and have been strongly in favor of lifting the ban since I have been back in government," Mrs. O'Leary said. "You will see us carrying the initiative and supporting the lifting of the ban" in 1995, she said.

Efforts by Alaska's congressional delegation to repeal the ban died late in the last session.

President Clinton also has indicated he supports the concept of repealing the ban, but that the administration was weighing the issue.

According to an Energy Department study, allowing the oil exports would generate jobs and revenue.

But some West Coast lawmakers opposed lifting the ban, partly fearing higher gasoline prices as less Alaskan oil would move to domestic ports. Labor groups also have opposed lifting the ban because the oil would no longer be forced on U.S.-flagged vessels, but could be carried on international vessels to overseas ports.

There have been proposals to require that the exported oil still be carried on U.S.-flagged vessels, but that could raise international trade problems, U.S. officials have said.

A QUESTION OF MURDER

HON. RANDY "DUKE" CUNNINGHAM OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Wednesday, January 4, 1995

Mr. CUNNINGHAM. Mr. Speaker, I wanted to call my colleagues' attention to a recent commentary from the News-Reporter of San Marcos in the 51st District of California.

My constituent, D.J. Skinner Ross of San Marcos, raises some interesting questions about the recent tragic double murder of the Smith children in South Carolina. I urge my colleagues to read "A Question of Murder," as it offers a unique perspective on this sad case and on the larger issue of ethics in our society.
Mr. Speaker, I commend “A Question of Murder” to the House and ask that it be printed in the CONGRESSIONAL RECORD at this point.

A QUESTION OF MURDER

I’m a little confused regarding some people’s stand on murder; specifically the murder of defenseless children.

The nation, perhaps the world, is horrified and incensed over the killing of the little Smith boys. To learn that the killer was their own mother was almost more than all of us could bear. Many were, and still are, threatening to murder her!

Here is where I’m confused: (1) Where are the “trans” “rights” groups? (2) Where are the “Freedom of Choice” groups? (3) Where is the politically powerful “ACLU”?

Mrs. Smith could use your support during the terrifying, lonely time in her life. Mrs. Smith could use some of the ACLU’s legal backing.

After all, her side of the story is not different now than it would have been five years and seven or eight months ago—or even as recently as nineteen or twenty months ago: these babies were interfering with the life style she wished to follow. They were a nuisance. They were fathered by a man she didn’t love. (A little like “rape”, don’t you agree?)

So I ask all the “Rights” groups, “Where are you now?”

Before these little boys were given names and toys and birthday parties, you would have placed your finger on your podium and shouted obscenities at anyone who would dare to say she did not have the “right” to take their “right to live” away from them.

Where is your courage to defend her now? Nothing has really changed. Those little boys hearts were beating in their mother’s womb every bit as strongly as they were in the cemetery graveyard of that car’s back seat. Their cries for help would have been as soundless in her womb as they were in that sinking car.

The only difference between this murder and the murder of abortion is the sweet defenseless babies killed in the mothers womb drown in the amniotic fluid. These sweet, defenseless babies killed in the mothers womb and the murder of abortion is the sweet defenseless children killed in the mothers womb every bit as strongly as they were in that graveyard.

That’s what Dan Nelson has been doing for a long time, and that’s why he is such a deserving recipient of this major award.

He has found a way to get students to apply their math and science skills in a hand-on manner, and to solve problems in a creative way. Many of his students have won State awards for projects assisted and inspired by Mr. Nelson.

Mr. Speaker, let us today add our own tribute to this remarkable teacher, Daniel A. Nelson of the Shenendehowa Central School District.

THE VOTING RIGHTS OF HOMELESS CITIZENS ACT OF 1995

HON. JOHN LEWIS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. LEWIS of Georgia. Mr. Speaker, as the 104th Congress convenes today, I am pleased to introduce the Voting Rights of Homeless Citizens Act of 1995. The purpose of this legislation is to enable the homeless, who are citizens of this country, to vote. This bill would remove the legal and administrative barriers that inhibit them from exercising that right. No one should be excluded from registering to vote simply because they don’t have a home. But in many States, the homeless are left out. That is not right. That is not fair. That is not the way of this country.

During this century, we have removed major obstacles that prevented many of our citizens from voting. Not too long ago, people had to pay a poll tax or own property to vote. Women and minorities were prohibited from casting the ballot.

Before the civil rights movement, there were areas in the South where 50 to 80 percent of the population was black. Yet, there was not a single registered black voter. In 1964, three young men in rural Mississippi gave their lives working to register black people to vote. Many people shedded blood and many died to secure voting rights protection for all Americans.

Mr. Speaker, I think it is very fitting to introduce this bill today because 30 years ago today, on January 4, 1965, President Lyndon Johnson proclaimed that we “eliminate every remaining obstacle to the right and opportunity to vote.” Eight months later, the Voting Rights Act of 1965 was signed into law, making it possible for millions of Americans to enter the political process.

Our Nation has made progress. But we still have a long way to go to make sure that every citizen is properly represented on Capitol Hill, in the State house, on the city council and on the county commission. I have dedicated my life to ensuring that every American is treated equally and that everyone has the right to register and vote. I ask my colleagues to join me in opening the political process to every American, even those without a home. I urge my colleagues in the House to join with me in co-sponsoring and supporting passage of the Voting Rights of Homeless Citizens Act of 1995.

VETERANS’ HEALTH CARE

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. ORTIZ. Mr. Speaker, today I am introducing a bill that will help to significantly improve the standard of health care provided for our nation’s veterans, specifically those residing in South Texas.

This bill authorizes the establishment of a new veterans’ medical facility in South Texas. Under the provisions of the bill, the Administrator of the Veterans’ Administration (VA) is granted the authority to acquire and construct a medical facility on a suitable site in the Rio Grande Valley in order to more effectively deliver needed medical services to the growing number of South Texas veterans. I am honored that Congressman DE LA GARZA and Congressman TEJEDA, a member of the Veterans’ Affairs Committee, are also original co-sponsors of this bill.

While significant strides are being made in improving both the quality of health care and medical facilities available to our nation’s veterans, significant shortfalls still exist in certain areas. The combination of the growing number of patients served by South Texas VA facilities along with the demographic “aging” of the veteran population is leading to a situation where existing medical facilities are being stretched beyond capacity. Already, patient usage of the VA medical facilities in South Texas has increased. Additionally, the number of elderly veterans in the State of Texas continues to grow, as does their need for medical care.

The situation is exacerbated by the fact that South Texas also receives a steady number of elderly veterans who annually reside in South Texas during the winter months due to the warm climate.

The overburdened state of the veterans’ health care system in South Texas becomes apparent when veterans from the Rio Grande Valley, in particular from my District, must travel over 10 hours to reach the closest Veterans’ Administration hospital. A number of these veterans are physically incapable of driving these distances, and many do not have family members to transport them to these facilities.

Our nation’s veterans deserve the finest health care services available, and the creation of a medical facility in the Rio Grande Valley will be a significant and much needed step towards meeting this obligation. The construction of a medical facility in South Texas is the first step in addressing the critical health care needs of veterans in South Texas.

BRONCHIO-ALVEOLAR CARCINOMA LEGISLATION

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. SMITH of New Jersey. Mr. Speaker, today I have introduced legislation that will

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104th Congress to share it with you.

Mr. Nelson’s former students, many of whom have gone on to distinguished engineering or science careers. Not is it a surprise to anyone else who knows him that he was quick to share the story, indeed, to bestow it all, on his students. Dan Nelson has been a selfless, dedicated teacher at Shenendehowa for 26 years, and he’s one of the reasons the school is recognized as one of the best in the North-east.

Those of us who struggled through science courses in high school can appreciate a teacher who makes science courses come alive. That’s what Dan Nelson has been doing for a long time, and that’s why he is such a deserving recipient of this major award.

While significant strides are being made in improving both the quality of health care and medical facilities available to our nation’s veterans, significant shortfalls still exist in certain areas. The combination of the growing number of patients served by South Texas VA facilities along with the demographic “aging” of the veteran population is leading to a situation where existing medical facilities are being stretched beyond capacity. Already, patient usage of the VA medical facilities in South Texas has increased. Additionally, the number of elderly veterans in the State of Texas continues to grow, as does their need for medical care.

The situation is exacerbated by the fact that South Texas also receives a steady number of elderly veterans who annually reside in South Texas during the winter months due to the warm climate.

The overburdened state of the veterans’ health care system in South Texas becomes apparent when veterans from the Rio Grande Valley, in particular from my District, must travel over 10 hours to reach the closest Veterans’ Administration hospital. A number of these veterans are physically incapable of driving these distances, and many do not have family members to transport them to these facilities.

Our nation’s veterans deserve the finest health care services available, and the creation of a medical facility in the Rio Grande Valley will be a significant and much needed step towards meeting this obligation. The construction of a medical facility in South Texas is the first step in addressing the critical health care needs of veterans in South Texas.

BRONCHIO-ALVEOLAR CARCINOMA LEGISLATION

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. SMITH of New Jersey. Mr. Speaker, today I have introduced legislation that will
add bronchio-alveolar carcinoma to the list of diseases which the VA presumes to be service-connected. This bill is identical to legislation I offered last year (H.R. 4156).

Bronchio-alveolar carcinoma is a rare form of nonsmokers’ lung cancer which strikes otherwise healthy individuals for no known reason. In 1981, it took the life of Dr. Charles McCarthy, a veteran who was a navigator aboard the U.S.S. McKinley during his time in the U.S. Navy in the 1950’s.

In 1955, the McKinley was one of several ships to take part in Operation Wigwam, a secret Navy experiment which tested the effects of an atomic detonation under the ocean floor. The blast produced a mist which enveloped the ships on mission and their crewmen. The Navy refused to even acknowledge the test until 1979, and they still refuse to make public the dangers that the mist produced.

After Mr. McCarthy’s death, his widow Joan applied for benefits through the VA. Unfortunately, she was consistently turned down despite the plethora of information she continued to unearth which confirmed that her husband’s death was a direct result of his service connection.

I became involved with Mrs. McCarthy’s case in 1986 and have been trying to persuade the VA to administratively include bronchio-alveolar carcinoma on the presumed service-connected list. Unfortunately, these requests have been rebuffed. I have been told that the only way to get this done is through legislation.

Last year, VA Secretary Jesse Brown promised me that the Department will support my efforts to pass this legislation. With Secretary Brown’s help and as vice chairman of the Veterans Affairs Committee, I will be working with my colleagues on the committee to ensure that the bill is brought up quickly and passed.

We have held hearings on this matter. I have met personally with Secretary Brown to urge action. The time for talking and debating is over. It is clear that this matter needs to be resolved and the time for action is now.

Joan McCarthy, and the few other veterans who suffer from this mysterious cancer and their families, deserve justice. I urge all my colleagues to strongly support this measure.

**IN HONOR OF MARTIN LUTHER KING, JR.**

**HON. BENJAMIN A. GILMAN**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, January 4, 1995**

Mr. GILMAN. Mr. Speaker, in a few days, Americans will be celebrating the national holiday which honors one of our great patriots and moral leaders, Rev. Dr. Martin Luther King, Jr.

Reverend King was taken from us prematurely over a quarter century ago, at far too young an age, in one of the most heartless, senseless, and destructive crimes in our national history. It is difficult for us to recognize that if his life had not been so tragically snuffed out, Dr. King would have been only 66 years old on his birthday this month.

Although the life of Martin Luther King was cut short, his message is eternal and will long outlive all of us here today. The simple truth that Dr. King worked so hard to make us all recognize is that hatred actually harms the hater more than the hated. The evils of racial injustice, which were a blot on the record of our Nation for far too long, harmed the economy, the morals, and the advancement of white America just as much as it did Black America. The terrible legacy of Jim Crowism and continued racial discrimination which plagued us for well after a 100 years of the Emancipation Proclamation harmed us all, for they not only prevented all Americans from enjoying the full benefits of our society, they also prevented us all from reaping the benefits of the contributions all Americans are capable of making.

By no means should the celebration of Martin Luther King Day be taken as a celebration that we have achieved all we can. In fact, the legacy of racial division and hatred continues to plague us today, in many ways, day after day. No American can truly be satisfied until after all of the barriers of prejudice in our society are removed.

Yet, we can be inspired by the words of Dr. King, who stated: “If you can’t fly, run. If you can’t walk, crawl. By all means, keep on moving.”

Martin Luther King Day is an appropriate time for all Americans to remember that we must continue to move, until the day when all of us are afforded full opportunity, and that none of us have to be concerned that race, color, creed, or ethnic heritage are a hindrance to any individual, or to our Nation as a whole.

Let us free ourselves from hatred, as Dr. King urged, so that we can share the dream he so eloquently shared with all in August of 1963—a dream that some day the descendants of slaves and the descendants of slave holders can sit down and join hands together at the table of brotherhood and proclaim: “Free at last, free at last. Thank God almighty, we’re free at last.”

**INTRODUCTION OF OVERSIGHT LEGISLATION ON PENSION PLAN TERMINATION INSURANCE**

**HON. HARRIS W. FAWELL**

**OF ILLINOIS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, January 4, 1995**

Mr. FAWELL. Mr. Speaker, as we continue this year to celebrate the 20th anniversary of the Employee Retirement Income Security Act of 1974 [ERISA], I want to bring attention to the termination insurance program administered by the Pension Benefit Guaranty Corporation [PBGC]. The PBGC was created in 1974 under ERISA Title IV in order to guarantee the private pension benefits of employees and retirees in the event their company goes bankrupt and leaves their pension plans less than fully funded.

Even though the General Agreement on Tariffs and Trade [GATT] legislation enacted last year included significant reforms of the PBGC termination insurance program, I believe it is essential that we closely monitor how these changes affect defined benefit pension plans and the goals set forth under ERISA for the PBGC. It might also be noted that the changes to PBGC included in GATT only affected the single-employer plan programs and not the multiemployer program.

Over the last few years, a number of reform proposals have been introduced, including recommendations from the Bush administration, the Clinton administration, and those enacted in GATT, and others introduced by former-Representative Jake Pickle. With the passage of PBGC reform in GATT, my Subcommittee on Employee-Employer Relations and the Committee on Economic and Educational Opportunities will take an interest in closely monitoring the PBGC program.

To aid the committee in its oversight of the PBGC termination insurance program, we are today reintroducing past proposals which address both the single-employer and multiemployer defined benefit pension programs. We want to look at these ongoing termination insurance programs in light of these suggestions, as well as other suggestions that we are now asking interested parties to bring to the committee’s attention.

While our introduction today of past proposals, and the introduction in the future of the other proposals that come to our attention, does not constitute endorsement of any particular approach, we think that the various provisions contained in such proposals can serve as a valuable tool to assist the House and the Senate in assessing the progress and effectiveness of the termination insurance programs administered by the PBGC.

The role of defined benefit pension plans and the operation of the title IV termination insurance programs administered by the PBGC constitute an important element of the retirement income security component of our Nation’s private pension system. Given our committee’s historic jurisdiction over employee benefits under ERISA, I think it imperative that we pay close attention to the status of the programs administered by the PBGC and take a long-term view as to how those features of the current law and other proposals will help ensure the long-term soundness of the defined benefit pension system.

The Subcommittee on Employee-Employer Relations of the Committee on Economic and Educational Opportunities also welcomes comments and suggestions regarding the oversight of other aspects of the ERISA pension, health, and other employee benefit programs under its purview.

**THE NATIONAL PARK SYSTEM REFORM ACT OF 1995**

**HON. JOEL HEFLEY**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, January 4, 1995**

Mr. HEFLEY. Mr. Speaker, today I rise to reintroduce the National Park Reform Act of 1995. Except for three small changes, this bill is identical to H.R. 4476, which passed the House by a vote of 421 to 0 last year.

Over the past few months, my friend and colleague, the gentleman from Utah [Mr. Hansen], has generated a great deal of comment in the West by suggesting that some of the Nation’s 368 national parks are not worthy of appointment to the Park Service and that, perhaps, we should look at unloading some of them. His suggestion has not been entirely well received and he is now being charged with trying to destroy the Park System. But, to play the devil’s advocate, hasn’t he got a point?
Over the past few years, Congress has gotten into the habit of willy-nilly creating national parks. So many, in fact, that some of the newest ones have never been funded. While some may not have been created for all the reasons others, some the crown jewels of the National Park System, must bear up under a multibillion backlog. As a result, we have a leaky roof and failing electrical system at Independence Hall in Philadelphia, poor road conditions in Virginia, and a haggard National Park Service ranger living in what NPS Director Roger Kennedy terms “Third-World conditions.” Meanwhile, we have designated park sites without historical merit and have created others more for urban economic development that for preserving the natural and cultural fabric of the United States. Something must change and this bill is a step toward doing that.

The National Park System Reform Act gives the NPS director 1 year to develop a plan to carry the Park Service into the next century—a plan which includes goals and objectives, an inventory of what is represented and criteria for selection and numerical priorities for both urban and non-urban parks. It requires the Park Service to review its holdings, ensures that everything there belongs there and examines alternative forms of management for those that do not. If the Park Service fails to carry out this mission within 1 year, a blue-ribbon panel, similar to the base-closure commission, will be appointed for a 2-year period to develop its own report.

Three changes have been made from last year’s bill, the first, a minor change adding open space preservation to the Park Service study, and two others, dealing with compliance with the National Environmental Protection Act.

I suppose, if one wanted to dwell upon the negative, one could label this a park-closing bill. But that would be ignoring the positive aspects of this legislation. Successful implementation of this bill might result in the closure of a handful of parks and could realize significant monetary savings and would ensure a Park System whose holdings are meaningful—the result of a careful screening process, not political clout. In short, it would ensure that taxpayers got their money’s worth from the Park System.

Could this bill be more stringent? Yes, but it is necessary to be more stringent. There has been some skepticism that the Park Service can clean its own house. That is for the hearing process to decide. But here we have a truly bipartisan bill, the result of sometimes arduous wrangling between the House Natural Resources Committee and the Park Service and between the gentleman from Minnesota [Mr. Vento] and myself. This is as true a bipartisan bill as you are likely to see in your lifetime. If we need a stronger posture, then this bill can be amended. That is what the hearing process is for.

In any event, we must not wait to start.

I strongly urge your support and your cosponsorship.
the area and assure continued public access to these areas. In developing the list, the Commission shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, recreation and heritage organizations, and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(b) Membership and Appointment.—The Commission shall consist of 7 members each of whom shall have substantial familiarity with and understanding of the National Park System. Three members of the Commission, one of whom shall be the Director of the National Park Service, shall be appointed by the Secretary. Two members shall be appointed by the Speaker of the United States House of Representatives and two shall be appointed by the President Pro Tempore of the United States Senate. Each member shall be appointed within 3 months after the expiration of the 1-year period specified in section 102(c).

(c) Chair of the Commission shall elect a chair from among its members.

(d) Vacancies.—Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(e) Quorum.—A simple majority of Commission members shall constitute a quorum.

(f) Meetings.—The commission shall meet at least quarterly or upon the call of the chair or a majority of the members of the Commission.

(g) Compensation.—Members of the Commission shall serve without compensation as such. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with subsistence rates in effect for other employees engaged in government service under section 5703 of title 5, United States Code.

(h) Termination.—The Commission established pursuant to this section shall terminate 90 days after the transmittal of the report to Congress as provided in subsection (a).

(i) Limitation on National Park Service Staff.—The Commission may hire staff to carry out its functions. Not more than one-half of the professional staff of the Commission shall be made up of current employees of the National Park Service.

(j) Staff of Other Agencies.—Upon the request of the Commission, the recreation and Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission to carry out the functions of the Commission as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(k) Experts and Consultants.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be advisable.

(l) Powers of the Commission.—(1) The Commission shall have the power to carry out this title, hold public hearings, and act at such times and places as the Secretary may prescribe, and receive such evidence as the Secretary deems advisable.

(2) The Commission may make such by-laws, rules, regulations, or other actions, consistent with this title, as it considers necessary to carry out its functions under this title.

(3) When so authorized by the Commission any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(4) The Commission may use the United States mails in the manner and upon the same conditions as other departments and agencies of the Government, and the revenue from such use may be deposited in the Treasury and credited to the Commission.

(5) The Secretary shall provide to the Commission any information available to the Secretary and requested by the Commission regarding the Commissioner, the Superintendent, and any other information requested by the Commission which is relevant to the duties of the Commission and available to the Secretary.

SEC. 104. NEPA.

The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the preparation of any report pursuant to section 102 or 103 of this Act.

TITLE II—NEW AREA ESTABLISHMENT

SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of the Act of August 18, 1970, entitled "An Act to improve the Administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" (16 U.S.C. 1a-1 and following) is amended as follows:

(1) By inserting "Commission," after "the Secretary"

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last sentence of subsection (a) as subsection (e) and inserting in the designation for that subsection the following: "(e) AUTHORIZATION OF APPROPRIATIONS."

(4) By striking subsection (b).

(5) By inserting the following after subsection (a):

(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, an annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and projects which have already represented in the National Park System Plan to be developed under section 101 of the National Park System Reform Act of 1994. No study of the potential of an area for inclusion in the National Park System may be initiated before the date of enactment of this section, except as provided by specific authorization of an Act of Congress. Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential areas, and provide technical assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys, but requiring a total expenditure of less than $25,000. Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment designated as part of the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

(c) Report.—The Secretary shall complete the study for each area for potential inclusion into the National Park System within 3 complete fiscal years following the date of enactment of this Act.
Toys for Tots program is one which we should all support. The Toys for Tots was started in 1947 by Major William Hendricks in Los Angeles County. He began the program through the Marine Corps Reserve when he saw that there was no other program which provided toys for children on Christmas morning. The program expanded throughout the country just one year later. Today, having provided toys to over 100 million children since its inception, Toys for Tots reaches across the world. The Marine Corps Reserve has carried forth its motto of Semper Fidelis—"Always Faithful"—to its support for children.

No national program becomes successful without the active involvement of key people in each locality. Sergeant Greenleaf has done an outstanding job of running the program in my home county, Bay County, since 1980. That first year he helped bring smiles to 263 children, and last year helped bring more than 24,500 toys to nearly 6,500 children. He did this as a volunteer, in addition to his duties as a Bay City police officer.

And at this time of year, he puts in enough hours to rival Santa himself, as he pulls double duty both as a police officer and the hours necessary to make Toys for Tots the continuing success that it is. His belief that no child should wake up Christmas morning without a smile is a philosophy that all of us should support.

Toys for Tots is a wonderful program that is in many of our home communities. I urge all of our colleagues to actively support this annual campaign and make sure to provide an extra thank you to Gunnery Sergeant Robert K. Greenleaf and his colleagues responsible for each of these local programs.

THE JOB CREATION AND WAGE ENHANCEMENT ACT

HON. BILL ARCHER
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. ARCHER. Mr. Speaker, today I am proud to introduce the Job Creation and Wage Enhancement Act. This bill is an important component of the Contract With America.

For the past several decades, Federal taxes, regulations, and mandates have increasingly limited job creation, suppressed wages, and stifled economic growth. This bill is an important step in reversing this trend.

The Job Creation and Wage Enhancement Act would cut taxes and government redtape. It recognizes that the way to unleash the American economy is by lowering taxes and getting government out of the way.

First, the bill would cut taxes on capital gains. Investors who sell a capital asset would have a 50-percent capital gains deduction. In addition, capital assets would be indexed for inflation, ending the unfair practice of taxing gains due to inflation. Taxpayers who sell their homes at a loss could deduct that loss as a capital loss.

Second, the bill would increase depreciation deductions for business equipment. Currently, depreciation deductions do not allow businesses to recover the true economic cost of their business investment. The bill would increase depreciation deductions to approach the economic equivalent of expensing. The bill would also increase to $25,000 the amount a small business could expense annually.

The bill would also raise the current estate and gift tax exemption equivalent to $750,000. It would also clarify the home office deduction in instances where the taxpayer conducts essential administrative or management activities in his or her home.

The bill also would empower taxpayers to allocate a portion of their tax liability to a public debt reduction fund. These funds would be strictly earmarked for national debt reduction. Under the law, Congress would be required to cut spending equal to the amount designated by taxpayers. If these cuts are not realized, an across-the-board sequester would be imposed.

Significant regulatory relief would also be provided by the bill. Federal agencies would be required to assess the risks and cost of regulations they impose. Federal agencies would be forced to announce the cost of their policies and to complete regulatory impact analyses.

Congress doesn't get off the hook either. Congress would be required to report the cost of mandates it imposes on State and local governments.

The bill would reduce the paperwork burden imposed on American businesses by 5 percent and limit the government's ability to impose undue burdens on private property owners.

Since I was first elected to Congress, I have been fighting for capital gains tax relief and other savings and investment incentives. This bill provides these incentives. It lowers taxes on investment and reins in government regulation to create additional jobs, raise wages, and recognize private property rights.

Last November, the voters told us that they wanted lower taxes and less government. This bill, along with other bills in the Contract With America, provides just that.

INTRODUCING THE UNFUNDED MANDATE REFORM ACT OF 1995

HON. WILLIAM F. CLINGER, JR.
OF PENNSYLVANIA

HON. THOMAS M. DAVIS
OF VIRGINIA

HON. ROB PORTMAN
OF OHIO

HON. GARY A. CONDIT
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. CLINGER. Mr. Speaker, today we are introducing legislation to help end the practice of Congress imposing crippling mandates on State and local governments without knowing the cost of such mandates or providing the funding to carry them out. For too long, Congress has imposed its own agenda on State and local governments without taking any responsibility for the costs. And the costs are staggering—in 1993, unfunded Federal mandates cost States tens of billions of dollars, counting approximately $4.8 billion, and cities $6.5 billion. But cost is just the full story. Unfunded mandates force State and local governments to reduce vital services and/or increase taxes, revamp their budgets and reorder their priorities. This is not the kind of Federal-State-local government partnership the Founders envisioned. We need a new kind of federalism.

Our bill, the "Unfunded Mandate Reform Act of 1995," requires authorizing legislation containing a mandate on State and local government to provide a Congressional Budget Office estimate of the costs of such mandate. Any mandate imposing annual aggregate costs of $50 million or more on State and local governments would be subject to a vote on the House floor and, unless a majority of Congress overrides a point of order, the mandate must be funded or those mandates will not become effective. Alternatively, an authorizing committee may reduce the programmatic or financial responsibilities of State and local governments consistent with the level of Federal funding that can be provided. Any mandate that does become effective in 1 year shall be repealed at the beginning of the first fiscal year for which funding has not been provided.

This mandate relief legislation also requires each agency to assess the effects of Federal regulations on State and local government and the private sector and to authorize regulatory burdens imposed by such mandates. Federal agencies must prepare, under our legislation, statements describing, among other things, the costs and benefits of mandates to State and local governments and to the private sector. This is designed to make the regulatory process more sensible and accountable.

Although the mechanisms in our legislation apply to prospective mandates, we have also created a commission to review all existing mandates for purposes of streamlining or eliminating those that no longer make sense. The Commission on Unfunded Federal Mandates will make recommendations to the Congress within 1 year of its formation.

Currently, Members of Congress consider legislation containing unfunded mandates without any information on their cost to State and local governments and the private sector, without a separate debate in committee and on the House floor and without recorded votes on the issue. As a result, there is no honesty in the process, no accountability for this irresponsible practice. Our legislation will change all that. It will also establish a sensible and long-overdue rule that Congress shall not impose Federal mandates on State and local governments without providing adequate funding to comply with such mandates.

PLAY BALL

HON. PAT WILLIAMS
OF MONTANA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. WILLIAMS. Mr. Speaker, big league ballplayers, major league team owners: play ball!

Today, we are witness to a collective bargainng impact that endangers not only the 1995 season but the game as we know it. I have today introduced legislation to provide mandatory and binding arbitration if the parties fail to reach agreement.
Collective bargaining in this country works very well. The public, through their government, should intervene only in a crisis. We now have reached a crisis in the well-being of our national pastime.

INTRODUCTION OF THE REGULATORY SUNSET ACT OF 1995

HON. JIM CHAPMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. CHAPMAN. Mr. Speaker, today I am pleased to introduce the Regulatory Sunset Act of 1995. This legislation, which I first introduced in the 103d Congress, will put a framework in place to curb the excessive costs of both current and future federal regulations. The concept is simple.

Regulations which are obsolete, inconsistent, duplicative, or impede competition will be abolished. Not only will future regulations, which cause an unnecessary burden be affected, but the thousands of existing regulations would be placed under intense review and scrutiny by the Regulatory Sunset Act of 1995. As the 104th Congress begins the process of reviewing the Federal regulatory system, it is important that this combined focus not be forgotten.

This issue of Federal regulatory reform has not been born overnight. Since 1978, each administration has tried to curtail the impact of Federal regulations. Unfortunately, these attempts have not made much of a difference as total regulatory costs exceed $500 billion annually. This burden on the American taxpayer must be reduced, and the only way to effectively do that is to take a serious look at existing regulations.

I believe my legislation achieves the goal of reducing excessive existing regulations, while ensuring future regulations are not overburdensome. The Regulatory Sunset Act of 1995 will mandate the automatic termination of agency regulations that do not measure up to criteria outlined in the bill. All existing regulations will sunset in 7 years unless reauthorized and new regulations promulgated after enactment of this bill will be subject to a three year sunset unless reauthorized. Once a regulation has been reauthorized, it will be subject to continuous review every 7 years thereafter.

The bill also establishes a Regulatory Sunset Commission that will review agency recommendations on regulations and has the final authority over whether regulations should be continued, terminated, or modified. If the Commission recommends modification of a regulation, it provides time for agencies to make appropriate modifications so the regulation can then be continued.

While certain Federal regulations are necessary to meet statutory requirements and protect the environment and health and safety of individuals, these regulatory burdens have impacted our ability to ensure an expanding economy. It is past time to address regulations that have unintended adverse impacts. I urge my colleagues to cosponsor the Regulatory Sunset Act of 1995 and join me in taking a new approach to reforming our regulatory program.

INTRODUCTION OF THE GUN BAN REPEAL ACT OF 1995

HON. JIM CHAPMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. CHAPMAN. Mr. Speaker, today, I am introducing—along with 21 original cosponsors—the Gun Ban Repeal Act of 1995. I encourage Members to join us in cosponsoring this important legislation.

As you know, the 103d Congress enacted the ban on so-called assault weapons and certain ammunition feeding devices by the narrowest of margins. The Gun Ban Repeal Act of 1995 was introduced, but misguided, approach to combating gun violence in our society.

My legislation will delete from Public Law the provisions which outlaw the specified firearms and ammunition feeding devices. This bill will effect no other provision of the Violent Crime Control and Law Enforcement Act of 1994, and it will do nothing to hinder the ability of the House to enact new crime control legislation. The Act simply serves as the proper vehicle for the majority of the membership of the House—both Republicans and Democrats—to remove the most objectionable gun control measures enacted by the previous Congress.
Mr. BAKER of California. Mr. Speaker, remarkable Americans deserve recognition by the Congress, which is why I am glad to honor Dr. Stephen K. Robinson for his recent selection as a mission specialist for future flights of the Space Shuttle by the National Aeronautic and Space Administration.

Dr. Robinson is a 1973 graduate of Campolindo High School in Moraga, which is located in my District in the East Bay area of California. Currently a research scientist in the Fluid Mechanics and Acoustics Division of NASA’s Langley Research Center in Hampton, VA, Dr. Robinson will serve as one of several mission specialists on future Space Shuttle flights. He will relocate to Houston in March of next year to begin 1 year of training at the Johnson Space Center, during which he will learn how to operate and integrate the dozens of systems used on the Shuttle.

Dr. Robinson graduated from the University of California, Davis in 1978 with a degree in mechanical/aeronautical engineering. He went on to obtain masters and doctorate degrees in mechanical engineering from Stanford University. Dr. Robinson’s parents, William and Joyce Robinson, continue to reside in Moraga.

Mr. Speaker, Dr. Robinson deserves high praise for being chosen in a very competitive process. His appointment is testimony to his diligent pursuit of professional excellence, and I am pleased to commend this outstanding East Bay native for his contributions to our country.

HONORING THE GREENPOINT LIONS CLUB AND BUD MADDEN

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the Greenpoint Lions Club, and its newest Melvin Jones Fellow, Bud Madden.

The Greenpoint Lions Club was organized on December 1, 1939, and sponsored by the Brooklyn Lions Club. Past presidents of the Greenpoint Lions Club are practically a Who’s Who of Greenpoint.

The Greenpoint Club is one of more than 60 area clubs, comprising a district which includes Brooklyn and Queens. This district is part of a larger district covering New York State and Bermuda. The local district joins with other clubs in 178 counties and geographic areas, making the Greenpoint Lions Club a member of the largest service organization in the world.

Every year the Club raises money and names a Melvin Jones Fellow to help fulfill its motto, “We Serve.” And who have they served? The Lions give their steadfast support to the YMCA, Greenpoint Volunteer Ambulance Corps, Little League, Polish National Alliance, churches, Scouts and the local police department, parks and playgrounds. Others in need only have to ask.

The club has recently sponsored the Toys For Tots program, providing gifts, clothing and toys at holidays throughout the Greenpoint community. In addition, old eyeglass collection boxes have been filled many times, adding to the club’s spirit of service to the needy. Melvin Jones Fellowships continue to grow because of its outstanding contributions, especially to “Campaign Sight First.”

I ask that my colleagues join me in saluting the Greenpoint Lions Club and Bud Madden for all of the wonderful work they do. Their tremendous community spirit and efforts to improve the lives of those in need is an inspiration to us all.

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mrs. Rose White, a prominent member of the Third Congressional District of Illinois, who celebrated her 80th birthday on December 9, 1994. I would like to share with my colleagues the notable accomplishments that have highlighted Mrs. White’s life.

Rose White was born of immigrant parents in Chicago, IL on December 9, 1914. Growing up as one of nine brothers and sisters during the Great Depression, Rose learned the value of hard work and family unity. She demonstrated her commitment to work and family during the Second World War when she juggled both a factory job and three young children while her husband fought the war overseas. After the war, in 1947, Rose and her husband became homeowners and settled with their four children in the Garfield Ridge community on the southwest side.

In addition to being a model homemaker and mother, Rose has always been an active member of the Garfield Ridge community. Her membership in the Democratic Club of Garfield Ridge led to her career as a Judge for the Board of Education at the 23rd Ward, a position she has held for 35 years. Rose is also a member of other various community organizations. For example, Rose is a member of the Garfield Ridge Civic League and has held the offices of Treasurer and Membership Chairperson. She has served as treasurer of the Garfield Ridge Council of Organizations during her 10-year membership. She is a welcome member of the American Legion Auxiliary and local VFW. In the past she has served as an advisor to the Junior Auxiliary of the American Legion and was an active member of the Byrne and Kinzie Elementary School Parent Teacher Organization. Plus, in her spare time, Rose relaxes with the Garfield Ridge Garden Club and volunteers at the Regional Veterans Administration Hospital.

Rose has filled her 80 years of life with family, friends, hard work, dedication, and service to her country and community. She is a model citizen and deserves to be commended for her outstanding accomplishments. I am sure that my colleagues would like to join me in congratulating Mrs. Rose White on her 80th birthday and encourage her to continue in all her endeavors. With best wishes I hope that Rose’s life continues to be an adventure and offers her many more pleasant memories.

HON. JAMES A. TRAFICANT, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, the game of baseball has provided Americans of all ages with a source of entertainment since the first professional game was played in 1869. It truly is the American past-time. But in recent years ugly labor disputes have tarnished the game and hurt baseball fans. One of the reasons why the players have felt compelled to go on strike—including the present strike action—is that the baseball owners are exempt from U.S. antitrust laws.

As a former athlete from the University of Pittsburgh, and a staunch supporter of all working people, I believe that this is a detriment to the great game of baseball. The anti-trust exemption has denied the players the same bargaining tools and leverage currently enjoyed by other professional athletes. While I won’t even attempt to characterize athletes whose average salary is well over $500,000 a year as victims, they should be afforded the same rights and bargaining opportunities as other professional athletes.

Clearly, the American people aren’t concerned with the details of the dispute. They don’t care about salary caps, free agency or arbitration. All they want is for the bickering and posturing to end, and for the umpires to yell “Play Ball!” Since the players went on strike last August, all efforts to mediate the dispute have failed. Clearly, the owners have indicated that they no longer have the best interests of baseball in mind and they have lost the trust Congress placed in them back in 1922 when they moved to exempt Major League Baseball from U.S. anti-trust laws. Removing this exemption may be the only way to end the strike and save the 1995 season.

That’s why today I am introducing the Professional Baseball Antitrust Reform Act of 1995. This bill provides that professional baseball teams and leagues composed of such teams shall be subject to all antitrust laws.

The bill also states that the Congress finds the business of organized professional baseball is in, or affects interstate commerce, and therefore the existing antitrust laws should be amended to reverse the result of the decisions of the Supreme Court of the United States, which exempted baseball from coverage under those laws.

In introducing this legislation, I am not professing to take sides in the dispute. I believe both parties share some of the blame for the sorry state of the game of baseball. My desire is to force the union and the owners to sit down negotiate in good faith, and come to an agreement that both sides can live with. Professional football and basketball are both subject to U.S. anti-trust laws. Interestingly enough, both sports are doing extremely well financially, both sports have salary caps—and
Mr. Speaker, I urge all of my colleagues to co-sponsor the Professional Baseball Antitrust Reform Act of 1995.

THE INTRODUCTION OF H.R. 16
HON. JOHN D. DINGELL OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995
Mr. DINGELL. Mr. Speaker, half a century ago, my father introduced into the House a bill providing for a program of national health insurance. In each of the past 18 Congresses I have introduced this bill, both as a testament to the wisdom of the 1943 Murray-Wagner-Dingell bill and as a hopeful harbinger of an enlightened change in our Nation's approach to health care. In almost every decade since, hopes were high that such a program might be enacted.

The bill contains the seeds of the essential elements of a viable national plan: Universal coverage, cost containment, malpractice reform, and a fair financing system that puts competitiveness first.

For fully 40 years, the introduction of this bill has reminded us of the justice, wisdom, and necessity of national health insurance. The consequences of our inaction are apparent.

Mr. Speaker, I urge all of my colleagues to co-sponsor the Professional Baseball Antitrust Reform Act of 1995.

HONORING THE LIFE OF ELIZABETH GLASER
HON. CAROLYN B. MALONEY OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to one of the most incredible women I have ever known; and to mourn her premature death.

On December 4, Elizabeth Glaser’s life was cut short by complications from the AIDS virus. Infected from a blood transfusion, Elizabeth dedicated the last years of her life to heightening our awareness of this horrible disease. Elizabeth inspired us all when she spoke at the 1992 Democratic national convention about her experiences. In a speech which moved all those who saw it, she pleaded with the world not to forget about the youngest victims of AIDS, including her two children.

Struck by the lack of attention to children affected by the HIV virus, Elizabeth helped found the Pediatric AIDS Foundation. Dedicated to the memory of her first daughter Ariel, this foundation raised millions of dollars for pediatric AIDS research, and has provided support to dozens of children and families affected by the disease.

But more than anything, Elizabeth taught us that life’s joy does not have to end, even under the most horrible of circumstances. Try as it might, AIDS never robbed Elizabeth of love for life, nor her desire to help those in need. Speaking about her daughter, Elizabeth once said, “She taught me to love when all I wanted to do was hate. She taught me to help others when all I wanted to do was help myself.”

Mr. Speaker, I would ask that my fellow colleagues not forget the lessons of Elizabeth Glaser, and to join me in sending our deepest condolences to her husband Paul and son Michael. We have a responsibility to fight this horrible disease on all fronts, and to never abandon its victims. Elizabeth Glaser helped us realize this fact, and now it is our job to carry her legacy forward.
Patrols, and development of an industrial park day care center.

Mr. STIBICH. Mr. Speaker, I rise today to pay tribute to Mr. John T. Stibich, a gentleman whose extraordinary humanitarianism and dedication to the development of democracy and capitalism in the Russian Republic is truly commendable. As founder of the Krieble Institute, Bob Krieble has committed his vast expertise and resources to teaching the people of the Russian Republics the fundamentals of success in a competitive capitalism.

In one after another of the world's backward nations 'white missionaries' are being excluded. Krieble's capitalistic crusaders are welcomed everywhere.

While government agencies imagine that a transference of dollars will resurrect democracies which never were, Bob Krieble and his fellow 'ambassadors' are sharing their lifetimes of experience in the spawning and caring for competitive capitalism.

Mr. Speaker, I rise today to pay tribute to Mr. John T. Stibich, former chief of detectives with the Chicago Police Department, who retired this month after 38 years of service. Mr. Stibich has provided over the past 38 years. Because of the efforts of dedicated individuals who, like Mr. Stibich, place the safety and well-being of others above their own, our Nation is a better place to live. I thank him for a job well done.

Mr. Speaker, a short time ago, remarks entitled "The cold warriors" were delivered by radio commentator Paul Harvey in recognition of the philanthropy of Bob Krieble. This piece was broadcast on over 2,000 radio stations, including the ABC radio network. I respectfully submit this commentary and request that it be entered into the RECORD.

The Cold Warriors
Radio Commentary of Paul Harvey

The Cold War did not end by default. It was fought and won by the persistent efforts of some uncommon Americans.

The late Jerry Wiesner was a casualty of that war. His shuttle diplomacy resulted in a stroke which should have killed him. Bob Krieble's Institute since trained more than 10,000 students from the former Soviet Empire in how to start a business, how to distribute goods and services, how to run a public office.

Bob Krieble is banking on this training and dispatch of pragmatic missionaries mostly out of his own pocket.

His Krieble Institute has since trained more than 10,000 students from the former Soviet Empire in how to start a business, how to distribute goods and services, how to run a public office.

Bob Krieble was seventy—what many consider self-pity-pot and get on their feet and reach for the stars.

TRIBUTE TO BOB KRIEBLE
HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Bob Krieble, a gentleman whose extraordinary humanitarianism and dedication to the development of democracy and capitalism in the Russian Republics is truly commendable. As founder of the Krieble Institute, Bob Krieble has committed his vast expertise and resources to teaching the people of the Russian Republics the fundamentals of success in a competitive capitalism.

In one after another of the world's backward nations 'white missionaries' are being excluded. Krieble's capitalistic crusaders are welcomed everywhere.

While government agencies imagine that a transference of dollars will resurrect democracies which never were, Bob Krieble and his fellow 'ambassadors' are sharing their lifetimes of experience in the spawning and caring for competitive capitalism.

The "way of life" which has prospered us above all others is being introduced to a generation that had been taught that capitalism was their enemy.

Bob Krieble will tell you that his efforts are not entirely altruistic. With the awesome weapons now available he does not want his grandchildren to live in fear of incineration.

And so he goes... Airliner to airliner carrying his luggage. Shutting around the world in a tedious pilgrimage. Educating all who will listen get off the self-pity-pot and get on their feet and reach for the stars.

TRIBUTE TO JOHN T. STIBICH
HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mr. John T. Stibich, former chief of detectives with the Chicago Police Department, who retired this month after 38 years of service. I would like to share with my colleagues Mr. Stibich's numerous accomplishments and the achievements which made him an invaluable member of the Chicago Police Department.

Mr. Stibich became a Chicago police officer after serving 4 years in the U.S. Navy. He started as a patrol officer in 1956 and was quickly promoted into the detective division.

Throughout history, the U.S. flag has been revered as the embodiment of the liberty and freedom which have become the hallmark of our Nation. This casual treatment of our Nation's most revered symbol is now constitutionally protected conduct.

The Court based its decision on first amendment freedom of expression. I believe strongly in the first amendment and its protections, but there are recognized exceptions to the first amendment. Not every expressive conduct is protected. Libel and slander, obscenity, copyright and trademark laws, classified information, and perjury are but a few acts of expression which fall beyond the first amendment. So, too, should flag-burning fall beyond the first amendment. To paraphrase Chief Justice Rehnquist, flag burning is a grunt which is designed not so much to communicate but to antagonize.
5½ years have passed since the Johnson decision will not lessen enthusiasm for protecting Old Glory. I strongly urge my colleagues to join me in passing a constitutional amendment which would give the States and the Federal Government the authority to prohibit desecration of the American flag.

TRIBUTE TO DR. RUSSELL KIRK

HON. DAVE CAMP
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 5, 1995

Mr. CAMP. Mr. Speaker, I rise on this historic day to honor a man whose life was devoted to educating and promoting excellence in others. For over 40 years, Dr. Russell Kirk of Mecosta, MI, one of the leading conservative thinkers, was a beacon of light in a confused and muddled world. The sadness of his passing is tempered only by his tremendous contributions to academics and philosophy. His writings and lectures enlightened, educated, and entertained the many people who read his essays or attended his speeches. His ideas and the insights that they generated will be felt for generations.

Dr. Kirk received his bachelor’s degree from Michigan State University and his master’s degree from Duke University. He had a distinguished career as a scholar, philosopher, and educator during which 13 universities conferred upon his honorary doctorates. Dedicated to the truth and a firm believer in its power and boundaries, Russell sought to promote verity through his many writings as well as debate and discussion.

Dr. Kirk was a great scholar and a strong advocate of education. He authored over 30 books and hundreds of political essays which helped define the conservative movement. As founder and editor of the “University Bookman,” Dr. Kirk provided a forum for ideas and debate and served to educate readers while constantly seeking the truth.

Dr. Kirk’s books and essays received high critical acclaim throughout the world and have sold over 1 million copies. Personally lecturing at nearly 500 colleges and universities, he sought to challenge students in order to open their minds to new ideas. His landmark publication, “The Conservative Mind,” published in 1953, stands as a benchmark for conservative ideas and sparked the conservative movement which continues to influence leaders today.

During his career, Dr. Kirk received various honors such as the presidential citizens medal, which was conferred upon him by President Ronald Reagan in 1989, as well as the Ann Radcliffe Award of the Count Dracula Society for his gothic fiction. He was also honored as the only American to earn the highest arts degree of the senior Scottish University and served as the president of the Wilbur Foundation, the educational reviewer, Inc., and as editor of the library of conservative thought for transaction books. In addition, he was a guggenheim fellow and a distinguished scholar of the heritage foundation. Russell was a quiet man whose commitment to his family and friends. He and his wife, Annette, worked side by side as editors of the “University Bookman” while raising four daughters who continue in his excellent tradition. His dedication to education and commitment to family are the cornerstones of our nation.

Over the years, Dr. Kirk enjoyed success professionally as an academic and as a published professional in pursuit of knowledge and wisdom and privately as a husband and father. He served his fellow academics well and many of them have moved on but continue the pursuit of truth, justice, order, and freedom. His family continues to grow and pursue his love of education and debate.

It is work such as Dr. Kirk’s that inspires us all to achieve the best we can, and to promote these qualities in others. Mr. Speaker, I know you will join my colleagues and I in honoring the work of Dr. Russell Kirk and the legacy of ideas and discussion he has left for us all.

INTRODUCTION OF TAOS BOTTLENECK LEGISLATION

HON. BILL EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, I would like to bring to your attention legislation that I am introducing today to correct a little-known provision in the tax code that has caused a great deal of hardship and frustration to certain farmers in this country. To make matters worse, this tax provision occurred at a time when the 1970s and 1980s saw farm owners experiencing hard times economically due to the farm crisis of that period. Today, I am introducing legislation proposing that the effective date of section 13208(b) of the consolidated omnibus budget reconciliation act of 1985 [COBRA] be changed from 1981 to 1978.

Varying domestic and international economic conditions in the late 1970s and early 1980s contributed to the worst farm crisis this country has seen since the Great Depression. Many farmers, through no fault of their own, were forced into insolvency. During this time, there was speculation that the family farm would soon become extinct, and that the face of American agriculture would be forever changed.

Farmers who became insolvent were often forced to sell their farms under foreclosure. All of the proceeds of the sale went to the creditors; sometimes, despite the sale of the farm, they remained in debt. Yet the sale of the farm was treated as a preference item and, therefore, triggered the alternative minimum tax [AMT].

As we know, Congress enacted the individual AMT in 1978 to take effect January 1, 1979. The AMT applied to all capital gains regardless of whether the sale was voluntary or involuntary. What this meant for insolvent farmers was that they were suddenly hit with a large tax bill that they owed—a bill they could not pay—on what may be termed as “ghost income.”

Congress recognized this gross inequity in the tax code and the provision was amended in the 1985 COBRA law. Farmers who sold or transferred their farms to their creditors in order to cancel their debt were allowed to reduce the amount of their tax preference. However, for some reason, the law afforded relief only to land transfers made after December 31, 1981.

This effective date left a 3-year open window, from 1979 through 1981 during which the farmer who suffered the misfortune of bankruptcy in December 1981 was in a very different and difficult position than the farmer who held on for just 1 additional month. The latter individuals are covered by COBRA’s relief; the former individuals suffer the burden of an unfair tax.

According to an estimate from the joint committee on taxation, enactment of this date change would cost less than $5 million. This is a proposal which would be enacted in the interest of fairness.

ALTERNATIVE MINIMUM TAX LEGISLATION

HON. BILL EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 5, 1995

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According to an estimate from the joint committee on taxation, enactment of this date change would cost less than $5 million. This is a proposal which would be enacted in the interest of fairness.
only tribal access to the area for the specific activities, consistent with the Wilderness Act, which I have just described.

In the past, this legislation has been supported by the entire, bipartisan New Mexico congressional delegation and by a broad coalition of environmental organizations including the Wilderness Society, the Audubon Society and the Sierra Club at the local, State and national levels.

This legislation has been passed by the full House in previous Congresses, yet never enacted into law. Throughout this period, the Taos Pueblo has continued to suffer the indignity of these restrictions on their sacred land. It is time to put this long, sad story behind us by enacting this legislation. It is time to return the bottleneck to the Taos Pueblo people.

I look forward to working with my colleagues on both sides of the aisle and in both Chambers to ensure that this saga is brought to an end and this bill is enacted into law in the 104th Congress.

The full text of the bill follows:

H.R. —

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

SECTION 1. LAND TRANSFER.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled “Land Acquisition for Pueblo de Taos—proposed” and dated September 1994, comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) PERFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) COMPLETION OF TRANSFER.—The Congress finds and declares that the lands to be held in trust are in part of the Pueblo de Taos Reservation under this section complete the transfer effected by section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

SCHOLARSHIPS NEED TAX EXEMPT STATUS

HON. BILL EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, teachers in every State compete annually for the prized Christa McAuliffe Fellowship. This prize, named after the teacher who gave her life in the explosion of the space shuttle Challenger, was created by Congress in 1986. The fellowship is given to outstanding teachers across the country to improve their knowledge and teaching skills and to use innovative methods in their classrooms to teach their children.

When the Congress created the Christa McAuliffe Fellowship, it had the good sense to exempt these moneys from taxation: The fellowship is not truly personal income and it should not be treated as such. Moreover, if the fellowship is treated as personal income, it could well push the recipient into a higher tax bracket than he or she would normally fall.

For some reason, we allowed the tax exclusion of the Christa McAuliffe Fellowship to expire in 1990. Thus, if a teacher receives a fellowship and devotes those funds to school projects, he or she must pay the taxes out-of-pocket. One recipient told me she did not know of the tax implications at the time she applied for the fellowship. Had she been aware of the personal costs she would incur, she would have seriously reconsidered applying for the fellowship in the first place.

Today, I am introducing legislation to restore prior law and once again exclude the Christa McAuliffe Fellowship from the recipient’s income. Taxing these fellowships doesn’t help teachers, it doesn’t help students, and it doesn’t help education as a whole.

FOOD STAMP PROGRAM SHOULD MEET NUTRITIONAL NEEDS

HON. BILL EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, today I am introducing legislation that would allow people who use food stamps to balance their diets and purchase vitamin and mineral nutritional supplements.

While it is possible to get adequate levels of most nutrients through careful selection of foods, the fact is that most people don’t. The facts speak for themselves. A Government survey of 21,000 people showed that not a single person obtained 100 percent of the recommended dietary allowance [PDA] for each of the 10 nutrients. The National Cancer Institute recommends that people eat at least five servings of fruits and vegetables a day, but less than 10 percent of the U.S. population actually consumes five servings of these protective foods daily.

Last year, with overwhelming public support, the Congress passed the Dietary Supplement Health and Education Act of 1994. This legislation was necessary to protect consumers’ right of access to safe dietary supplements. Because of the growing scientific evidence of important health benefits from supplements, both established and potential, I believe food stamp recipients should be allowed the same access as other Americans to supplements containing essential vitamins and minerals.

Of course, the Food Stamp Program is our Nation’s first line of defense against hunger. Each month, approximately 27 million low-income Americans rely on the Food Stamp Program to meet their basic nutritional needs. The purchase of vitamin and mineral supplements would complement the healthy and nutritious foods currently bought by food stamp recipients.

Vitamins and minerals are essential nutrients needed for good health and many vital functions. They can be found in conventional foods, either naturally or through fortification and enrichment, and in the form of supplements. Many millions of Americans use vitamins and mineral supplements every day. However, people who rely on food stamps to purchase their daily sustenance are not allowed to use their food stamps for supplements.

My legislation is simple and would permit vitamin and mineral supplements to be purchased with food stamp coupons. I view this legislation as a positive step forward in providing low-income Americans greater flexibility in meeting their nutritional needs through the use of wholesome and healthful vitamin and mineral supplements. I urge all of my colleagues to take a close look at this legislation and consider the positive health benefits that vitamin and mineral supplements can add to a healthy diet.
was born on December 31, 1916, and the other on January 2, 1917. If both retired in 1982 at age 65, the difference in benefits was $110 a month.

I urge my colleagues in the House to take a close look at the Notch Baby Act of 1995. This legislation is an affordable remedy for the notch injustice that many in Congress have tried to ignore, hoping the problem would just go away. It won’t.

Seniors deserve an end to the barrage of mailings and fundraising attempts made on behalf of the Social Security notch. Seniors deserve an end to the repeated congressional delays and stalls. Seniors deserve an end to the uncertainty. Seniors deserve action by the 104th Congress. Notch remedial legislation is in order.

GUARANTEE THE HYDE AMENDMENT

HON. BILL EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, in the 103d Congress, the Freedom of Choice Act loomed on the horizon, threatening to write off the lives of millions of unborn children through unlimited abortion on demand. In November, the voters spoke. Across the Nation they showed that they feel that this Nation is on the wrong track. So today, I rise to introduce legislation which will reaffirm the most basic of human rights—the right to life.

One bill I am introducing will amend the Constitution to recognize the right to life and give that right express constitutional protection. The second bill I am introducing on this topic will essentially codify the Hyde amendment.

Since 1981, the House—through the Hyde amendment—has steadfastly stood by its stated belief that abortion should not be federally funded. The sole exception to the Hyde amendment is a circumstance in which the life of the mother would be endangered by the pregnancy or the birth. The House should continue this policy because the vast majority of Americans do not support abortion on demand.

I stand firmly committed to protecting the rights of the unborn. There is a certain dignity in human life which we must respect, for it is the foundation of each and every basic value we hold dear. The Federal Government should not fund a practice which directly contradicts our respect for life.
Thursday, January 5, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S429–S526

Measures Introduced: Twenty-two bills and six resolutions were introduced as follows: S. 150–171, S.J. Res. 13, and S. Res. 26–30. Pages S480–81

Measures Passed:

Amending Senate Rules/Committee Ratio: Senate agreed to S. Res. 14, amending paragraph 2 of Rule XXV of the Standing Rules of the Senate, after taking action on the following amendment proposed thereto:

Rejected:

Harkin Amendment No. 1, to 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. (By 76 yeas to 19 nays (Vote No. 1), Senate tabled the amendment.) Pages S430–39

Majority Committee Appointments: Senate agreed to S. Res. 26, making majority party appointments to the Governmental Affairs Committee for the 104th Congress. Page S429

Majority Committee Appointments: Senate agreed to S. Res. 27, amending Rule XXV of the Standing Rules of the Senate. Page S439

Committee Funding: Senate agreed to S. Res. 28, to increase the portion of funds available to the Committee on Rules and Administration for hiring consultants. Page S525

Amending Senate Rules: Senate agreed to S. Res. 29, amending Rule XXV of the Standing Rules of the Senate. Page S526

Majority Committee Appointments: Senate agreed to S. Res. 30, making majority party appointments to certain Standing Committees for the 104th Congress. Page S526

Congressional Accountability Act: Senate began consideration of S. 2, to make certain laws applicable to the legislative branch of the Federal Government, taking action on amendments proposed thereto, as follows: Pages S439–69, S471–78, S526

Rejected:

Levin Amendment No. 3, to provide for the reform of the disclosure of lobbying activities intended to influence the Federal Government and for gift reform. (By 52 yeas to 39 nays (Vote No. 2), Senate tabled the amendment.) Pages S460–69, S471–78

Pending:

Ford/Feingold Amendment No. 4, to prohibit the personal use of accrued frequent flyer miles by Members and employees of the Congress. Pages S478, S526

A unanimous-consent agreement was reached providing for further consideration of the bill and the amendment pending thereto, on Friday, January 6. Page S526

Appointments:

Office of Senate Fair Employment Practices: The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 102–166, and upon the recommendation of the Majority Leader, in consultation with the Minority Leader, appointed Dr. Harriett G. Jenkins as Director of the Office of Senate Fair Employment Practices. Page S456

Nominations Received: Senate received the following nominations:

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Robert Clarke Brown, of New York, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of six years.

Robert G. Breunig, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 1998. (Reappointment)

Howard W. Cannon, of Nevada, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring March 3, 1998. (Reappointment)

Kinshasha Holman Conwill, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

John A. Gannon, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 1995. (Reappointment)
E. Gordon Gee, of Ohio, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1999.

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2000.

Sanford D. Greenberg, of the District of Columbia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Kenneth Byron Hipp, of Hawaii, to be a Member of the National Mediation Board for a term expiring July 1, 1997.

Charles Hummel, of Delaware, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

Aysê Manyas Kenmore, of Florida, to be a Member of the National Museum Services Board for the remainder of the term expiring December 6, 1995.

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 1998. (Reappointment)

Nancy Marsiglia, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board for the remainder of the term expiring October 12, 1995.

Audrey L. McCrimon, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Eve L. Menger, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Claudia Mitchell-Kernan, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Diana S. Natalicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Lilliam Rangel Pollo, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Lieutenant General William W. Quinn, United States Army, Retired, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999. (Reappointment)

Debra Robinson, of Pennsylvania, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Arthur Rosenblatt, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Lynda Hare Scribante, of Nebraska, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999.

Niranjan Shamalbhai Shah, of Illinois, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 1998.

Robert M. Solow, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Virgil M. Speakman, of Ohio, to be a Member of the Railroad Retirement Board, for a term expiring August 28, 1999. (Reappointment)

Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Lynne C. Waihee, of Hawaii, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

John A. White, Jr., of Georgia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Townsend Wolfe, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 1995.

Steven L. Zinter, of South Dakota, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

John Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999.

Phillip Frost, of Florida, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Terrence B. Adamson, of the District of Columbia, to be a Member of the Board of Directors of the State Justice Institute for the term expiring September 17, 1997. (Reappointment)

Calton Windley Bland, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for a term of four years.
Juan Abran DeHerrera, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

Rose Ochi, of California, to be an Associate Director for National Drug Control Policy.

Joe Bradley Pigott, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Martin James Burke, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

J. Don Foster, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

George K. McKinney, of Maryland, to be United States Marshal for the District of Maryland for the term of four years.

Janie L. Shores, of Alabama, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1997.

Martin Neil Baily, of Maryland, to be a Member of the Council of Economic Advisers.

Steve M. Hays, of Tennessee, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1997.

Norwood J. Jackson, Jr., of Virginia, to be Inspector General, Federal Deposit Insurance Corporation. (New Position)

Charles L. Marinaccio, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1996.

Bruce A. Morrison, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2000.

J. Timothy O'Neill, of Virginia, to be a Director of the Federal Housing Finance Board for the remainder of the term expiring February 27, 1997, vice Marilyn R. Seymann, resigned.

Deborah Dudley Branson, of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1996.

Albert James Dwoskin, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1995.

Tony Scallon, of Minnesota, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Sheila Anne Smith, of Illinois, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Herschelle challenor, of Georgia, to be a Member of the National Security Education Board for a term of four years.

Sheila Cheston, of the District of Columbia, to be General Counsel of the Department of the Air Force.

Eleanor Hill, of Virginia, to be Inspector General, Department of Defense.

Vincent Reed Ryan, Jr., of Texas, to be a Member of the Board of Directors of the Panama Canal Commission.

Stanley K. Sheinbaum, of California, to be a Member of the National Security Education Board for a term of four years.


Robert F. Drinan, of Massachusetts, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years. (New Position)

Susan Hayase, of California, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years. (New Position)

Cherry T. Kinoshita, of Washington, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of two years. (New Position)

Elsa H. Kudo, of Hawaii, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of two years. (New Position)

Yeiichi Kuwayama, of the District of Columbia, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years. (New Position)

Dale Minami, of California, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years. (New Position)

Don T. Nakanishi, of California, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of two years. (New Position)

Denis J. Hauptly, of Minnesota, to be Chairman of the Special Panel on Appeals for a term of six years.

Dennis M. Duffy, of Pennsylvania, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

Jay C. Ehle, of Ohio, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Charles T. Manatt, of the District of Columbia, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1997.

Thomas Hill Moore, of Florida, to be Commissioner of the Consumer Products Safety Commission.
Robert Pitofsky, of Maryland, to be Federal Trade Commissioner for the term of seven years from September 26, 1994.

Robert Talcott Francis, of Massachusetts, to be a Member of the National Transportation Safety Board for the term expiring December 31, 1999.

William L. Wilson, of Minnesota, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Maurice B. Foley, of California, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

Juan F. Vasquez, of Texas, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

Shirley Sears Chater, of Texas, to be Commissioner of Social Security for the term expiring January 19, 2001. (New Position)

Shirley Ann Jackson, of New Jersey, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 1999.

Robert M. Sussman, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 1998.

Dan M. Berkovitz, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term expiring June 30, 2000.

Kathleen A. McGinty, of Pennsylvania, to be a Member of the Council on Environmental Quality.

Catherine Baker Stetson, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2000.

Eugene Branstool, of Ohio, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Wilma A. Lewis, of the District of Columbia, to be Inspector General, Department of the Interior.

Committee Meetings
(Committees not listed did not meet)

SECURITIES MARKETS
Committee on Banking, Housing, and Urban Affairs: Committee held hearings to examine issues involving municipal, corporate and individual investors in derivative products and the use of highly leveraged investment strategies, receiving testimony from Frank N. Newman, Acting Secretary of the Treasury; Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Arthur Levitt, Chairman, Securities and Exchange Commission; and Mary L. Schapiro, Chairman, Commodity Futures Trading Commission.

Hearings continue tomorrow.

UNFUNDED FEDERAL MANDATES
Committee on the Budget/Committee on Governmental Affairs: Committees concluded joint hearings on S. 1, 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, after receiving testimony from Senator Kempthorne; Representative Portman; Sally Katzen, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget; Justin Dart, former Chairman, President's Committee on Employment of People with Disabilities; Ohio Governor George V. Voinovich, on behalf of the National Governors' Association, and Ohio State Representative Jane Campbell, on behalf of the National Conference of State Legislatures, both of Columbus; Mayor Edward Rendell, Philadelphia, Pennsylvania; Commissioner Randall Franke, Marion County, Oregon, on behalf of the National Association of Counties; Carolyn Long-Banks, Atlanta, Georgia, on behalf of the National League of Cities; Boyd W. Boehlje, Des Moines, Iowa, on behalf of the National School Board Association; and Nancy A. Donaldson, Service Employees International Union, Washington, D.C.
CONGRESSIONAL RECORD — DAILY DIGEST

January 5, 1995

BALANCED BUDGET AMENDMENT
Committee on the Judiciary: Committee concluded hearings on S.J. Res. 1, proposing an amendment to the Constitution of the United States to require a balanced budget, after receiving testimony from Senators Thurmond, Simon, Craig, Cohen, Kyl, Snowe, Heflin, and Feinstein; former Senator Tsongas; Alice M. Rivlin, Director, Office of Management and Budget; Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Department of Justice; Griffin B. Bell and William P. Barr, both former United States Attorney Generals; Robert J. Myers, former Chief Actuary, Social Security Administration; former Connecticut Governor Lowell Weicker, Hartford; Utah Governor Michael O. Leavitt, Salt Lake City; David A. Strauss, University of Chicago Law School, Chicago, Illinois; Edward V. Regan, Jerome Levy Economics Institute, New York, New York; Kenneth Ashby, Utah Farm Bureau Federation, Delta, on behalf of the American Farm Bureau Federation; and Herbert Stein, American Enterprise Institute, C. Fred Bergsten, Institute for International Economics, James D. Davidson, National Taxpayers Union, Martin A. Regalia, United States Chamber of Commerce, and Alan B. Morrison, Public Citizen, all of Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 114 public bills, H.R. 12-125; and 40 resolutions, H.J. Res. 6-30, H. Con. Res. 2-8, and H. Res. 15-22, were introduced.

Pages H141-46

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Sensenbrenner to act as Speaker pro tempore for today.

Adjournment: Met at 10:00 a.m. and adjourned at 11:47 a.m.

Committee Meetings

Committee on Economic and Educational Opportunities: Met for organizational purposes.

Committee on the Judiciary: Met for organizational purposes.

Committee on Rules: Met for organizational purposes.

Committee on Science: Met for organizational purposes.

Committee on Transportation and Infrastructure: Met for organizational purposes.

Committee on Rules: Met for organizational purposes.

Contract with America; Committee Organization
Committee on Ways and Means: Held a hearing on proposals contained in the Contract With America. Testimony was heard from Speaker Gingrich. Hearings continue January 10.
Prior to the hearing, the Committee met for organizational purposes.

Committee Meetings for Friday, January 6, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs, to continue 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.

House

Committee on the Budget, to hold an organizational meeting, 10 a.m., 210 Cannon.
Committee on Science, hearing on "Is Today's Science Policy Preparing Us for the Future," 9:30 a.m., 2318 Rayburn.

Joint Meetings

Joint Economic Committee, to hold hearings on the employment-unemployment situation for December, 9:30 a.m., SD-430.
Next Meeting of the SENATE
9:15 a.m., Friday, January 6

Senate Chamber

Program for Friday: After the recognition of the two leaders, Senate will resume consideration of S. 2, Congressional Accountability Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, January 9

House Chamber

Program for Monday: No legislative business is scheduled.

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