United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, JANUARY 24, 1995 No. 14

House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 24, 1995.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. VISCLOSKY] for 5 minutes.

IN SUPPORT OF A BALANCED BUDGET AMENDMENT

Mr. VISCLOSKY. Mr. Speaker, I do not believe that the President and the Congress will find the collective courage necessary to balance the budget without a constitutional imperative. I, therefore, rise today in support of the Stenholm-Schaefer balanced budget amendment to the U.S. Constitution because I have run out of patience.

America has always been the land of opportunity. The assumption of a better life for each generation was one of the defining characteristics of our Nation. Throughout our history, people just like my grandparents have come here to build a better life for themselves and their children. Each generation's hard work paves the way so those who follow could travel farther down the road of prosperity.

Unfortunately, Mr. Speaker, in recent decades the economic policies of this country have caused us to lose our way. We have borrowed to achieve a false sense of prosperity today, leaving the bills for our children to pay tomorrow.

In 1992, our Government spent $290 billion more than it had. This means that in 1992 alone, $1,150 was borrowed from every single person in America. Over the past 20 years, the average budget deficit has grown from $36 billion in the seventies to $156 billion in the eighties, to the unprecedented $248 billion hole we have dug for ourselves in the 1990's.

This hole, our debt, is a money pit where we throw taxpayers' dollars. In fact, interest payments on the national debt, which is the accumulation of our deficits, now surpass the annual deficit. During the current fiscal year, the projected deficit of $176 billion will be significantly less than the $213 billion we must pay in interest. In other words, we are taking in more than enough money to pay for all the programs and activities of the Federal Government. We just do not have enough money to pay off our previous bills.

Previous budget deficits soak up our private savings and eat away at our economic well-being, resulting in reduced wage rates and fewer jobs, often hitting the highly paid manufacturing sector the hardest.

Economics professor Benjamin Friedman writes:

> At the deepest level, an economic policy that artificially boosts consumption at the expense of investment, dissipates assets, and runs up debt, flies in the face of essential moral values that have always motivated each generation's sense of obligation to those that follow. We are enjoying what appears to be a higher, more stable standard of living by selling our children's economic birthright.

I am absolutely convinced that the best thing we can do for today's men and women and for their children is to begin balancing the budget now. In the past I have steadfastly opposed amending the Constitution for this purpose, because it has always been within our power to balance the budget without a constitutional mandate. However, the trend of increasing budget deficits has demonstrated three administrations' and Congress' lack of resolve to make the tough decisions required to achieve a balanced budget.

The rhetoric I hear today does nothing to convince me that we will change our buy-now-and-pay-later ways. Many talk about balancing the budget, while also calling for increased defense spending and lower taxes. These are the same misguided economic policies that tripled our national debt during the past 12 years. Republican George Bush called it voodoo economics. Sadly, a constitutional amendment may be the only way to force us to reexamine our priorities, to balance the budget, and cease mortgaging our Nation's future.

In 1798 Thomas Jefferson said that if he could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money.

In a 1992 congressional hearing, Lawrence Tribe said:

> The Jeffersonian notion that today's populace should not be able to burden future generations with excessive debt, does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution.

Since I was elected to Congress, we have asked young men and women to give their lives to defend the ideals of our country. Compared to this, I do not

Printed on recycled paper containing 100% post consumer waste

believe that asking the people of our Nation to receive just a little bit less of an increase in the Government payments they receive is to great a sacrifice to guarantee the future of our country. The time has come to enshrine the fundamental value of a balanced budget in the Constitution, and to distribute short-term sacrifice fairly and equitably among Americans of all ages.

We must remember, however, that voting for a balanced budget amendment is the easy part. The amendment has overwhelming public support, and simply voting yes puts each of us on the right side of public opinion without having to make the tough choices that will put the budget into balance.

It would be a cruel hoax on the American people to pass a balanced budget amendment without beginning to actually balance the budget now. If we start our work today, the impact will be less painful and our decisions less difficult than if we continue to postpone tough decisions.

BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Missouri [Ms. MCCARTHY] is recognized during morning business for 1 minute.

Ms. MCCARTHY. Mr. Speaker, on Wednesday we will begin debate on a resolution to add an amendment to the Constitution to require a balanced budget.

The fiscal mismanagement that has existed at the Federal level has compelled this body to seek a constitutional remedy to our exploding debt problem. Over the years, attempts at statutory discipline have failed miserably. The succession of such failed statutory remedies—from Gramm-Rudman-Hollings in 1987 to the Budget Enforcement Act of 1990—liters the legislative landscape and affirms the need for a balanced budget amendment. It appears obvious that we need the discipline of a constitutional amendment to control Federal spending.

However, notwithstanding the need for the procedural discipline that a constitutional amendment will bring, we are fooling ourselves if we think the votes we will cast this week for the balanced budget amendment are the difficult votes. No, the truly tough votes will occur this spring and summer and in subsequent springs and summers when we turn to the budget and appropriations process. At that time we will see whether we are serious about cutting the deficit and whether we will make the sacrifices necessary to end the days of deficit spending.

During the course of last year's campaign I pledged support for the balanced budget amendment; I am committed to keep that promise. However, of equal importance will be my commitment to find ways to cut government spending without transferring that burden to the States or the elderly. Reducing government spending should be the goal of every Member in this body, but that goal has to be reached without shifting the costs to other levels of government or those least able to pay.

THE 84TH CONGRESS, AN AUSPICIOUS MARKER FOR A PROUD DEMOCRATIC LEGACY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. FATTAH] is recognized during morning business for 4 minutes.

Mr. FATTAH. Mr. speaker, I am interested to hear that, from the point of view of some, the past 40 years of Democratic leadership in the Congress has been disastrous. The Democrats have squandered public resources, destroyed national institutions, and in general presided over the complete destruction of that ideal called the American Way of Life.

As I look back on those 40 years, a very different picture unfolds for me as the legacy of the Democratic Party. And since nothing is so liberating or enlightening as a simple statement of the truth, it would be useful for this body in general, and for my Democratic colleagues in particular, to review the historical reality, and from time to time, to remind ourselves what it has meant, and what it still means today, to be the Party of the people.

Let us start with 1955, Mr. Speaker—exactly 40 years ago. That was the 84th Congress, and even then Democrats were pursuing peace among nations, while building the physical, economic, and social infrastructure which this great nation requires to support the lives of its people.

Most significant among all the actions taken during the 84th Congress was the increase in the minimum wage from 75 cents to $1 per hour. It is important to mark that point in history—that in the very beginning of this much maligned 40 year period, the Democratically-controlled Congress took action to improve the lot of the broadest possible base of our society. This was not an action which benefited only a few of the wealthiest individuals—like a capital gains tax. This was an action which benefited the entire Nation, because it lifted the boats stuck at the bottom and set a new and higher minimum standard of living for all Americans. Far from destroying the American way of life, Mr. Speaker, Democrats have defined the American way of life and brought it within reach of us all.

To normalize relationships with potential international partners, working with the President, the 84th Congress ratified the Southeast Atlantic Treaty Organization, established peace with Austria, and liberated Germany from Allied occupation.

To secure the nation, they established the national reserves.

In order to stimulate economic development, they built four major dams which provided electricity to the upper Colorado River region.

In order to stimulate economic development, they built four major dams which provided electricity to the upper Colorado River region.

To stabilize the agriculture industry, they established the soil bank program which insulated farmers from fluctuations in farm prices.

To connect this vast Nation from sea to shining sea, the Democratic 84th Congress initiated a 41,000-mile interstate superhighway program, and established the user-fee-financed highway trust fund to help pay for it.

To protect the quality of our environment for future generations, they passed and funded the Water Pollution Control Act of 1956.

A simple assertion of the truth, Mr. Speaker. I cannot imagine a more auspicious marker for our proud Democratic legacy than that provided by the 84th Congress. A self-governing people cooperatively managing their society, meeting their immediate needs, and providing for their future through the processes of government.

From this podium during the coming year, I will demonstrate by such simple statements of the unvarnished truth, that the American way is the way of the Democratic Party. Democrats have served this Nation well. We must claim and proclaim and embrace it as our mission to carry this great, but not yet perfect Nation forward as one Nation, under God, with liberty and justice for all.

TWO PROVISIONS WHICH BELONG IN BUDGET LEGISLATION, NOT IN A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, I want to speak this morning about the balanced budget amendment that we are going to begin consideration of either later today or tomorrow.

This body is going to consider a bill which has two very, very important features in it. The one is a three-fifths majority to raise the debt ceiling of the Federal Government, and the other is a three-fifths majority to increase taxes, both of which are needed and are absolutely good policy and should be enacted.

In addition, Mr. Speaker, there are other issues and there are other sections of the amendment that we are going to consider that really do not belong in a balanced budget amendment to the Constitution. The ones I am thinking of specifically have to do with, first of all, a requirement that the President of the United States submit to the Congress a budget that purports to be in balance, or that the Congress of the United States should adopt a budget that purports to be in balance.

Mr. Speaker, I want to talk about why those two ideas do not belong in the Constitution, because although, as well-intended as they are, as needed as they are with respect to the adoption of that kind of a balanced budget, the fact is that they belong in budget legislation and not in the Constitution.

In order to create a budget, when the President creates a budget, what he does, and when the Congress creates a budget through the Committee on the Budget, of which I am a member, what we do and what the President does is, he relies on the CBO, the Congressional Budget Office, or OMB, Office of Management and Budget, or Joint Tax Committee, to come up with projections about what we are going to spend, what we are going to receive in revenues, and then to make recommendations about what the budget should be based on those things.

The fact is that all of those projections made by OMB, CBO, or Joint Tax are, by definition, wrong. They must be wrong, unless by some incredible, extraordinary chance of luck they should be on the dollar.

However, what we are asking in this constitutional amendment, the way it is worded, is that the President and the Congress should determine in advance what will be in balance, what will not be in balance, what exactly every agency is going to spend, and how much money we are going to raise. It is impossible to do that.

What we do know absolutely is how much money the Government has borrowed and what the debt ceiling is. This is the absolute brick wall that will stop, except with a supermajority. Remember, this is not a complete stop sign. It is merely a hurdle you have to go over. It is a 60-percent hurdle in order to continue this binge of deficit spending we have been on, but it is a very, very important hurdle.

That requirement, that you must have a supermajority, a three-fifths majority in order to raise the debt ceiling, that is the linchpin of this constitutional amendment from the spending side, because what it means is that you cannot deficit spend without a three-fifths majority. That is the one that will work.

Bill Barr, former Attorney General under President Bush, has made that clear in his testimony. Dr. William Nescanin, former head of the Council of Economic Advisers under President Reagan, has made that point, and other judicial scholars and constitutionalists agree that it is the three-fifths supermajority to raise the debt ceiling which is the true linchpin that will finally at least create the resistance that Thomas Jefferson talked about in 1789 to borrowing money.

Jefferson said in 1789 he had one concern about this Constitution that he had been so instrumental in crafting and then adopting. His concern was that it did not create any resistance on the part of the Federal Government to borrowing money. That is what this constitutional amendment will do, it will create the resistance of a three-fifths majority to borrowing more money and increasing the debt service, or increasing the debt ceiling.

What I am urging today, Mr. Speaker, is as we consider this balanced budget amendment there will be, I hope, in order a substitute that I took to the Committee on Rules yesterday, that is in all parts identical to the bill that was reported out, and I urge that Members will support that substitute that will be on the floor.

FORMER REPRESENTATIVE GINGRICH WOULD URGE ETHICS INVESTIGATION OF PRESENT SPEAKER GINGRICH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. DEFAZIO] is recognized during morning business for 2 minutes.

Mr. DEFAZIO. Mr. Speaker, there are those on the other side of the aisle who make light of the pending investigation on ethics of Speaker GINGRICH. I believe they do so at their own peril, and in contradiction of the position taken by Representative GINGRICH in July 1988.

In July 1988, Speaker GINGRICH, or at that time Representative GINGRICH, waxed very eloquent in a press release regarding the duties and the burdens of the Speaker and the duties and burdens of the House in investigating the Speaker of the House, and the fact that it should not be done by peers in the House of Representatives but in fact by an outside counsel, because it is so important to assure the integrity of that office.

Now, Mr. Speaker, we are confronted with a situation where several Members, several Republican Members of the Ethics Committee, have past associations with GOPAC, the secret and multi-million-dollar slush fund which is the subject of the ethics complaint.

Here we are, we have members of the committee who have a conflict of interest, who should recuse themselves, but if they recuse themselves, only new members could be appointed by the Speaker, so the Speaker in effect would be appointing his own judge and jury.

There is only one way out of this for Speaker GINGRICH. That is for Speaker GINGRICH to take the advice of Representative NEWT GINGRICH in 1988 and appoint an outside counsel, so the American people can be assured that the integrity of this office is upheld and the integrity of the U.S. Congress is upheld without any possible assertion of undue influence.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 16. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

□ 0950

CAN'T WE ALL JUST GET ALONG?

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. EHLERS] is recognized during morning business for 5 minutes.

Mr. EHLERS. Mr. Speaker, I have given some thought to the events of the past week, the discussions and the debates. Through it all I am reminded of something I learned from my father years ago, and, that is, that great minds debate issues, average minds discuss events, and small minds talk about other people.

I have been dismayed that of all the many issues facing this Congress, particularly as we debate the Contract With America, that we find the other side, the minority party, concentrating on personal attacks on a Member of the Republican side.

Perhaps there is some basis for that, although I do not believe so. But the point I am making is, we have a number of major issues facing the Congress in the first 100 days and beyond. Furthermore, I believe the philosophy underlying the Contract With America deserves discussion and debate on behalf of the American people.

I believe it is important for us to engage in a dialog with the American people and discuss these issues with them, both Republicans and Democrats. I find it personally dismaying that so much emphasis during the 1-minute speeches and the 5-minute speeches has been concentrated on one particular person and one particular aspect of what that person has done.

I do not believe that this is behavior befitting the institution of the Congress. I believe that we have better things to do, we have more important things to do, and we have more important issues to discuss.

I urge my colleagues on both sides of the aisle to join in debating the issues that face this country, and the issues that are being presented to us daily on the floor.

There are certain things we can discuss during these 1-minute and 5-minute speeches which cannot or do not lend themselves very well to debate during the specific bills which are brought before the body. I think that we should take the opportunity during these 1-minute and 5-minute discussions to in fact debate the philosophy underlying this. I would also like to see more discussion about foreign relations

during these periods of time. We face very difficult issues and choices, particularly as it relates to the Russian involvement in Chechnya, the battle going on in Bosnia, the devaluation of the Mexican peso and the implications for us.

We do not need more rancorous debate about individuals and persons and their behavior. We need positive, constructive debate about the issues facing this Nation and what we as a Congress are going to propose to do about those problems.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. EHLERS. Just one moment, please.

Finally, I am reminded of the comments of Mr. Rodney King, whom I did not think I would ever quote on the floor of Congress, but give his famous statement, ''Can't we all just get along?''

Can't we all just get along for the good of the American people and for the purpose of debate in this body?

I would be pleased to yield the remainder of my time to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's speech because I think those of us on this side want to make sure the body moves forward, too. We are sent here to do the Nation's business. But I hope the gentleman read yesterday's Newsweek story because I think that is why some of us on this side are so concerned. I hope that the gentleman reads that because I think if he reads that, he too will join us in saying there are some serious questions here that need to be asked and need to be dealt with.

I would hope we could get these questions about the book deal outside of this arena, to independent counsel, or get it out of here so we could move on to those topics. But in the Newsweek yesterday, they came out and showed that this is not the first incident where Mr. Murdoch has been called into question. That in the last 10 years, there have been at least 6 suspicious book deals when he needed to get special privileges in other legislative bodies for his publishing empire. I think that raises some very serious questions that we should ask.

The gentleman is right, we should not debate them here, but should we not get them outside this body to an independent counsel somewhere to get this solved and raise the cloud?

I yield back to the gentleman. Would you not agree on that?

Mr. EHLERS. As I understand it, you are suggesting an investigation of Mr. Murdoch. But that is not what I have heard the discussion about during the past week.

Mrs. SCHROEDER. If I may reclaim my time, what I am asking is that we have an investigation of the Speaker's book deal with Mr. Murdoch.

Mr. EHLERS. Mr. Speaker, I yield to the gentleman from Georgia.

Mr. LINDER. I thank the gentleman for yielding. I appreciate your point. I do not take my advice on politics from——

The SPEAKER pro tempore. The gentleman's 5 minutes has expired.

Mr. LINDER. There should be an investigation of Mr. Murdoch. I appreciate your point.

WELFARE REFORM: BEYOND SLOGANS TO ACTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized during morning business for 4 minutes.

Mrs. KENNELLY. Mr. Speaker, right now as we go forward on our work in this new Congress, there is no debate on whether we should reform welfare. That debate is over and both sides of the aisle agree that we should and the taxpayers have reached a consensus that the system does not work as we know it today. But saying that, it is not enough. It is time for all of us to understand that real reform is not a matter of finding the best slogans. In fact, it is a cruel hoax to the American people to say that we can do welfare reform easily. In fact, it is going to be very difficult to carry out welfare reform.

Today I would challenge my colleagues on both sides of the aisle to move beyond the slogans that we have adopted these last few months to get that message out and get down to the real work of doing welfare reform.

Let us begin to deal with the realities of what real reform will mean and come to grips with some of the most difficult issues.

Let me give some examples. Slogan 1: ''Those who refuse to accept responsibility should not receive a free ride.''

We all agree. But when I take a very good read of the contract, I see that if in fact a woman establishes the paternity of her child, gives the name of the father, gives the address of the father, and yet that paternity does not get legally established by the State organization or an agency that is dealing with this thing, that child will not receive any assistance.

The contract states that any child whose paternity is not established would be in fact ineligible for benefits. This would be in any case unless in fact paternity was established. Yet we know in real life that State agencies often take up to 6 months to establish paternity. We also know that there are those who have fathered children, leave the State, cannot be found and paternity cannot be established. That makes no difference. The child will not in fact receive any help.

Slogan 2: ''Welfare reform must aim at keeping families together.''

My heavens, that is exactly what all of us want. Without a family, it is very, very difficult to grow up and be able to take care of yourself in life. Yet we tell this as a fact. But if we look at the contract, we see very little reference other than that area about paternity about what responsibilities the father carries.

Therefore, many of us in this Congress want very deeply to have the welfare reform bill move along quickly, as rapidly as it can, being well-done, and have child support enforcement move along with it.

Child support enforcement is a necessary vehicle to go along with welfare reform so in fact two people, those two people that had the children, are involved in supporting that child and the taxpayer does not get left.

We know that if we do this, there is a much better chance that that child will grow up and be able to feel good about itself.

I think that we should continue to ask that those that are doing the welfare reform have child support enforcement happen at the same time.

Some say there are acceptable alternatives to letting the young, often immature mothers raise their children in inadequate surroundings with insufficient support. We all agree on that. But let us not also be fooled by the idea that everybody who has a child out of wedlock establishes an apartment and is on their own. Ninety percent of those people, those young women, live with a member of the family or a relative, with a mother, a father or a relative.

When we go beyond that, we have to be very careful that we do not let others fall through the cracks, and I mean fall through the cracks by not having adequate support that we all say we want. Not orphanages, of course not. But we certainly should look at group homes.

I will continue this later because there are other things we are trying to do that are simplistic. It is going to be hard to do welfare reform. We want to do it, but we should do it right.

REDUCTION URGED IN ROLE OF FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. RADANOVICH] is recognized during morning business for 2 minutes.

Mr. RADANOVICH. Mr. Speaker, even though the State of the Union speech is still to come, given the advance reports of the President's remarks, I am not hesitant to comment.

Separate from any specific White House proposal, it is the general inside-the-beltway, business-as-usual approach that concerns me. That attitude doesn't just come from the White House; but it permeates both the public and private sectors of Washington.

I was elected, Mr. Speaker, to reduce the role of the Federal Government, to rid us of regulation, and to put an end

to Federal formulas for everything from cradle to grave.

What I expect to hear the President say later today will not make that happen. His message will speak of a lofty reinvention of government, when what we need is restructuring of government—from the bottom up.

A State of the Union Message is called for by the Constitution. So is the concept of limited powers to be exercised by the Federal Government, and a federation of States to exercise the bulk of government powers. The 10th amendment in the Bill of Rights says all those powers not allowed to Uncle Sam belong to the States or the people.

Our message to the administration must be ''before you get another taxpayer penny for the programs you propose, you must first satisfy us in Congress that you have constitutional authority to conduct it in the first place.''

SPEAKER'S BOOK DEAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. GENE GREEN, is recognized during morning business for 2 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, later in this session the House will consider the Personal Responsibility Act. Is it not time for the Speaker and all of us to take some personal responsibility for our own actions?

When the flap came up over what the Speaker's mother said to Connie Chung concerning the First Lady of our Nation, he turned the issue to Connie Chung and not what was said. When the issue came up on the $4.5 million book deal that was negotiated, the debate in the House was censored last week. And then over the weekend, our Speaker lashed out at the First Lady again and at a former Speaker. He repeated the charge that made him famous when he called former Speaker Jim Wright a crook. Never mind the fact that the former Speaker's book deal was worth $12,000 versus our current Speaker's $4.5 million deal. Even our most successful writer in this country does not command $4.5 million of up-front money. Or the fact that it was simply unprofessional, undignified, and impugned the character of a former Speaker when he is retired and gone and cannot defend himself.

Much has been written about our Speaker's book deal, particularly the meeting with Mr. Murdoch and political apparatus, GOPAC, The Progress and Freedom Foundation, et cetera.

The Capitol Hill newspaper Roll Call has written in the Speaker's eloquent words from 1988 about another book deal, an outside counsel on ethics should be brought in for a ''complete and thorough'' investigation. We have a saying in Texas, what goes around comes around.

I ask today as Representative GINGRICH did in 1988 that the outside counsel investigate these ethical matters and clear up these questions once and for all, because just like the Energizer bunny, this issue will keep on going and going and going until we put it to rest.

Mr. Speaker, I include the following for the RECORD:

AN OUTSIDE COUNSEL

Much has been made in the last week of Members' speech. Consider this choice of words: ''The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House, a position which is third in line of succession to the Presidency and the second most powerful elected position in America. Clearly, this investigation has to meet a higher standard of public accountability and integrity.'' So wrote Rep. Newt Gingrich (R-Ga) in a July 28, 1988, press release calling for an outside counsel in the House ethics probe of then-Speaker Jim Wright (D-Texas).

Now, the shoe is on the other foot, and Democrats are clamoring for (in Gingrich's nearly decade-old words) a ''complete and thorough'' investigation of a variety of allegations against the new Speaker. Unfortunately but predictably, the situation has grown ugly. And, as witnesses on the House floor for two days last week, it is now creating a spectacle before the American public. Which is perhaps the best reason for an outside counsel.

But there are others. The charges against Gingrich range from conflicts of interest and use of office for personal gain in connection with his Harper-Collins book deal to improper use of funds from his tax-exempt outside groups.

Ironically, the book deal, which has drawn the most attention both from the media and Democrats, raises the less serious ethical questions. The facts: Gingrich agreed to and then canceled a $4.5 million advance for two books to be published by HarperCollins, the company owned by Rupert Murdock, who is currently lobbying to alter laws restricting foreign ownership of broadcast properties such as his Fox TV network. Despite urging from fellow Republicans to abandon the book deal, Gingrich holds onto it. Even though he's rejected the advance, he still could make millions from the book—partly depending upon how heavily HarperCollins promotes it, a decision ultimately in Murdoch's hands.

More serious are the allegations of the funding of Gingrich's college course, ''Renewing American Civilization,'' and the extensive connections between Gingrich's political action committee, GOPAC; his Congressional office; and his outside educational arm, the Progress & Freedom Foundation. It is these charges that are the subject of the ethics case now pending against him. The Speaker's elaborate political dynasty appears to be constructed in a manner in which he can conduct political activities while skirting contribution limits and disclosure laws. The entire structure must be probed.

We do not fully agree with what Gingrich said in 1988; an investigation of the Speaker should not be held to any higher standard than one of any other Member. Whether a Speaker should be held to a higher standard of conduct is a separate question. At the very least, he should set that standard, and as Gingrich himself said so eloquently in 1988, an outside counsel would offer the most ''complete and thorough'' investigation.

THE AMERICAN PEOPLE WANT REAL ISSUES DISCUSSED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning business for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I look forward to the President's speech tonight. Not because he is going to deliver a great speech, because he always does, and not because of the excitement I am going to feel as an average citizen who 1 year ago was knocking door to door in a grassroots campaign to get here, because I will be excited, and not because his speech will reflect undoubtedly the conservative revolution of the 1994 election, because it will.

I look forward to the President's speech tonight because I am really curious and genuinely want to know if there is a member of the old guard out there that actually has a new idea on where to take this country.

For the past 3 weeks, since I have been here, I have been hearing speeches about Connie Chung and book deals and Nazi historians and now Energizer bunnies, when the fact of the matter is all of those things are nothing more than a smokescreen to deflect attention away from the fact that we as Republicans are putting forward an aggressive agenda that America wants.

I am curious. What does the Connie Chung debate do for children in inner cities that are hungry? What is the Speaker's book deal going to do for the average citizen, middle-class citizen that is having trouble going from paycheck to paycheck paying their bills, trying to put aside a few dollars for their children's education, trying to put aside a few dollars for retirement? What does it do? It does absolutely nothing.

What does it do to answer the difficult questions that are going to be facing us on how we balance our budget, how we make this Federal Government do what average middle-class citizens have had to do forever, and, that is, balance their checkbooks. It does absolutely nothing.

I cannot believe that the party of F.D.R. and the party of Harry Truman and of J.F.K. and of Bobby Kennedy, I cannot believe they cannot come up here and speak to the issues that will affect this country and this land.

I understand about partisan politics. I understand that it certainly happened on both sides of the aisle. But I would ask Members of the Democratic Party to follow the example of the gentlewoman from Connecticut, who came up a few short minutes ago and actually discussed welfare reform and talked about why she believed the Republicans' version of welfare reform did not make sense. Did I agree with her? No. Did I get something out of her discussion, though? Yes. It is a starting point for us to debate the issues.

I am not overstating the issue when I say that there are children that are literally starving in our inner cities. I am not overstating the issue when I say you can go across this world to Third World countries and find Third World country citizens that are living better than many citizens in the South Bronx, that are living better than many of our citizens in South Central L.A., that are living better than many Americans across this country that go to bed every night fearing for their lives, wondering whether they will wake up in the morning alive, whether their children will wake up in the morning alive, what will happen to their children when they go to school, when they have to pass drug dealers to go to school and make the decision every step along the line. Do I play by the rules, do I play fair? What do I do?

Those are the questions that are supposed to be brought to the floor of this House. And when you talk about a book deal and compare it to Speaker Wright's book deal, what are you doing? Read the Washington Post. The Washington Post this week editorialized that the book deal was not the same as Speaker Wright's book deal, that it may have been bad politics but it was not inherently illegal, or improper, or unethical.

Mr. Speaker, it is time in 1995 for us to turn our eyes and ears and open our minds to the real issues that are facing this country? That as we are $4 trillion in debt, as our inner cities are crumbling, it is time to address the issues that really matter. That is what Americans demand of us and that is what we want.

RENEWED CALL FOR INDEPENDENT COUNSEL IN SPEAKER'S ETHICS CASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 2 minutes.

Ms. DELAURO. Mr. Speaker, I concur with my colleague who was up here a moment ago, that in fact what we are about here is the people's business and that we need to talk about the issues that affect middle-class families, working families every single day.

As a Democrat, I have done that in the 2 terms that I have been here and I submit to you this evening that the President will build on what he said several weeks ago on a middle-class Bill of Rights that will include a minimum wage.

I would like to find out from my colleagues if that is something that he will support because in fact people in this Nation are not looking at an increased higher standard, but that is an important issue.

Education and training. Not cutting Social Security for families. And when we look at the balanced budget and what that is going to do, when my friends on the other side of the aisle would not in fact exempt Social Security from the balanced budget amendment.

There is rhetoric and there probably is rhetoric on both sides. But let me tell you what is important and what my Republican colleagues do not want to talk about.

□ 1010

That is a need for an outside counsel to answer questions. That is what is being asked, answer questions about Speaker GINGRICH's financial empire.

The last 2 weeks have been filled with press revelations. We are not making these things up about this multi-billion-dollar book deal but, more importantly, about a private meeting with publishing magnet Rupert Murdoch. Any appearance of impropriety could have been voided if the contents of the book had been disclosed.

My colleague from Colorado talked about a Newsweek report. This week Americans read in Newsweek this is not the first time Rupert Murdoch has published a book by politicians, promoting them huge sums of money. In 1990 while seeking special rules to allow his Australian company to expand his empire in Great Britain Rupert Murdoch asked the help of the Thatcher government, and not long after Margaret Thatcher signed an eye-popping $5.4 million book deal. This appears to be a pattern for Mr. Murdoch.

We need to have an outside counsel take a look at it.

BALANCED BUDGET AMENDMENT EFFECTS

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. TUCKER] is recognized during morning business for 2 minutes.

Mr. TUCKER. Mr. Speaker, this is an interesting day today. We are not only going to hear from the President of the United States later on tonight, but we have heard from our colleagues on the other side of the aisle who have offered us some interesting accolades.

First, we heard one of our Republican colleagues quote Rodney King. As long as I live I did not think I would hear one of my illustrious conservative colleagues quote Rodney King, but I have heard it today. And as we say in South Central, ''Don't go there,'' because I do not think that he certainly understands the pain of a Rodney King.

Then we heard another one of my colleagues on the other side of the aisle, Mr. Speaker, indicate that he had some empathy for South Central and for South Bronx and for the people across this country who are wallowing in the inner cities. I do not know if he has ever been to South Central, but I represent some of South Central and let me say, Mr. Speaker, when you hear the voice of those people talk on the one hand about their concern about the people of South Central and on the other hand exempt Social Security from a consideration in the balanced budget amendment, then I say, Mr. Speaker, that my colleagues speaketh with forked tongue because, Mr. Speaker, the balanced budget amendment is going to cause a great deal of pain for people in the South Central and South Bronx and parts of inner cities all across this country.

Indeed, when we get down to the details of what a balanced budget amendment is going to mean, we have to be honest and we have to be truthful with the American people and let them know that the people who are speaking about their concerns for the poor are going to try to balance the budget on the backs of poor people. And this is where the real debate is going to come in, Mr. Speaker. How are we going to balance that budget?

They say they are going to exempt Social Security, but when BARNEY FRANK offered an amendment in the Committee on the Judiciary, they did not support that amendment. So we can see, Mr. Speaker, that they talk the talk, but they are not walking the walk.

The balanced budget amendment is a good idea. A lot of politicians like to stand in line and say so. This is the right thing and it is a constitutional amendment in its time, but it is not a time to take away the money of those who have been putting into Social Security all their lives.

THE SEARCH FOR A BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. FILNER] is recognized during morning business for 2 minutes.

Mr. FILNER. Mr. Speaker, 2 years ago, a Democratic President and Congress passed a budget that cut the deficit by more than $600 billion over 5 years and produced real deficit reduction for 3 consecutive years—the first time this has happened since World War II.

The question today is: How should we build on this success? Should we now pass a balanced budget amendment to the Constitution?

Seeing the passionate fervor that was driving this amendment's sponsors, I began to ask my Republican colleagues the magic formula for achieving this budget miracle. With envy, I assumed my colleagues had already concocted the recipe for balancing our budget and were now simply applying the finishing touch: A constitutional requirement to do that which they had already devised.

My envy turned to curiosity. Like Roger Moore from the movie ''Roger and Me,'' I set out through the Halls of the Capitol searching for the magic budget plan. I checked in the offices, the cloak rooms, and the chambers. I

cornered my colleagues and begged them to show me the secret plan. But it soon became clear: There is no plan behind the balanced budget amendment.

''How can we say what we will do, if we cannot say how we will do it?'' The means are at least as important as the ends. Unless the end is simply the next reelection campaign.

Mr. Speaker, I cannot support an amendment that presents a bottom line without a plan to get us there. When faced with a constitutional requirement, how will the Congress feel about ensuring the construction of the vital international sewage treatment plant being built on the United States-Mexico border in my district? Or protecting seniors from drastic cuts in Social Security? Or retaining San Diego's status as a navy mega-port? Or funding vital infrastructure to handle United States-Mexico commerce? Or keeping our promise to our area's veterans?

We all want a balanced budget. But that budget should not destroy our economy or attack our children, our senior citizens, our veterans.

THE ENVIRONMENTAL CONSEQUENCES OF LAND TRANSFERS AFTER BASE CLOSURES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning business for 2 minutes.

Mr. UNDERWOOD. Mr. Speaker, one of the many proposals floating around these days is the idea of eliminating the so-called nontraditional defense spending, which includes items such as the environmental cleanup of military bases. This is not only bad policy, but it is irresponsible. It will create not an unfunded mandate as much as an ''unfunded liability.''

As DOD closes numerous bases throughout the Nation, one of the biggest challenges that they face is how to transfer land to the local communities in the same condition in which they received it. However, environmental conditions on many of these facilities are abominable, and it will get worse if we put off cleanup for some unspecified date in the future. What is needed is more not less attention to the environmental concerns on these bases.

Gutting the funds for these programs sends the wrong message to our local communities. If this happens, local governments will be forced to pick up the tab for fixing a disaster that they had no part in creating in the first place.

Mr. Speaker, this is not the time to run away from our obligations. Instead, the Department of Defense should live up to their responsibility to clean up after themselves. By maintaining funding for ''nontraditional'' defense spending, this Congress can stand by our commitment to make our government more accountable to the people it serves, and that is the right thing to do in my book.

Earlier we have heard a discussion about trying to point to issues. Well, there are issues and there are issues.

But the seriousness of these issues cannot be addressed as long as the leadership of the institution is under a cloud—and it is the responsibility of the majority to clean it up and a legitimate right of the minority to point it out.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

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

May the spirit of thanksgiving, O gracious God, be ever in our hearts and may the significance of gratitude be written in our souls. Of all the attributes and virtues to which we aspire, of all the merits and worthiness to which we yearn, may the appreciation of thanksgiving and gratitude be in our thoughts at the beginning of the day and in our words at eventide.

For these and all Your gifts to us, O God, we offer this prayer. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 135, not voting 21, as follows:

[Roll No. 30]

YEAS—278

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Coyne
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torricelli
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield

Wicker	Wise	Zeliff
Williams	Young (FL)	Zimmer

NAYS—135

Abercrombie	Hastings (FL)	Peterson (MN)
Ackerman	Hefley	Petri
Baesler	Hefner	Pickett
Baldacci	Hilliard	Pombo
Barcia	Hinchey	Pomeroy
Becerra	Hunter	Poshard
Boehlert	Jackson-Lee	Rahall
Bonior	Jacobs	Rangel
Borski	Jefferson	Reed
Browder	Johnson (SD)	Reynolds
Brown (CA)	Johnson, E. B.	Richardson
Brown (FL)	Kanjorski	Rivers
Brown (OH)	Klink	Roemer
Bryant (TX)	LaFalce	Rose
Clay	Lantos	Roybal-Allard
Clayton	Levin	Rush
Clyburn	Lewis (GA)	Sabo
Coleman	Lincoln	Sanders
Collins (IL)	Lipinski	Schroeder
Collins (MI)	Lowey	Schumer
Costello	Maloney	Serrano
Cramer	Manton	Skaggs
Crane	Martinez	Slaughter
DeFazio	Mascara	Stark
DeLauro	Matsui	Stupak
Dellums	McCarthy	Taylor (MS)
Deutsch	McDermott	Taylor (NC)
Dicks	McKinney	Tejeda
Doggett	Meek	Thompson
Doyle	Menendez	Torres
Durbin	Miller (CA)	Towns
Eshoo	Mineta	Traficant
Evans	Nadler	Velazquez
Farr	Neal	Vento
Fazio	Oberstar	Visclosky
Filner	Obey	Volkmer
Foglietta	Olver	Ward
Frank (MA)	Ortiz	Waters
Furse	Owens	Watt (NC)
Gejdenson	Pallone	Wolf
Gephardt	Pastor	Woolsey
Green	Payne (NJ)	Wyden
Gutierrez	Payne (VA)	Wynn
Hall (OH)	Pelosi	Yates
Harman	Peterson (FL)	Young (AK)

NOT VOTING—21

Bishop	Fattah	Mfume
Burr	Fields (LA)	Moakley
Chapman	Graham	Paxon
Conyers	Kennedy (MA)	Riggs
Cox	Kennedy (RI)	Torkildsen
de la Garza	Markey	Waxman
Engel	Meehan	Wilson

□ 1117

Mr. HALL of Ohio, Mrs. SCHROEDER, Mr. FOGLIETTA, and Mr. REED changed their vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SHAYS). Will the gentleman from Massachusetts [Mr. NEAL] come forward and lead the House in the Pledge of Allegiance.

Mr. NEAL of Massachusetts 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.

READING THE CONTRACT WITH AMERICA

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

Mr. BOEHNER. Mr. Speaker, our Contract With America states that on the first day of Congress the Republican House will force Congress to live under the same laws as everyone else, cut one third of the committee staffs, cut the congressional budget, and we have done that and many more changes on our opening day.

In the next 80 days, Mr. Speaker, we will vote on the following 10 items: a balanced budget amendment and line-item veto, a new crime bill to stop violent criminals, welfare reform to encourage work, not dependence, family reinforcement to crack down on deadbeat dads and to protect our children, tax cuts for families to lift government's burden from middle income Americans, national security restoration to protect our freedoms, Senior Citizens Equity Act to allow our seniors to work without penalty, government regulation and unfunded mandate reforms, commonsense legal reforms to end frivolous lawsuits, and congressional term limits to make Congress a citizen legislature once again.

My colleagues, this is our Contract With America.

□ 1125

VOTE ON PERMITTING COMMITTEES TO MEET DURING 5-MINUTE RULE SEEN AS WRONG AND UNDEMOCRATIC

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

Mr. GEPHARDT. Mr. Speaker, I rise today to voice my strong opposition to a motion that was forced through this House last night by the Republican majority. While this may seem like nothing more than a trivial, administrative matter, it speaks to the very heart of our purpose here as Representatives of the people in this country.

Last night the Republican majority pushed through a motion that said the committees of this House can meet to consider urgent legislation even while there is urgent legislation on the floor of the House.

In other words, Members of Congress have to be in two places at one time, and if that means we have to miss crucial votes, if that means that on some of those dangerous and potentially devastating proposals, the voices of our districts will be missing in action, then that is just too bad.

When we tried to object to a motion which is impractical, illogical, and just unfair, we were gagged. We were told that we only had 3 minutes to speak, and we were defeated by one of our closed, no-discussion, no-debate votes that have come to define the Republican Congress.

This is not just a partisan issue. I think Republican members should be as concerned and outraged as Democrats. What do we tell our constituents? That we wanted to fight to protect Social Security or Medicare but we missed the vote because we were running from one room to another, that we wanted to preserve clean air and clean water, but there was a scheduling conflict and we were missing in action?

I know the Republicans want this to be the Hundred Days That Shook the World, but we have an obligation to stand up for those who may be shaken.

This motion last night was wrong, it was undemocratic, and I call upon all of my colleagues to resist it and denounce it for what it is, a gag rule on the people of this House.

THE PEOPLE'S BUSINESS

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

Mr. HOKE. Mr. Speaker, we are here doing the people's business on a regular basis, and what we have just heard is a great hypocrisy coming from the other side of the aisle. The fact that I, in the 103d Congress, which is the only Congress I have had the privilege of being a party to——

Mr. ACKERMAN. Mr. Speaker, I request that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will please be seated.

□ 1128

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, do not the rules of the House forbid Members from impugning the motives of other Members?

The SPEAKER pro tempore. There is a point of order that the words be taken down. The gentleman will suspend. The Chair will not anticipate his ruling by a parliamentary inquiry. With due respect to this Chamber, the Chair is a new Member of the House at taking this chair, and ask for your indulgence and cooperation. This is a very serious situation, of which the chair will ask the Clerk to report the words.

Mr. HOKE. Mr. Speaker, I would ask unanimous consent to withdraw my previous words.

Mr. ACKERMAN. Mr. Speaker, reserving the right to object, I will not object, providing there is an apology to the previous speaker.

Mr. HOKE. Mr. Speaker, I request unanimous consent to remove the words that I spoke before.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, if the gentleman apologizes for his words, which were directed at the previous speaker, I will not object.

Mr. HOKE. Mr. Speaker, I did not refer to anyone with my words, and, I will repeat, that I would ask unanimous consent to withdraw my words.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, I request that the gentleman's words be read by the reporter.

The SPEAKER pro tempore. The Clerk will report the words.

The CLERK. ''Mr. Speaker, We are here doing the people's business on a regular basis, and what we have just heard is a great hypocrisy coming from the other side of the aisle. The fact that I, in the 103d Congress, which is the only Congress I have had the privilege of being a party to.''

Mr. VOLKMER. Mr. Speaker, I object.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, the gentleman claims to have heard and therefore claims that it was spoken, a hypocrisy, by the previous speaker. If the gentleman does not apologize for those words, I will object to his withdrawing them.

Mr. HOKE. Mr. Speaker, I would like to apologize for the use of the word ''hypocrisy,'' and ask unanimous consent to remove those words.

Mr. ACKERMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the request of the gentleman from Ohio [Mr. HOKE]?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HOKE] may proceed in order.

Mr. HOKE. Mr. Speaker, I think it is a great curiosity that the previous speaker, who presided over this body as the majority leader in the 103d Congress, knows full well that during that Congress we were under the 5-minute rule many, many, many times, and during that time we never, never once suspended under the 5-minute rule so that we would not be able to sit in committee. So I think it is a great curiosity that today we should hear that this is a complete undermining of all of the reforms that we are bringing forward, that we are somehow going back on the business of the people's House, when in fact that is the only way that this place was run during the 103d Congress. It was never run another way.

DO NOT GAG AMERICA

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

Mr. BONIOR. Mr. Speaker, I have here the fundamental contract with America, the Constitution of the United States. And the first amendment of that contract says that the Congress shall make no laws abridging the freedom of speech. But what is going on in this House in the past 2 weeks is a clear violation of the spirit of that contract.

Last night the Republican leader reneged on one of the first promises of reform and instituted a policy that will make it impossible—impossible—for Members of either party to be on the floor or to be in committee to debate important issues. This is just one, just one in a series of efforts by the Republican majority to shut down debate and gag the voices of the American people. Committees are being adjourned prematurely, the right to hearings is being refused, and minority Members are being denied the right to question witnesses.

Mr. Speaker, the Contract With America cannot be used as an excuse to gag America or shut down the Constitution, and we will not stand for it.

SEALY TIGERS WIN TEXAS CLASS 3A STATE FOOTBALL CHAMPIONSHIP TITLE

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

Mr. FIELDS of Texas. Mr. Speaker, I have a unique 1-minute in that this is a positive 1-minute.

Mr. Speaker, I want to take a moment today to salute the members of the Sealy High School Tigers football team, who recently won the Texas class 3A State football championship before a cheering crowd of 12,000 people in Houston's Astrodome.

Sealy defeated Atlanta, TX, to win its first State title since 1978. When this year's season was complete, Sealy had attained a 16 and 0 record, the best in school history. While the excellent coaching staff and the tenacious players themselves are responsible for this outstanding season, news reports indicate that Sealy had a secret weapon that its opponents lacked. Before each game, Sealy's football team listened to a motivational speech from the movie ''Patton.''

I am proud of the young men of this football team, and I know you, Mr. Speaker, will join with me in saluting the Sealy High School Tigers on their Class 3A State football championship title.

OBSERVE NORMAL RULES OF PARLIAMENTARY PROCEDURE

(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, last night something happened that has never happened in my 12 years as a Member of this body: The Republican majority totally shut out the minority for debate on a bill, unprecedented and incredible.

Mr. Speaker, speaking out against this incredible transgression is not obstructionism; it is called democracy, civility, the normal rules of parliamentary procedure.

□ 1140

If this type of gag rule continues, I can assure Members that the minority will not stand for this, and neither will the American people. If the majority thinks that a king and his court were elected to do anything they wanted, they will soon discover that the family friendly Congress will only be a dream.

BALANCING THE GOVERNMENT'S CHECKBOOK

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

Mr. EVERETT. Mr. Speaker, every month millions of Americans go through the same ritual. They take out their bank statement and the records they have kept and they balance their checkbook. It can be a difficult task, and occasionally the numbers just do not add up right. However, for the Federal Government, the numbers have not added up right for over a quarter of a century.

The rest of America understands what it is like to live within a budget. They understand that they cannot spend more money than they make.

Mr. Speaker, every American household must balance their checkbook. It is time the House balanced its checkbook. When the time comes, I hope my colleagues on both sides of the aisle will join me in voting yes for the balanced budget amendment and restoring a sense of reality to this House.

WHERE IN AMERICA IS FREE SPEECH IF NOT ON THE HOUSE FLOOR

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

Mr. STUPAK. Mr. Speaker, free speech, free debate, the free flow and exchange of ideas, has once again been denied the American people by the majority party.

Last night our Democratic leader asked to debate the majority leader. As is customary, 1 hour was set aside for debate. The new majority leader only granted our leader 3 minutes to debate, 3 minutes to debate.

Why will the majority not engage in debate on this floor? Why can we not debate the Democratic alternative to a balanced budget amendment? Why can we not debate the Democratic line-item veto, which was passed twice in the last session? Why will the majority not let America debate the Contract with America?

If there is no free speech, if there is no free debate, if there is no free exchange of ideas on this floor, then I must wonder where in this great Nation will the majority leader allow any free speech?

URGING THE PRESIDENT TO EMULATE GOVERNOR WHITMAN AND FIND A WILL AND A WAY TO REDUCE GOVERNMENT SPENDING

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

Mr. MARTINI. Mr. Speaker, tonight Gov. Christie Todd Whitman will give the response to the State of the Union Address. She was chosen because of her determination to work for a smaller, smarter, less costly government in New Jersey.

It has been said ''for democratic nations to be virtuous and prosperous, they require but the will to do it.'' Governor Whitman has displayed that will by her actions in making the tough decision. I can only hope tonight the President will come to Capitol Hill with that same determination to work with the new majority in Congress to once and for all transform the Federal Government.

Since January 4 the new Congress has demonstrated that type of will. This was apparent in the passage of the Congressional Accountability Act, as well as our willingness and determination to move forward to pass the Unfunded Mandates Reform Act and the balanced budget amendment.

Mr. Speaker, after the speeches are done tonight, what the American people will be looking for is not more talk, but rather for our President to cooperate and reaffirm the simple but effective lesson taught to us by Governor Whitman of New Jersey: Where there is a will, there is a way.

TIME TO PLACE FAIR VALUE ON THE PRESIDENT'S ACCOMPLISHMENTS

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

Mr. GUTIERREZ. Mr. Speaker, tonight our President will come to this Chamber to speak on the state of our Union. Many pundits have suggested that this is a time to re-evaluate our President. Let me suggest that perhaps it is time to place fair value on what he has accomplished.

In the storm of myths and misrepresentation, much of it from the other side of the aisle, we lose sight of real accomplishments that affect real people.

President Clinton, despite partisan opposition, fought for an earned income tax credit that brought tax relief to 40,000 families in my congressional district alone, and millions in this Nation.

President Clinton, despite partisan opposition, has achieved the largest deficit reduction plan in history, while still creating almost 6 million jobs.

President Clinton, despite partisan opposition, has expanded Head Start for the children of Chicago and America.

And President Clinton, despite partisan opposition, has battled to take guns off our streets and put more police officers on them so we can be safer.

Mr. Speaker, I urge President Clinton not to re-evaluate but to continue to work for working people.

WHILE REPUBLICANS TRY TO CHANGE GOVERNMENT, DEMOCRATS TRY TO CHANGE THE SUBJECT

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

Mr. BALLENGER. Mr. Speaker, the biggest bankruptcy in the world today is not occurring in Orange County or even in Mexico, but on the minority side of the aisle right here in this Chamber. With their petty parliamentary pranks, the Democrats are driving themselves into the intellectual bankrputcy.

However, while the Democrats are busy committing slow political suicide, Republicans are making good on their promises to the American people to pass an unfunded mandate bill and a balanced budget amendment to the Constitution.

I have news for my friends on the other side of the aisle. No amount of partisan sniping is going to distract us from doing the real work the American people sent us here to do.

After we finish blowing the dust off the 10th amendment the Democrats for years have ignored, by passing an unfunded mandates bill, we are going to pass a balanced budget amendment as an encore.

While we are trying to change the Government, the Democrats just want to change the subject.

CALLING FOR MEMBERS' ASSISTANCE REGARDING FEDERAL INVESTIGATION OF WEAVER FAMILY KILLINGS

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

Mr. TRAFICANT. Mr. Speaker, in 1992 Federal agents attacked the Weaver family in Idaho. They killed 14-year-old Sammy Weaver. They shot him in the back. They then shot an unarmed Mrs. Weaver and killed her, shooting her right between the eyes as she held her infant baby. They even killed the dog. Court documents now prove the FBI lied in court. Federal agents fired first. Weaver was entrapped into a gun violation.

Mr. Speaker, is this the Justice Department or is this the KGB? I always thought in America our Government does not shoot 14-year-olds in the back. Our Government does not shoot unarmed mothers while they hold their infant.

Mr. Speaker, I have asked for a Federal investigation of this matter, and both sides of the aisle need to provide some oversight to the agencies of our Justice Department. I would appreciate the Members' help.

THE REPUBLICAN MAJORITY CONTINUES TO PURSUE THE GOALS OF THE CONTRACT WITH AMERICA

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

Mr. CHABOT. Mr. Speaker, I have read a few news reports in recent days that suggest the Republicans are cooling on their commitment to the Contract With America. Let me just say, speaking for this newly elected Republican Congress, that just ain't so. Any reports that the Republican majority is backing away from the contract is wishful thinking on the part of those who support the status quo.

The fact is the new Republican majority is here to bring revolutionary change to the Congress. The Congressional Accountability Act has already been signed into law, making applicable to Congress laws from which Congress had exempted itself for years.

We will soon pass the bill to restrain unfunded mandates. Later this week or next we will take up and pass a balanced budget amendment containing, I fervently hope, a restriction on additional taxes. One by one we will work our way through the contract and fulfill our pledge to the American people.

Mr. Speaker, the Washington establishment and many of the guardians of the old order in this House may wish that the Republican majority failed, but we will not. The American people will not allow it to happen.

CONGRESS SHOULD STOP PARTISAN QUIBBLING AND PASS REFORMS SOUGHT BY THE AMERICAN PUBLIC

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

Mrs. SMITH of Washington. Mr. Speaker, I have been in this office now for 20 days, and I have been keeping a list of all of the things that are supposed to be kept in the budget, as the minority has listed day by day just about everything to be left in the budget.

Mr. Speaker, I think what I find is they did not get the message this last November. Balancing the budget and getting rid of the national debt was the No. 1 issue the American people sent us here to do. We cannot spend our way to recovery.

Let us talk about what people really want. They want a strong America, an America in the future that will be able to pay its debt, and not have an America that cannot take care of its children; an America that can take care or

paying the Social Security commitments that we have made to the elderly, not a bankrupt America that cannot take care of its commitments.

Mr. Speaker, what I say today is to do that, we have to pass a balanced budget amendment. We have to get done with the quibbling, the talking about unimportant things, and pass a balanced budget amendment with a three-fifths tax increase vote.

IN MEMORY OF ROSE FITZGERALD KENNEDY

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

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to Rose Fitzgerald Kennedy, the matriarch of America's most celebrated political family, who passed away on Sunday surrounded by family and friends at her home in Hyannis Port, MA. She was 104. Her remarkable life spanned a century and saw great triumph and despair, but through it all Rose Kennedy always carried herself with the characteristic grace, style, and dignity that became her trademark.

Born in 1890, Rose Elizabeth Fitzgerald was introduced to politics at an early age by her father, the former Congressman and mayor of Boston, John F. ''Honeyfitz'' Fitzgerald. A gifted student who spoke several languages, she graduated from Convent of the Sacred Heart in Boston and at age 24 married businessman Joseph Patrick Kennedy.

In the next 18 years Joseph and Rose Kennedy had nine children. One would be elected President of the United States. Two served in the Senate. And another became Ambassador to Ireland. But with every great victory, there always seemed to be an even greater loss—in Dallas in 1963, and again in Los Angeles 5 years later.

It was during these times of great sorrow that Americans saw the strength of Rose Kennedy, the deep convictions, and the intense and unyielding dedication to her faith. In her quiet manner she inspired millions of Americans, and helped us overcome our collective grief.

She will be remembered as an outgoing daughter, a caring wife, a loving mother, grandmother, and great-grandmother. In the words of her son, John Kennedy, ''She was the glue that held the family together.'' She is being buried in Boston today. May she rest in peace.

CALL FOR REDUCED FEDERAL GOVERNMENT

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

Mr. BARR. Mr. Speaker, during the recently concluded campaign, which culminated in the landslide victory for myself and many other candidates all across this land, we heard a message loud and clear. That message was: less government, lower taxes, and less regulation.

Mr. Speaker, let us not engage as we have seen in recent days up here in the old Chinese torture of death by a thousand cuts, to engage in death by a thousand amendments.

We have heard that message. The message is, we the people of these United States want lower taxes, less Government, and less regulation. We will have the opportunity to stand tall before the American people this week and pass the unfunded mandates bill and pass a balanced budget amendment with a set of teeth in it; namely, the three-fifths majority to raise taxes.

This is what the people want. Let us give the people what they want, and they have spoken oh so eloquently. Let us take up that charge and do them proud.

CONTRACT WITH AMERICA DOES NOT ADD UP

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

Mr. TORRES. Mr. Speaker, much ado has been made about the Republican Contract With America, especially the pie in the sky balanced budget amendment.

This publicity stunt demonstrates the mastery of soundbites by Republicans. But it is obvious that they are not masters of another area, and, that is, arithmetic. The contract just does not add up.

When the Republicans led the minority party, they had noting to lose. They could proposes all sorts of empty, feel-good reforms because everybody knew they would not pass in this House. Even the great Houdini cannot cut taxes, increase defense spending, and balance the budget all at the same time.

But now you have the responsibility, my friends, to lead as the new majority. The bottom line on the budget is not whether you support it but how do you achieve it.

Mr. Speaker, President Clinton and the Democrats have worked hard to make the tough choices to cut the deficit and worked toward a balanced budget, all without a Republican vote.

Let us govern with integrity, not with gimmicks and soundbites.

SUPPORT OF H.R. 5 WOULD END UNFUNDED MANDATES

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

Mr. CHAMBLISS. Mr. Speaker, this week the House will continue consideration of the second major piece of legislation outlined in the Contract With America, the prohibition of unfunded mandates.

The overwhelming feeling in Georgia's Eighth District is that this Federal Government has grown too large. How have the people come to this conclusion? They see the obvious overreaching in the form of higher taxes and increased regulation.

But, Mr. Speaker, they also see the more subtle signs of a bloated, arrogant bureaucracy; namely, the unfunded mandate.

Mr. Speaker, there was a time in this country when the understood role of our Federal Government was to work at the will of the States that created it. It is high time we return to that understanding and put back into practice the system of Government that our forefathers intended for this great Nation.

Mr. Speaker, I urge Members to show the American people we are committed to changing the way this Congress does business. Support H.R. 5 and put an end to unfunded mandates.

SUPPORT UNFUNDED MANDATE REFORM ACT AS AMENDED

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

Ms. MCCARTHY. Mr. Speaker, H.R. 5, the Unfunded Mandate Reform Act, creates a process that ensures and recognizes that the Federal Government should not pass its obligations down to the State and local governments without adequate funding for its mandates.

As a cosponsor of the legislation and a former State legislative leader, I am very sensitive to the potential financial and administrative burdens that Federal unfunded mandates place on State governments.

Mr. Speaker, I believe that during this bipartisan debate, one should consider the scope and cost of these unfunded mandates. In the State of Missouri, for example, an analysis of estimated costs of unfunded mandates reveals that for fiscal year 1994, the costs were $205 million, which represents a 57 percent increase since 1992.

The National Conference of State Legislatures finds that there are 172 Federal laws that require State and local governments to spend money on Federal mandate programs.

Further, estimated cost of unfunded mandates to States could be as high as $500 billion annually. Similarly, the cost to cities could be $54 billion over the next 4 years and counties across this country are spending close to $5 billion a year complying with 12 specific mandates.

H.R. 5 responds to the growing concerns about the number and the cost of Federal mandates imposed on States and local governments by ensuring careful congressional consideration before the enactment of new mandates.

I support a number of very good amendments introduced to strengthen H.R. 5 while still retaining the basic thrust and affirming

the determination to establish a new partnership with our States and local government.

The standards designed to protect the environment, as well as the health and safety of Americans in the Unfunded Mandates Reform Act are the first step in restoring the balance to our Federal system.

THE AMERICAN PEOPLE OPPOSE MEXICO BAILOUT

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

Mr. DUNCAN. Mr. Speaker, the American people do not want us to vote for a $40 billion bailout for Mexico.

We should listen to William Seidman, former head of the FDIC, who wrote in yesterday's Wall Street Journal, that a market judgment mistake was made by investors and lenders who did not properly evaluate the situation.

Mr. Seidman asked: ''Why should anyone be bailed out by the U.S. Government . . . for a business mistake?''

He said Mexico was like a kid in a candy store and simply did too much short term borrowing.

But, if we place too many conditions on Mexico, as we should to protect United States taxpayers, it will cause tremendous resentment among average Mexican citizens. Lawrence Kudlow, the economics editor for National Review summed it up best:

> * * * if the GOP goes along with the extravagant and unsound plan put forward by the Clinton administration, it should get ready for electoral backlash. Voters who want smaller and more frugal government at home, with a new emphasis on personal responsibility, expect no less in our policy dealings abroad. Broken Mexican promises on trade, money and free-market reforms should not be rewarded with a big government bailout. Sound money and sound fiscal policies are the only lasting answers.

MEXICO BAILOUT STRONGLY OPPOSED

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

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to the $40 billion Mexican bailout which is supported by President Clinton, Speaker GINGRICH, and other congressional leaders.

Mr. Speaker, at a time when Members of Congress are proposing cutbacks in Social Security, Medicare, Medicaid, veterans' needs, nutrition programs for hungry children, grants and loans for middle-class college students, and the elimination of public broadcasting, I regard it as insane to put $40 billion of taxpayer money at risk through this loan guarantee project with Mexico.

Mr. Speaker, we have enough problems taking care of the needs of America without trying to run Mexico.

Mr. Speaker, if large banks and Wall Street investment houses want to purchase Mexican bonds at 19 percent interest rates, they have every right in the world to do so. But these great proponents of the free enterprise system who lecture us every day on the value of risk should not go running to Congress for a guarantee on their investments.

END UNFUNDED MANDATES

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

Mrs. SEASTRAND. Mr. Speaker, I had hoped to come to the floor today and vote for yet another essential part of the Contract With America, the limits on unfunded mandates. Since it appears that stall tactics are working, we will not be voting on this important provision today. But I felt it necessary to give a simple example of the term unfunded mandates.

An example is worth a thousand definitions. In my home State of California, the California Department of Finance estimates that one piece of legislation alone, the National Voter Registration Act, more commonly known as motor voter, will cost our State $3.8 billion alone in 1994 and 1995.

They further go on to point out that the cost to California in unfunded and underfunded mandates for 1993–94 and 1994–95 will cost more than $15 billion.

I know that might not seem like too much money to some that serve in this House. However, we should adhere to the words of the late Everett Dirksen who said, ''A billion here, a billion there and sooner or later we're talking about real money.''

□ 1200

A CHILDREN'S TALE

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

Ms. MCKINNEY. Mr. Speaker, since the Republicans have decided that in their so-called open house that Democrats are not allowed to say certain things, I would like to relate the following children's tale.

Once upon a time, there was a little piglet who spent most of his days rolling around in a filthy ditch, throwing mud and insults at the giraffes walking around outside. He was so good at doing this, he started an organization called GOPIG, which distributed tapes to his piggy friends teaching them how to use such words as ''sick,'' and ''grotesque'' to describe the giraffes.

One day, the piglet came out of his ditch and the giraffes began to chase after him. As he ran, the little piglet squealed and squealed that what they were doing was unfair and that he might get an infection.

Mr. Speaker, the moral of this story is, it is time for an outside counsel to put the book deal to rest once and for all.

MINIMUM PROGRESS

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

Mr. GUTKNECHT. Mr. Speaker, it is ironic that President Clinton will likely urge tonight that we raise the minimum wage as we debate unfunded mandate reform in the House.

This proposal is another unfunded mandate that will kill jobs and hurt productivity.

Does he believe that bigger government, better mandates, and more spending is what the American people really want?

Perhaps that is why he is opposed to a balanced budget amendment to the Constitution.

Mr. Speaker, Republicans disagree. We want to cut spending. We want to cut taxes. We will curtail unfunded Federal mandates. And we will change the way this Congress does business.

Tonight the President will reveal his plans for the next 2 years. Sadly, those plans will continue the same old tradition of big government and big spending. He may talk about the minimum wage, but that kind of talk, will lead to minimum progress.

VOTE AGAINST MEXICAN BAILOUT

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

Ms. KAPTUR. Mr. Speaker, if Members have not decided how to vote on the $40 billion Mexican bailout package, let me refer them to yesterday's U.S.A. Today business page which says that mutual fund speculators in emerging markets earned 66 percent yields on their investments since 1990. Would my colleagues not like to earn some of that money?

Then today on the Washington Post editorial page Robert Dunn, an economist at George Washington University advises against a $40 billion bailout of Wall Street by saying the proposed bailout is really a rescue package for investment bankers and mutual fund managers in New York and other financial centers who took huge risks in exchange for very high-interest rates in Mexico.

We now have a wonderful recipe for prosperity on Wall Street. When risky assets pay, keep the money and complain about high taxes; but when such high risk assets approach default, get the U.S. treasury and taxpayers to cover the losses.

Vote against the Mexican bailout.

AMNESIA BY THE DEMOCRATS

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

Mr. LAHOOD. Originally, Mr. Speaker, I was going to say something about

the balanced budget amendment, but I think amnesia has set in here in the House. I am absolutely amazed that the distinguished minority leader and distinguished minority whip would come to the House and castigate and chastise Republicans for the open rules that we have given them on unfunded mandates, over 150 amendments? Gosh, I can never remember when the Democrats were in charge that they ever had an open rule on a major piece of legislation.

Well, amnesia has been cured. The American people will now have debated a balanced budget amendment, unfunded mandates, term limits, line-item veto. We have been cured. We do have open rules, Members have not been gagged.

Get with it. We are in charge, and we will set the agenda.

BALANCED BUDGET AMENDMENTS

(Mr. WATT of North Carolina asked and was given permission to revise ad extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I first read it in the Washington Post and I had my doubts about it. Then I read it in the Farm Journal. This is a quote. ''We have to explain to people in advance what a balanced budget amendment is going to mean. I am for it, but you got to tell people you can't have it without giving something up.'' Our Senate majority leader, a Republican.

He needs to tell the people on this side in the House the same message. Unlike his Republican counterparts over here who steadfastly refuse to discuss the actual cost of the balanced budget amendment, claiming that if Americans knew the real costs, their knees would buckle.

The balanced budget amendment may be good political public relations. but it is not integrity and open government, which is what the Republicans say they want.

We have to be honest with the American people about the balanced budget amendment.

VOTE FOR UNFUNDED MANDATES BILL

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

Mr. CHRYSLER. Mr. Speaker, I rise today to urge the Members to vote for the Unfunded Mandates Reform Act. This measure would dramatically alleviate the devastating impact Federal mandates have levied on the States for decades. Additionally, we must protect the private sector from overbearing mandates and regulations. This measure will show the American people that this congress is providing real leadership and is sincere in this efforts to create a streamlined and more efficient and responsible Federal Government.

Coming from the great State of Michigan, one of America's strongest industrial and agricultural communities, I have seen how such mandates and Federal regulations often result in lost jobs or impede job creation.

The effects Federal mandates have on the private sector are no less devastating and should be analyzed on equal levels as those affecting States and local governments.

A BALANCED BUDGET YES, BUT NO THREE-FIFTHS

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

Mr. VOLKMER. Mr. Speaker, in this body as well as the other body we have people with different ideas. Ideas are what make legislation. We are seeing that with the unfunded mandate bill. That is all it is, a question of ideas. We are going to see it with the balanced budget amendment.

I have supported a balanced budget amendment since I have been here, 18 years. I have never supported however, in that time, the principle that you should have a three-fifths majority in order to increase revenues. I will never support a constitutional amendment that has that.

I believe in my principles. I just wonder how many freshmen Members on the other side of the aisle believe in their principle of a three-fifths majority and how many of them will actually stand by that principle, or how many of them will, just for expediency, decide that they want a balanced budget amendment and they do not care what is in it. I am just curious to see who really stands by their ideas.

STOP THE BICKERING

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

Mr. LEWIS of Kentucky. Mr. Speaker, tonight, as the President addresses the Nation, I urge my colleagues on the other side of the aisle to reflect on what they have done to reform the government.

Have they come out in support of a tax-limitation, balanced budget amendment?

Have they fought to reform unfunded mandates, have they embraced the Republican-led changes in the way the Congress does business?

Or have they fought the reforms put forth? Have they tried to filibuster, delay, and destroy the Contract With America?

Mr. Speaker, many House Democrats, guardians of the failed past, have come to the floor today and in the past weeks for one reason, to stop needed reform of this Congress.

They attack Republicans on irrelevant issues. They complain about fair procedures, they whine when we make necessary cuts.

The time has come to stop this silly bickering, this endless partisanship. Let us work together to complete the Contract With America and restore the people's faith in their Congress.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, I did not say anything when the gentleman was in the well and just spoke, but as I said earlier, and I was asking about one of the previous speakers, the House rules do not permit the impugning of motives.

□ 1210

The SPEAKER pro tempore (Mr. SHAYS). Will the gentleman state his inquiry, please?

Mr. VOLKMER. The inquiry is, Do the House rules forbid the impugning of motives of the Members of the House, either party, anybody?

The SPEAKER pro tempore. The Chair would point out to the gentleman that personal motives are out of order. Political motives are not.

Mr. VOLKMER. All right. Fine.

SAVE SOCIAL SECURITY

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

Ms. JACKSON-LEE. Mr. Speaker, my constituents asked, as I came to the U.S. Congress, that we engage in deliberation and serious debates on the problems of the American people.

I have been reading in my office letters that have come, handwritten, notably by aged individuals, who asked me simply to save their Social Security.

I went home almost the very first week, not to tell people what I was going to do but to ask them what they would have the U.S. Congress do. In a hearing, one after another pleaded and begged that we would respond to the needs of those who needed Social Security.

Mr. Speaker, a balanced budget amendment that does not protect Social Security violates the rights of needy citizens across this Nation.

In recognition of this great tragedy, those of us on the Committee on the Judiciary offered an amendment, a simple bipartisan amendment, to save Social Security. This was soundly defeated by the Republican majority.

We have already heard over 100,000 million dollars will be taken out of Medicare and Medicaid. Texas will lose 35 percent of its benefits.

I simply ask that we own up to our responsibility and save Social Security.

PASS THE BALANCED BUDGET AMENDMENT

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

Mr. KINGSTON. Mr. Speaker, you know, each month, sometimes at the beginning of the month, sometimes at the end of the month, but surely during the course of the month, the American middle-class families must sit down and assess their finances, and as a result of these assessments, many new dresses and suits and weekends out and stereos and want-to-have type purchases yield to such mundane purchases as new dryers, new washing machines, automobile repairs, new roofs for the house, other type things like that.

The American middle class must do this, because their expenses cannot exceed their revenues. It is essential. It is common sense.

And now the U.S. Congress can join them in this effort. We have ignored this for too long. The last balanced budget was in 1969.

This week we can change everything by the passage of a balanced budget amendment. Let us pass it and do what middle-class America has to do each month.

A PICTURE SPEAKS A THOUSAND WORDS

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

Mr. LEWIS of Georgia. Mr. Speaker, I read with great sadness and sorrow in this morning's papers that the new chairman of the Rules Committee has replaced the portrait adorning that committee's wall.

The portrait that had hung on that site was of Claude Pepper, one of the most revered and respected Members ever to serve in this institution, a man long associated with protecting the rights and dignity of senior citizens.

The portrait that replaces it, one of Howard W. Smith, a man perhaps best remembered for his obstruction in passing the country's civil rights laws. A man who in his own words ''never accepted the colored race as a race of people who had equal intelligence and education and social attainments as the white people of the South.''

Mr. Speaker, it has been said that a picture speaks a thousand words. I know the gentleman from New York meant no offense, meant no harm. He should change his mind. Symbols in our society are important. We do not need angels on our walls, but certainly we can do better. Mr. Chairman, please take down that picture. Take it down now.

NO TIME TO STALL

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

Mr. GANSKE. Mr. Speaker, this is no time to stall. For 40 years the House leadership on this side of the aisle stalled reform from Congress. For 40 years the House leadership resisted passing a balanced budget amendment. They refused to reform our welfare system. They passed unfunded mandates on to the States.

And now there are those who are trying to put off reform again. That is why they use dilatory tactics to slow the legislative process. It is why they concentrate on issues that have nothing to do with changing this Congress. They wish to stall in order to deny the American people a real chance to change business as usual.

Well, Mr. Speaker, if the last election was any indication, this is no time to stall. I urge my colleagues on the other side of the aisle to stop stalling and to start working with us to reform this Congress.

THE BALANCED BUDGET AMENDMENT

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

Mrs. CLAYTON. Mr. Speaker, passage in its current form of the House joint resolution, the balanced budget amendment, would reshape the political landscape and impact the American people in ways that have never been felt before.

To avoid that result, I urge two changes: One, that we should not punish those who have given all of their lives—the aged; we should exempt Social Security from the balanced budget calculation.

Social Security is, indeed, the contract that the older Americans have with their country. That contract should not be breached. It should not be broken. It should not be modified, particularly for those who are in the sunset of their lives who have come to realize that this is their only hope for a quality of life.

Second, Mr. Speaker, we should tell the people what we will cut and what we will not. It is undemocratic to say that we are fiscally responsible and fail to tell the people what we will do.

America wants reform, but America wants reform knowing what they are doing.

WELCOMING THE PRESIDENT TO THE CONTRACT WITH AMERICA

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

Mr. WELDON of Florida. Mr. Speaker, in his campaign for the White House, President Clinton said that he favored tax relief for the middle class. Well, Republicans in the new Congress agree that the Federal Government taxes and spends too much and that taxpayers should have their tax burden reduced.

Through his Reinventing Government, President Clinton also supports efforts to reduce the size of Government. Republicans in the new Congress will work with the President to achieve a smaller, efficient Government.

You see, Mr. Speaker, there really are areas of agreement. In our Contract With America, Republicans have promised to accomplish many of the things that the President says should be done. But there is one slight difference: Instead of just talking about these things, Republicans have and will continue to deliver on our promises. And, we welcome the President to our agenda of lower taxes and less government.

THE AMERICAN PEOPLE HAD BETTER PAY ATTENTION

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

Ms. WATERS. Mr. Speaker and Members, I am worried about this Congress, and the American people had better pay attention.

This Congress is rushing to pass a constitutional amendment to balance the budget, and most people do not have any idea how their lives are going to be impacted by this vote.

Did you understand the words of the Members who came before me when they talked about Social Security and the fact that it could be on the chopping block?

But let us not dwell on that, as bad as that could be. I want to talk about a children's program today. I want to talk about Head Start, that program which has proven to be an excellent program, that gives little children a head start, that gets them involved with education, that helps introduce them to books, that builds self-esteem. It is in rural communities. It is in urban communities. It is for the working class.

This is a program that could be cut, that could be eliminated.

American people, get involved and understand what is about to happen.

THE PRESIDENT SHOULD READ THE CONTRACT WITH AMERICA

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

Mr. RIGGS. Mr. Speaker, I have no doubt that the President's State of the Union Address tonight from the rostrum behind me will be a great speech. The President always gives a great speech.

But, Mr. Speaker, the President is a little late. The voters sent a clear message last November to Washington, ''Clean up your act and get your fiscal house in order.''

The voters elected a Republican majority to disassemble the big Government bureaucracy that the Democrats built up over the last 40 years.

Republicans are keeping their promise with the American people through the Contract With America, despite the delaying and occasionally obstructionist tactics we see on the other side of the aisle.

We are working to reduce the size and scope and cost of government.

Mr. Speaker, I would like to suggest to the President that for his State of the Union Address tonight he should just read the Contract With America. These are the issues concerning the people, and these are the issues they want to hear the President support tonight.

□ 1220

FREEDOM OF SPEECH STIFLED

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

Mr. KLINK. Mr. Speaker, for 24 years I was a journalist. I did stories on and about murderers, rapists, drug dealers, politicians that were in trouble, even police officers who had crossed the line. And I was threatened many times, told not to carry a story or threatened if I was to move forward.

Never in 24 years was my freedom of speech stifled until last night. And it did not happen in a dark alley, it happened on the floor of the U.S. House of Representatives. Only two Members of the minority side were allowed to speak last night about a very controversial issue, and they were only given 3 minutes.

Never in my time in the House have I seen this. 202 Members were told, ''You can't speak, you can't debate.''

In all those years when I was threatened, in all those years when someone tried to stop the debate, the free flow of ideas, I learned one thing about it: that they were afraid of the exposure of that idea. They did not want to have a debate. And when you are afraid of debate, it shows the weakness in your philosophy and a weakness of where you are coming from.

Ladies and gentlemen, I think we have got to continue pushing for our rights to at least have a debate on these issues, win or lose.

THE CHOICE IS CLEAR: SMALLER, MORE EFFICIENT, LESS COSTLY GOVERNMENT

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

Mr. WICKER. Mr. Speaker, in the last election people gave this Congress a specific mandate: they want a smaller, more efficient and less costly government. This week Members of this body will have the opportunity to begin fulfilling that mandate by voting ''yes'' on a balanced budget amendment.

I believe most Members would agree that this Government is too intrusive in our lives. By forcing ourselves to balance the budget, we can begin downsizing the Federal Government.

The choice is clear, and the American people know it. If you want smaller, more efficient, and less costly government, then you will vote for the balanced budget amendment with tax limitation provision. But if you want to maintain the status quo of intrusive, big-government solutions, then you will vote against this amendment.

I urge my colleagues to vote with the American people and for the balanced budget amendment.

LET US WORRY ABOUT THE BUDGET NOW, NOT IN 2002

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

Mr. MASCARA. Mr. Speaker, as a former county commissioner and an accountant, I know what it means to balance a budget. I have balanced 16 of them. I know what it means to make sure that the numbers add up correctly. It means sitting down and setting priorities, deciding whether to build bridges, build a jail, or to build new drains down Main Street. It means seeing if revenues equal the needed outlays, and it means doing something about it if they do not.

My colleagues on the other side of the aisle would like us to believe that the budget can be balanced by magic. They say if we pass a balanced budget amendment and it goes into effect in the year 2002, well, we will worry about it then somehow. I say we had better worry about it now. We have to start laying out a roadmap that will lead us to the balanced budget. We must let the American people know now what they are in for; namely, some very tough times and very difficult decisions. My friends on the other side of the aisle say we just cannot predict what will happen in 5 years. I have been predicting for years as a county commissioner what will happen 20 years later.

MORE ON UNFUNDED MANDATES

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

Mr. WELLER. Mr. Speaker, soon the House of Representatives will wrap up debate and vote on H.R. 5. But since debate on the floor began, it is clear the bill's opponents just do not get it. The supporters of unfunded mandates continue to argue that if there was no big brother, a Federal big brother, America's children would be subjected to all sorts of horrible things. They seem to be saying Washington cannot trust the State Governors and legislators with these responsibilities. Well, the taxpayers know better.

It is time to change that same mentality that has governed this town for the last 40 years. State Governors and elected officials were chosen, and the taxpayers are being belittled by Members of this body for those choices.

Apparently, the only people who know how to clean the water or take care of the children are those whose credentials are backed by the Federal bureaucracy. How unthoughtful to those State and local officials and to the voters who decided to change to a new way of thinking at both the State and Federal levels. It is time to give local officials a little credit and adopt the unfunded mandates legislation.

BOOKGATE

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

Mr. BECERRA. Mr. Speaker, we have heard a growing number of conflicting and disturbing reports over Bookgate, the Speaker's book deal. Here is the bottom line, though: If the Republicans want to close the books on this episode, it is time for them to open up the books to the book deal and accept the call for an independent counsel to investigate these mysterious dealings.

Some Republicans are hoping that this issue will quietly disappear. But, Mr. Speaker, it will not go away, for a simple reason: America does not know what there is to ''go away.''

As recently as last week, the Speaker and Republican leaders met with media moguls in this country, including tycoon Rupert Murdoch. Murdoch is pushing the Congress to eliminate the ban on foreign ownership of America's TV and newspaper companies. Murdoch's publishing company, by the way, was the one that gave the Speaker the $4.5 million book deal. Do not forget also that Murdoch and his lobbyists had a private meeting with the Speaker prior to the announcement of that lucrative book deal. Last week's meeting could have been just a friendly get-together, or there might have been a lot more to it than that.

It is time to, Mr. Speaker, open up the process and find out exactly what did happen.

PROCEEDINGS OF THE HOUSE

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

Mr. BURTON of Indiana. Mr. Speaker, the people of this country spoke last November. But it is apparent to anyone who is paying attention to what is going on in this House that the Democratic Party is doing everything they can to derail the Contract With America. They are proposing hundreds of amendments to slow down the process. All I want to say is that it is the

height of hypocrisy, the height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years.

Mr. NADLER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will be seated.

The Clerk will report the words.

□ 1230

The Clerk read as follows:

But it is apparent to anyone who is paying attention to what is going on that the Democratic Party is doing everything they can to derail the Contract With America. They are proposing hundreds of amendments to slow down the process. All I want to say is that it is the height of hypocrisy, the height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years.

The SPEAKER pro tempore (Mr. SHAYS). The Chair is prepared to rule.

It would be out of order for the gentleman to make reference to a particular Member, but precedent suggests that reference to procedures, or amendments, or to parties is not out of order.

The House will proceed in regular order please.

PARLIAMENTARY INQUIRY

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

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

Mr. NADLER. The second half of the statement of the distinguished gentleman made reference to the hypocrisy of the Democrats. The context clearly indicated that it was the Democratic Members of the House that he was referring to. My parliamentary inquiry, therefore:

Since the rules prohibit the impugning of motives of Members of the House, and the gentleman impugned the motives of a group of Members of the House, just under half the Members of the House; so is it not permitted under the rules then to impugn the motives of an individual Member of the House, but to impugn the motives of a group of Members of the House is permitted?

The SPEAKER pro tempore. The Chair believes that collective political motivation can be discussed and it was not discernible that it was relating to any particular Member.

The House will proceed in regular order, please.

CALLING FOR A RENEWED COMMITMENT TO AMERICORPS

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

Mr. WARD. Mr. Speaker, I rise today in support of the President in his efforts to strengthen our communities and enable young Americans to further their education through the National Service Program, AmeriCorps.

As a former Peace Corps volunteer, I know the value of serving our community here in the United States as well as around the world.

Despite its short existence, President Clinton's National Service Program has already achieved remarkable results in terms of participation, serving our communities, and extending the invaluable benefits of higher education to tens of thousands of young Americans.

In my hometown of Louisville, the 22 volunteers of the ACME Program, which is affiliated with AmeriCorps, serves at-risk youths in local schools through safety and education programs. Also in Kentucky, AmeriCorps sponsors a housing and homeless program. This program seeks to provide affordable housing for those in need.

I believe that programs such as AmeriCorps can only make our Nation stronger and bring our people closer. Mr. Speaker, I call for a renewed commitment to AmeriCorps.

THE TIME TO DELIVER IS HERE

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

Mr. BROWNBACK. Mr. Speaker, I rise to address the body to comment about the elections on November 8 and the clear statement the American people spoke of at that point, which was to reduce the size, the scope, and the intrusiveness of the Federal Government. It has come that time to stand and deliver.

I call on the administration to put forward proposals looking at all Federal agencies for their continued work and their efforts in questioning whether or not we should reduce the Federal role in these areas, and I ask the administration to address that and to examine whole roles of agencies and programs. This body has been continually focused on the costs of these programs. I would ask the body to consider the responsibility of us to our children and the enormous deficit that has been put forth, the enormous debt that has been accumulated and what responsibility we have to the children of this country to free them of that debt.

Mr. Speaker, it is one thing to spend our children's inheritance. It is quite another to spend them in debt, as we have, and also the opportunity we have to free the society of these strains.

GET THE FACTS STRAIGHT

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

Mr. ABERCROMBIE. Mr. Speaker, to correct the record, I believe the gentleman from the 18th District of Illinois [Mr. LAHOOD] who surely is no rookie to the process here, perhaps unintentionally mischaracterized what has happened in terms of the history of the House. He said, if I understood him correctly, that no piece of major legislation has ever passed under open rules while the Democrat majority was in power.

As a member of the Committee on Armed Services and as a member of the Committee on Natural Resources, Mr. Speaker, I can tell my colleagues that the gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. MILLER] conducted every single piece of legislation under open rules. Every single hearing, including the budget hearings, were open. Every single Member of the then-minority who wanted to offer an amendment was able to do so, no matter how long, no matter how lengthy. That was the case.

Also, Mr. Speaker, I think it is a mischaracterization not to indicate to the American people and to new Members of the House here that time was equally divided always under the chairmanships of the gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. MILLER].

Get the facts straight, get the process right, and good legislation will follow.

□ 1240

U.S. INVENTORS THREATENED BY NEW REQUIREMENT OF GATT IMPLEMENTATION LEGISLATION

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

Mr. ROHRABACHER. Mr. Speaker, pardon me for talking about legislation for a few moments.

Mr. Speaker, I am asking my colleagues today to join with almost 100 Members of this body in cosponsoring H.R. 359. This legislation is aimed at preventing a crime against the American people. That crime was made possible by a provision, not required by GATT but snuck into the GATT implementation legislation, that will have the effect of decreasing the number of years of patent protection enjoyed by American citizens.

H.R. 359 ensures that Americans will have the 17 years of protection that has traditionally been our right. Almost 100 Republicans, Democrats, protectionists, free-traders, liberals, and conservatives have joined together to prevent this rip-off that could see billions of dollars that should go to American inventors and investors instead ending up in the bank accounts of foreign and multinational corporations.

Mr. Speaker, I ask the Members to please join in cosponsoring H.R. 359.

THE NEW ANTIFEMININE TRENCH INFECTION PILL

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

Mrs. SCHROEDER. Mr. Speaker, last week I addressed the House on the Speaker's college course about the sexes, and since then we have learned a lot more.

The Speaker at that time had made some comments about how men did so much better in trenches than women because men were like little piglets and liked to roll around and women got infections every 30 days.

Well, since then, the Defense Department has spoken, medical science has spoken, and all sorts of people have spoken, and they seem to be very contrary to what the Speaker has talked about.

But in the interim, from my district comes good news. Father Marshall Grouley has brought forth the new antifeminine trench infection pill, and I think this is going to be the answer for those who are still doubting unbelievers. He also notes there are some possible side effects for women taking this—that, No. 1, they might find sudden urges to roll around in trenches as piglets; No. 2, they may suddenly decide they have to hunt giraffes; and No. 3, they may have a compulsive need to sell a book.

MEXICAN BAILOUT SAID TO DEPEND ON HILL APPROVAL

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

Mr. DEFAZIO. Mr. Speaker, unlike the allegations of the earlier speaker, the gentleman from Indiana, I do not want to slow down the contract. I am eager to debate the contract on the floor. I would even like to debate it in the committee. I would even like to have an open process, as has been promised in committee and on the floor, and let the sunshine in. But we are going to have to remove some of the gag rules being imposed by the new Republican majority before we can do that.

But there is one thing I do want to stop dead. I want to stop dead the misbegotten bailout of the Mexican economy and those who have been speculating so lucratively in Mexico. It was proposed by President Clinton, but now it is being quietly manipulated through Congress behind closed doors by Speaker GINGRICH and Majority Leader DOLE.

Here is the headline in the Washington Times: ''Gingrich Sees Hill Approval of Mexican Bailout.''

If this bailout passes this body, it will be Speaker GINGRICH's version of a bailout, not President Clinton's. I ask the Members to defeat the bailout, no matter whose it is.

A REDEFINITION OF THE REPUBLICAN ROLE IN GOVERNMENT FOR THE LAST 40 YEARS

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

Mr. WILLIAMS. Mr. Speaker, I say to my colleagues that for 2½ months now Republicans have been engaged, as they were in 1-minutes this morning, in trying to convince either themselves or the Democrats or perhaps the American people that for the first time in 40 years the Republicans are in the majority in this Congress.

Well, during those 40 years, we had the following Republicans as President: Eisenhower, Nixon, Ford, Reagan, and Bush—all during those 40 years. For more than half of those 40 years Republicans were elected to the highest office in the land. And just taking former President Reagan, during three-fourths of his administration, Republicans controlled the United States Senate.

Mr. Speaker, my purpose here is to do nothing but to lay the facts out. Republicans have not been excluded from the Government for the past 40 years; they have run it for more than half of that time.

MEXICAN LOAN GUARANTEE PROGRAM REMAINS A WHITE HOUSE INITIATIVE

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

Mr. BEREUTER. Mr. President, the gentleman from Oregon has indicated that the Republican leadership in the House has some sort of an agenda to move forward the Mexican loan guarantee program. That is not factual. The Republican majority has a responsibility, which we are exercising, to listen to the President of the United States when he proposes a legislative initiative, and that is what the Republican majority has done.

Obviously, the President has not made his case well or sufficiently with respect to the Mexican loan guarantee for both minority and majority Members. The ball is back in your court, Mr. President; it is not a Republican initiative in the House.

A MESSAGE TO THE MAJORITY: ''DON'T TREAD ON ME''

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

Mr. WYNN. Mr. Speaker, it appears that the Republicans are already reversing their own reforms. First they say that committees should not meet on the floor during debates under the 5-minute rule because Members cannot effectively be in two places at the same time. Actually, they had a pretty good idea. Unfortunately, they decided to renege on it last night.

What they said is, ''Well, we're going to change the rules.'' I know they take offense at the parliamentary skirmishes that are going on right now, but when you change the rules and try to silence the Democrats, when you say, ''We'll take 58 minutes or 67 minutes and give you 3 minutes,'' we are not going to stand for it.

I think the message we want to transmit this morning is that there will be comity on this floor—not comedy, but comity—fairness and a sharing of the time, or else. I conclude with the words cited in the American Revolution, quite simply, ''Don't tread on me.''

THE TIME ALLOCATION ON YESTERDAY'S MOTION TO ALLOW COMMITTEES TO SIT DURING 5-MINUTE RULE

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

Mr. CRAPO. Mr. Speaker, I think it is important that the record be set straight. Twice today we have heard it alleged that yesterday the Republicans took 57 minutes and gave the Democrats 3 in debate. The fact is that the debate took 8 minutes. The Republicans happened to use 5 minutes, and the Democrats used 3 minutes.

Now, when we counted them up afterwards, it was not exactly balanced, and maybe it should have been. It certainly was not 57 to 3, and those kinds of facts need to be set straight.

THE ROLE OF FEDERAL REGULATION AS IT RELATES TO THE UNFUNDED MANDATES ISSUE

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

Mr. NADLER. Mr. Speaker, I rise to comment on some remarks from my distinguished colleague on the other side of the aisle, whose name I do not yet know.

He commented that opposition to the bill on unfunded mandates arises from distrust of the capability or wisdom of State governments, that they cannot make decisions and, therefore, we must make the decisions for them.

The fact is, Mr. Speaker, that in many cases the Federal Government must come to the aid and assistance of State and local governments because they are unable to protect themselves, either because rivers know no State boundaries and a polluter in one State causes pollution in a second, a third, and a fourth, and it demands Federal legislation to protect States because they cannot do it themselves, or, second, a State may wish to regulate an economic activity which harms its people but is told, ''You cannot regulate that activity because if you have that regulation, the large corporation will move and take its jobs and taxes to another State,'' not because the regulation is not a good and fair one but because they have the power to do so. The Federal Government must protect the States in that instance.

□ 1250

DO NOT DECLARE OPEN SEASON ON HYPOCRITS

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

Mr. KANJORSKI. Mr. Speaker, I come from the State of Pennsylvania, and we are famous for hunting. I know our chairman on the other side comes from an area not distant from mine, and some of our counties have more deer than people. In Pennsylvania when we have an over population of game, we declare an open hunting season. It seems we may have a lot of hypocrisy and a high population of hypocrits in the House. I hope that does not mean we are going to declare an open season.

INSIST ON OPPORTUNITY TO DELIBERATE

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

Mr. WISE. Mr. Speaker, I hope that the Chair and others understand what the concern of Democrats is today about last night. It is not about whether there were 3 minutes on one side and 5 minutes on the other. The concern is that on a very important motion that changed procedure and in fact abrogated the very reforms that were voted through this House on a bipartisan basis only a week earlier, that on that very important measure, the majority did something relatively unprecedented in my memory, which is instead of yielding as something routinely is done half the debate time on that motion to the other side, instead the majority made us grovel for 3 minutes, and it did not matter whether the majority was speaking for 5 or 50 minutes, the message was clear. Three minutes is all you get, wham, bang, and we are out of here, and you are rolled. Unfortunately, that is not going to wash.

I just want everybody to know, I do not mind voting on the Contract With America. I am not here to delay the Contract With America, but I am here to deliberate. So it is not delay that is at issue, it is whether we get to deliberate, and we are going to insist on that.

ARTIFICIAL DEADLINES

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

Mr. FRANK of Massachusetts. Mr. Speaker, first I wanted to correct a mistake which I made last night. I referred to prior rules which prohibited at the objection of any one Member the meeting of a committee while the 5-minute rule was in process. I had not mentioned, in fact I was incorrect in not mentioning, that had been changed in the last Congress. I want to correct that error of mine. But that does not change my unhappiness with this procedure, particularly now that proxy voting has been done away with.

I face a situation where as a member of the Committee on Banking, Finance and Urban Affairs, I may be asked to be at a hearing and perhaps a markup on the question of guaranteeing the Mexican debt and pushing for the kind of social and taxpayer safeguards I think are important. As a member of the Committee on the Judiciary, I want to be on the floor fully to participate in the balanced budget amendment.

What we are facing is an artificial deadline made as part of a campaign approach, and it is one thing to as part of a campaign approach, and it is one thing to try and meet that. It is quite another to degrade the legislative process to meet this arbitrary deadline. I hope the other side will stop doing that.

ON THE STATE OF THE UNION

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

Mr. WALKER. Mr. Speaker, in the midst of a good deal of pettiness that has taken place on the House floor today, my Republican colleagues and I look forward to welcoming the President of the United States to the Chamber tonight to deliver his view of the State of the Union. It is most beneficial at the beginning of the legislative year to hear what the President has to say about where we should be going as a Nation and what his program is for the upcoming year.

We would hope that the President would reference what the American people said in November in the way of approving a new Congress, because they said specifically at that time that the Contract With America was something that they believe should be a part of the national agenda.

So some of the way that I will measure and I think a number of my colleagues will measure the President's remarks tonight is how much of the agenda of the Contract With America does the President set forward in his speech this morning. Where is he willing to cooperate with us in moving the Nation ahead. We are hopeful that there will be a large area of cooperation between the President and this Congress so that we can in fact move a national agenda and get away from pettiness and partisanship.

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO THREATENED DISRUPTION OF MIDDLE EAST PEACE PROCESS BY COMMISSION OF GRAVE ACTS OF VIOLENCE BY TERRORISTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. SHAYS] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process and to issue an Executive order that:

—Blocks all property, including bank deposits, of foreign persons or organizations designated in the Executive order or pursuant thereto, which is in the United States or in the control of United States persons, including their overseas branches; and

—Prohibits any transaction or dealing by United States persons in such property, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such designated persons.

I have designated in the Executive order 12 foreign organizations that threaten to use violence to disrupt the Middle East peace process. I have authorized the Secretary of State to designate additional foreign persons who have committed, or pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or who assist in, sponsor, or provide financial, material or technical support for, or services in support of, such acts of violence. Such designations are to be made in coordination with the Secretary of the Treasury and the Attorney General.

The Secretary of the Treasury is further authorized to designate persons or entities that he determines, in coordination with the Secretary of State and the Attorney General, are owned or controlled by, or acting for or on behalf of, any of the foreign persons designated under this order. The Secretary of the Treasury is also authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these measures in consultation with the Secretary of State and the Attorney General and to coordinate such implementation with the Federal Bureau of Investigation. All Federal agencies are directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order was effective at 12:01 a.m., eastern standard time on January 24, 1995.

I have authorized these measures in response to recurrent acts of international terrorism that threaten to disrupt the Middle East peace process. They include such acts as the bomb attacks in Israel this past weekend and other recent attacks in Israel, attacks on government authorities in Egypt, threats against Palestinian authorities in the autonomous regions, and the bombing of the Jewish Mutual Association building in Buenos Aires, as well as the car bomb at the Israeli Embassy in London.

Achieving peace between Israel and its neighbors has long been a principal goal of American foreign policy. Resolving this conflict would eliminate a major source of instability in a part of the world in which we have critical interests, contribute to the security and well-being of Israel, and strengthen important bilateral relationships in the Arab world.

Attempts to disrupt the Middle East peace process through terrorism by groups opposed to peace have threatened and continue to threaten vital interests of the United States, thus constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Terrorist groups engaging in such terrorist acts receive financial and material support for their efforts from persons in the Middle East and elsewhere who oppose that process. Individuals and groups in the United States, too, have been targets of fundraising efforts on behalf of terrorist organizations.

Fundraising for terrorism and use of the U.S. banking system for transfers on behalf of such organizations are inimical to American interests. Further, failure to take effective action against similar fundraising and transfers in foreign countries indicate the need for leadership by the United States on this subject. Thus, it is necessary to provide the tools to combat any financial support from the United States for such terrorist activities. The United States will use these actions on our part to impress on our allies in Europe and elsewhere the seriousness of the danger of terrorist funding threatening the Middle East peace process, and to encourage them to adopt appropriate and effective measures to cut off terrorist fundraising and the harboring of terrorist assets in their territories and by their nationals.

The measures we are taking demonstrate our determination to thwart acts of terrorism that threaten to disrupt the Middle East peace process by attacking any material or financial support for such acts that may emanate from the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 23, 1995.*

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5.

□ 1256

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, January 23, 1995, the amendment offered by the gentleman from South Carolina [Mr. SPRATT] had been disposed of and section 4 was open for amendment at any point.

Are there further amendments to section 4?

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we prepare to return to the unfunded mandates bill or, as some would say, the Son of California Wilderness, I would remind our colleagues that we have now been on this bill for some measure of time, over 10 hours, on nine amendments. I would also point out there has been some discussion here this morning about the majority gagging of the minority. I would emphasize again this is an open rule, a truly open rule, something that we rarely saw in the 103d Congress.

Having said that, though, I think with the fact we have dealt with only nine amendments in over 10 hours and the fact that we have pages of amendments just to section 4 of the bill still pending, I would exhort my colleagues to recognize that there must be an end to this process at some point in time.

I think there are certain major issues that we need to deal with in this legislation. We have been dealing with only one of those major issues thus far, and that is the issue whether certain programs or statutes or dealings in the Federal Government should be exempt from a cost analysis of what they may cost.

That is one issue, and we have debated that at great length over a number of different issues. But I think we have fairly well resolved the fact that the majority has prevailed in saying very little should be exempt from the provisions of this law, except those things that would provide sort of technical reassurance that certain areas were in fact exempt under civil rights laws or whatever.

This is only one issue. We have other issues like, should the regulations issued by the Government be subject to judicial review, should the effective date be changed, and what do we do with public-private issues. These are all major issues.

So I would hope that we might be able to move this along. And in hopes that we might be able to do that, I ask unanimous consent that debate on all of the exemption amendments to section 4 of the bill be limited to 20 minutes, 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, I reserve the right to object because I do not believe that such a request would be appropriate at this time.

□ 1300

Mr. Chairman, in the committee we had no hearings.

The previous question was ordered on an amendment that had not even been heard or read. We were told to hold off on amendments until we reached the floor. When we agreed not to make a point of order to the bill that would have delayed consideration, the chairman assured us that there is no intent at all to in any way proscribe or limit the ability of Members to offer amendments.

Further, when we went to the Committee on Rules, we were told that we were going to have open debate. Many Members on the other side of the aisle very proudly said, and have even said so today, that, ''We are now having open debate. There is going to be no closed rule.''

Mr. CLINGER. Mr. Chairman, I sense some resistance on the other side, and I withdraw my unanimous consent request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] withdraws his request.

Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer amendments Nos. 30 and 31 at the desk, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BECERRA:

In section 4(2) insert ''age,'' before ''race''.

In the proposed section 422(2) of the Congressional Budget Act of 1974, insert ''age,'' before ''race''.

Mr. BECERRA. Mr. Chairman, I have spoken on this floor about my concerns with H.R. 5, the unfunded mandates legislation, for a number of reasons,

least of which, of course, is the fact that the State and local governments are taking on burdens.

More to the point, however, we do not take into account in H.R. 5 numerous provisions to protect those very States and local governments and neighborhood communities that we say we are about to protect through this particular legislation. One specific example to me, Mr. Chairman, which is very glaring, is that the legislation we have before us today does nothing to protect our American people against discrimination based on age.

Today we have before us H.R. 5, that says nothing about preserving the rights of people, based on their age, to work, to live freely, and I believe it is important that at least something like this be included in H.R. 5. The Federal laws prohibiting age discrimination provide protection for millions of older Americans from arbitrary and unjust discrimination.

As with all laws prohibiting discrimination, the laws prohibiting age discrimination set basic standards for fair treatment in a workplace and other areas of American society. The right to work free of age discrimination is a fundamental right.

However, age-based employment discrimination remains prevalent, despite the Age Discrimination in Employment Act, the ADEA. The problem is particularly severe for persons who have lost jobs in declining industries such as heavy manufacturing. I know in Los Angeles, Mr. Chairman, we have a lot of unemployed engineers and scientists who are getting on in age, and they are finding it very difficult to find jobs, even as qualified as they may be.

Mr. Chairman, once unemployed, older workers face sharply limited employment opportunities. Persons aged 45 to 64 are unemployed longer, on average, than younger workers in America, and they become what we term under the law discouraged workers. In other words, they are those who give up the job search because they feel it is futile.

Mr. Chairman, the arguments for preserving our important civil rights laws are the same regardless of whether the laws concern age, race, religion, or ethnicity. The authors of H.R. 5 have recognized that civil rights laws are deserving of special protection from any burdens that may impede their force and effect.

It is our job now, Mr. Chairman, to ensure the inclusion of age discrimination laws among those civil rights laws to be exempted from H.R. 5's impact.

Mr. Chairman, along with the amendment that I have, the gentleman from Pennsylvania [Mr. KANJORSKI], who has worked tremendously on these issues, also had an amendment. He has agreed, we have all agreed, to join together on this particular subject, along with the chairman of the committee, and I thank the chairman for having done that.

However, Mr. Chairman, I do want to make sure that I do acknowledge that the gentleman from Pennsylvania [Mr. KANJORSKI] graciously allowed me to go first on this particular amendment. He has worked tremendously on this as well.

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

Mr. BECERRA. Of course, Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, as the gentleman said, this amendment would add age to the list of antidiscrimination statutes that would not be covered by H.R. 5. There are certainly no intent to exclude this. We certainly want to make sure that the antidiscrimination would apply to this measure. This particular amendment has already been accepted by the Senate, and I am pleased to accept the amendment.

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

Mr. BECERRA. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I simply would like to compliment my friend, the gentleman from California [Mr. BECERRA] for noticing this and inserting this very important aspect on the issue of discrimination. I compliment him on his diligence in addressing this issue.

Mr. KANJORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think this is a very important amendment, and we discussed it at the committee markup. However, it points up the very reason that we are here today and that we have been involved in 10 hours of debate, and we have 100-some-odd amendments, because this amendment should have been readily seen as valuable to this piece of legislation at the markup level. If it had, we would not have spent hours of staff time and hours of Members' time preparing for this occasion.

Mr. Chairman, I keep hearing, and I just want to refer to the chairman of the committee on the other side, who treats this piece of legislation as if it is only a procedural piece of legislation for a point of order.

However, Mr. Chairman, this bill has two particular sections, one affecting the right here on the floor to raise a point of order, and two, allowing citizens of any type for any reason to raise a legal question in a district court throughout America, challenging any rule or regulation by a Federal agency.

Mr. Chairman, it is just so clear, I think, by the acceptance of the Committee on Rules, that this should have been put in this bill early on, just as we were fortunate enough when the bill was originally drafted, and it did not have in it an exemption for Social Security, we were fortunate enough to win that single amendment of 40 or 50 amendments offered in committee markup. Social Security did win, I think, by a vote of 39 to 3.

Mr. Chairman, I am certain if we had had the opportunity to really sit down and with open minds discuss this legislation, not only this age discrimination amendment but several others that I offered today would have been part of the markup that came to the floor, thereby saving a great deal of debate time. What some Members of the House, and I will not say whether it was on the other side or on our side, seem to indicate is that there is some dilatory action here. However, if a person is over 65 years of age, and if we were not successful in having this amendment made today, their protection as an American citizen could be denied on the basis of the unfunded mandate legislation we are about to pass in this Chamber. That would be criminal to my constituents and criminal to the constituents throughout America.

Therefore, Mr. Chairman, I do want to say, joining with the gentleman from California [Mr. BECERRA], that I think we have contributed materially to the fairness of this legislation, so that when it is finally adopted by this House, and I have no suggestion it will not be, it will be overwhelmingly accepted, at least we know there will not be an allowance for age discrimination in this bill.

Mr. Chairman, further, I would just like to suggest that maybe we could have some cooperation with the chairman and the Majority on the other side to look a little bit more at these amendments that we are about to offer, to recognize that they are not prepared and offered here today to waste our time but are very germane, very important, and are very substantive.

For the legislation to pass this House in less than its best form, as we can provide it, says that this Congress is not ready to rise.

One further point, Mr. Chairman. The gentleman in the chair and I are probably the only Members of this body that were here in the last Republican leadership of the Congress of the United States. We do not pretend to have been Members at that time. We were lowly back bench pages, but we know that that 83d Congress was very successful because there was a tendency to have open debate, because there was not ducking of issues or questions as we have in this government, and it is not only in the 104th Congress, but it has happened in many past Congresses.

Mr. Chairman, what I hope we can eventually come out of this legislation with is recognizing that too often on this House floor we are passing laws that allow for the Secretaries of the executive branch of government to promulgate rules and regulations. It may be one paragraph of legislation and 10,000 pages of rules and regulations.

It is time that the Congress of the United States, and particularly the House of Representatives, takes back

its responsibility of oversight and investigation, so that we participate to a large extent in the type of regulations and rules we are going to be subjecting our constituents to, and not delegating that away to some unnamed, unknown bureaucrat, and then come back here and argue that we are hypocrites because we did not know what we were empowering some bureaucrat to do in the name of the Congress of the United States.

Mr. Chairman, I hope that we can proceed now with a few of these amendments and test them for their viability and for their substance and have them accepted.

□ 1310

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

(At the request of Mr. VOLKMER and by unanimous consent, Mr. KANJORSKI was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. I appreciate my friend from Missouri. I know how Missourians are eminently fair, no matter what side of the aisle they sit on and do not delay actions by the House.

I want to congratulate the gentleman from Pennsylvania [Mr. CLINGER], the chairman, that we have acceptance of this amendment and my friend who is cosponsor of this amendment. I think we are having a breakthrough here. I can say I hope over the next several amendments we offer that my friends on the other side recognize that these are not done to delay and pass time but are very substantive in nature and can have dire effects on the American people in the future.

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

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

Mr. VOLKMER. The gentleman has been in this body for a good many years and has operated very effectively as one of the best-respected Members of this House and his committees.

I understand from what you made during your presentation and since I am not a member of the committee and I was not there, I would just like to go back and take a little bit of the House time because I think it was very important because of things that are being said on this floor today, earlier in the 1-minutes, and I heard a gentleman out in the lobby doing an interview talking about delaying tactics.

I want to go back to that committee meeting and just find out how many—did the gentleman offer this amendment in committee?

Mr. KANJORSKI. Yes.

Mr. VOLKMER. Was this amendment debated in committee?

Mr. KANJORSKI. No.

Mr. VOLKMER. It was not debated? Just tell me what happened.

Mr. KANJORSKI. I had a series of four or five amendments that I thought were particularly important because of the possibility of regulations being propounded in the future that could be objected to in court. And since we could not get the judicial review section straightened out, we recognized we had to have certain exemptions.

The Chair had suggested that because he was under a calendar direction from the Speaker to proceed with the markup of the bill that we would have an opportunity between the markup and the floor time to consider these amendments. We tried to contact the majority leadership and the majority chairman and we were not successful in accomplishing that.

I heard of course yesterday for the first time that this particular amendment would be received. But our problem here was the speed at which the markup was made. No hearings were held. Some of those, myself, a new member of the committee, although having been in the House for 10 years now, was not aware of the process of this new committee, knew this legislation was important and felt that it was not proper for us to draft legislation on the House floor. That is what the committee system is all about.

Mr. VOLKMER. That is correct.

Mr. KANJORSKI. If we are to go about drafting legislation on the House floor, we could end up on this bill and many of the other substantive bills that the majority undoubtedly will be properly presenting to the House, spending weeks or months of what some people may consider delay time. But if you are over 65 years of age and you have been discriminated in your job and you go to sue your employer and he is able to walk into court and enjoin you from taking action, that is pretty substantive.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to take a long time on this amendment, but I think as the gentleman from Pennsylvania has said, it is one that is very, very important.

What my major concern is, is that for the last several days, at least today and yesterday, this gentleman heard Members of the opposite party talking about us on this side wanting to delay this bill, that the only reason that we have these amendments is just to delay the bill.

Mr. Chairman, I do not believe that is true. I think it is because this bill did not have the time in the committee, not because of what the chairman may have wanted done but because of the orders the chairman got from his leadership, and not sufficient time was given in committee.

This is a major piece of legislation affecting almost every law of the United States that has an impact on State or local government, and all future laws for sure, and the regulatory process, as well.

And yet the short time that it was given to Members in committee has resulted in the number of amendments that we have here before us.

It is not because anybody wants to delay the bill. It is because, as I said in my 1 minute today, legislation is made up of ideas. And the people who proposed this legislation had ideas of what they thought should be in the legislation, what the Federal relationship should be to State and local governments. No one else had any input into that legislation up to that time.

The first time that any other Member of this House had an opportunity to have an input into that legislation was in the committee. And when you got to the committee on this very far-reaching bill, and I am sure there are other amendments there, too, you did not have the time really to work on the amendments.

The bill had to come to the floor because the leadership has decided that this bill has to be passed before we do a balanced budget amendment. They put themselves in a straitjacket. It is a very, very, very poor way to legislate.

As one who has been in the legislative business for not 18 years but 10 years in the State body before I came here, this is one of the worst ways to legislate that I have ever seen in my 28 years.

What we have seen is the gentleman from Pennsylvania, the chairman, earlier wanted to shrink the time that Members would have to debate the other amendments that are just as important as this amendment.

It may be that the idea that is in those other amendments does not meet the criteria of the gentleman from Pennsylvania, the chairman of the committee, and therefore he will not accept them as he has accepted this one. But they are still just as important to the Member who is offering that amendment, just as the previous amendments that took 10 hours to do nine amendments, those were very important, Mr. Chairman.

Everyone in this House, all Members, should have the right to express their ideas as to legislation. They should not be told, ''No, you can't do that because we don't have time to do it.''

The legislation, even when passed, will not take effect until October 1, 1995. That is almost 9 more months.

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

Mr. VOLKMER. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. May I say to the gentleman, it was not my intent to in any way try to shut off debate. I asked unanimous consent. The unanimous consent was rejected. But in no sense was I trying to shut off debate.

What I was trying to say is that one of the major issues in this debate is whether there should be any exemptions to the overall impact of the bill. I think we have debated that issue, that overriding issue very thoroughly and generally have rejected the idea that there should be exemptions granted. If we grant a series of exemptions, we might as well do away with the bill,

and I think there are some that perhaps would like to see that happen. But in no sense am I attempting to gag anybody or attempting to shut off debate.

This is an open rule, we intend to continue to operate under an open rule so the issue can be debated.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, I would like to reiterate, and I think the gentleman from Pennsylvania, one of the cosponsors of the amendment, has really pointed out that this way of doing legislation is a very poor way of doing legislation. We should not do legislation on the floor of the House and deprive other Members of doing other things they could. The legislation should have been perfected and time should have been taken to perfect this legislation in committee and, therefore, we would not have all this time on the floor.

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

Mr. VOLKMER. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I say to the gentleman from Missouri [Mr. VOLKMER], we could save a great deal of time if the other side would realize what our big worry is here and, that is, they do not address the question of judicial review. As long as judicial review is not addressed and we can infer that you have a right to appeal to a district court if you are dissatisfied with the application of this legislation, every regulatory rulemaking body of the U.S. Government that is not independent is subject to judicial review.

□ 1320

That is why it is so important to craft the exemptions in this bill. If it was just a procedural role of a point of order on this floor, we are going to lose that point of order anyway.

There is a majority and there is a minority. Our problem, we are arming every corporation and every individual who does not want to comply with a rule or regulation of a Federal agency or U.S. Government to stop the impact of that legislation by merely moving to file an injunction in Federal district court.

As I said in committee, if there ever was a piece of legislation that should have had the title of Lawyers Relief Act of 1995, it is this piece of legislation.

Mr. VOLKMER. I thank the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. BECERRA].

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

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to clause 2 of rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 31]

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1339

The CHAIRMAN. Four hundred eleven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri [Mr. VOLKMER] for a recorded vote. This is a 5-minute vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 17, as follows:

[Roll No. 32]

AYES—416

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cardin
Castle

Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn (WA)
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—1

Young (AK)

NOT VOTING—17

Bachus
Bishop
Buyer
Chenoweth
Coble
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Markey
Mascara
McIntosh
Meehan
Packard
Parker
Stockman
Torkildsen
Wilson

□ 1345

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COBLE. Mr. Chairman, I will take the lead from the gentleman from New York [Mr. ACKERMAN], and I will insert some civility. I am sure the Chair and my colleagues will be delighted to know that I was giving a speech at Fort Myer a few moments ago. I was unavoidably detained when the vote on the amendments offered by the gentleman from California [Mr. BECERRA], rollcall No. 32, was cast. Had I been present, Mr. Chairman, I would have voted ''aye.''

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it should be apparent to every Member of this body that the chairman of the committee who is handling this bill agreed to accept the amendment that was just voted upon, they agreed to accept it. And then they allowed the minority 20 minutes to debate it after having said they would accept it. Once again, they said they would accept the amendment, and then the minority called not only for a rollcall vote but also a quorum call. This is a deliberate attempt on the part of the minority to drag this debate out, to hold up the Contract With America, and the people across this country are not going to accept it. They are going to know it.

I do not want to belabor this and take the full 5 minutes, but I just want to say to my colleagues in the minority: If there is a need for a vote on an amendment, let us vote on it. I would just like to say to my colleagues, do not use these kind of tactics when we accept the amendment. If we accept the amendment, let us get on with the business of the House and the Contract With America. If you do not have anything to say, do not drag it out.

I would like to point out one more time the committee chairman and the committee said they would accept the amendment. There was no controversy about the amendment. There was no need for debate. There was no need for a vote. And yet they called not only one vote——

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

Mr. BURTON of Indiana. Briefly I would be happy to yield to my colleague.

Mr. KANJORSKI. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Indiana [Mr. BURTON] has brought up a great point and it is a point I have been trying to make over several days now. If we had taken the time in committee to consider this, we could have considered that last amendment in a matter of 10 minutes, it could have been reported like the exemption for Social Security that I introduced in committee, which was accepted in 5 minutes, and we would have not only not delayed a half hour or 45 minutes here and 20 minutes in debate, but we also would not have delayed the times of our staffs and Members who have been waiting this week to prepare for this debate.

□ 1350

Mr. BURTON of Indiana. If I may reclaim my time, I would just like to say it has just been brought to my attention that the gentleman's amendment was not presented before the committee, but I would like to say, and I do not want to prolong this because we have to get on with the business of the House, if an amendment——

Mr. KANJORSKI. If the gentleman will yield for a correction——

Mr. BURTON of Indiana. I will not yield.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] controls the time. He may or may not yield, as he chooses.

Mr. BURTON of Indiana. I would not yield. I would just like to say that if we accept the amendment, there is no necessity to waste the House's time on two votes that are not necessary to drag this thing out. The people of this country want us to get on with the Contract With America, and I wish the minority would let us do what the people of this country want, and I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it seems to me that on the first day that we convened this year we met until 2 o'clock in the morning and only had two votes. It seems to me that last night the majority party sought to limit the right of the minority to debate.

Is the gentleman now trying to limit our rights to vote?

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

Mr. ACKERMAN. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, I thank the gentleman from New York [Mr. ACKERMAN] for yielding because I think the gentleman raises a good point as we can sit around, and the interesting thing which the gentleman from Indiana has done is he has now gotten us fighting over what we were fighting over. But the interesting thing on this is that we were not permitted to have full discussion of the amendment, we were not permitted to have full discussion of the amendment that the gentleman from Pennsylvania offered in the committee. We were warned that this would be the problem.

Second is I understand the gentleman from Indiana's concern. Some of our side might have said in the last session of Congress that the gentleman from Indiana [Mr. BURTON] sometimes might have been—I would never have done that of course—might have been involved in some delaying tactics. It seemed to me that we were voting unnecessarily from time to time when the Republican, then the minority, wanted to make a point. The fact is we want to move ahead as well.

We are concerned about what happens tomorrow. We are concerned about what happens if we are being asked to sit, for instance, in the Committee on House Oversight on a line item veto at the same time we have the balanced budget amendment on the floor or if we are being asked to sit in a Committee on Banking and Financial Services hearing on the Mexican loan guarantees at the time that we have the balanced budget amendment on the floor. So there are legitimate concerns, and perhaps we are going to have to discuss about ways we express those concerns.

And finally, as I recall, it was the fact that we could not get a vote from the other side that forced us to go to a quorum call that then forced us to go on a vote. We could have shortcut this procedure if a few more on the other side would have been willing to rise.

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

Mr. ACKERMAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, for the new Members here on both sides of the aisle:

I can remember scores of times, scores of times, that amendments were accepted on this side offered by the now-distinguished chairman of the Committee on Rules, as one example, scores of times, and we accepted amendments, but they wanted to get votes on those amendments. They wanted to get votes on those amendments so they could score us so they could take it to the interest groups and say, ''See how they voted?''

Not one voice was raised in opposition to amendments on a voice vote, but they asked for rollcalls. That is the facet of this democracy. They wanted to have rollcall votes in committees. They wanted to have quorums present in committees. They wanted to make sure that everybody was present, no proxy voting.

Mr. Chairman, we understand that. Very frankly I think on proxy voting they probably were correct. But the fact of the matter is on our side of the aisle understand we think it to be somewhat ironic that a party that time after time after time asked for rollcall votes when there was not a dispute, when committee chairs were willing to take it, is not now really in a position to criticize those on this side of the aisle who seek to have rollcall votes so Americans can know whether we are voting with senior citizens, whether we are voting with children, whether we are voting with the environment, whether we are voting against hazardous waste in communities.

Mr. Chairman, we think those are legitimate votes, and they did as well, apparently until just recently.

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

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 2 additional minutes.)

Mr. ACKERMAN. Mr. Chairman, I yield 1 of my 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman from New York, and I will take only 1 minute.

Also for the new Members here: I hope you understand that the Committee of the Whole, which we are now in; we are not in the House, but we are in the Committee of the Whole. It is a committee, and we carry on the amending process in the Committee of the Whole.

I have sat through a number of weeks in which, for example, legislation from the Committee on Armed Services had hundreds of amendments that were presented here on the floor, and the question was: ''Why in the world didn't they deal with them in the committee?''

The fact of the matter is, I was told by their side, ''We are dealing with them in committee, the Committee of the Whole,'' and that is exactly what we are doing here.

I would tell my friend and colleague from Maryland that, if they are going to look for particular rollcall votes to begin to draw a line between the majority and minority so the American people will know where they are, we have had a lot of practice——

Mr. ABERCROMBIE. Will the gentleman yield for a correction?

Mr. THOMAS. Because the last rollcall vote was 416 to 1, and I fail to understand where the gentleman differentiates on a 416-to-1 rollcall vote.

Mr. ABERCROMBIE. Will the gentleman from New York yield?

Mr. ACKERMAN. Mr. Chairman, reclaiming my time, I would just like to ask that we return to some civility and comity, and I would like to remind——

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

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. Mr. Chairman, I remind my colleagues who were here at the time and the many of us that are also new, just picking a date from the Journal of September 21, and my colleagues could pick any page almost at random; at 12:45 the gentleman from Wisconsin [Mr. SENSENBRENNER] asked for a vote, a recorded vote. It was 390 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:21; the vote was 425 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:41; the vote was 426 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:50; the vote was 423 to 2.

The gentleman from Indiana [Mr. BURTON] at 6:07; the vote was 422 to 4.

It goes on and on. Nobody sought——

Mr. ABERCROMBIE. Will the gentleman yield for a correction?

Mr. ACKERMAN. I am sure that there is an error in here. It could not have been——

Mr. ABERCROMBIE. Mr. Chairman, would the gentleman yield for a correction?

Mr. ACKERMAN. I yield to the gentleman from Hawaii.

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(On request of Mr. ABERCROMBIE and by unanimous consent, Mr. ACKERMAN was allowed to proceed for 2 additional minutes.)

Mr. ACKERMAN. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, again for the benefit of new Members, and it should not have to be for old Members:

As a member of the now-National Security Committee and the Armed Services Committee, can we at least have the record straight about someone who has conducted himself—I believe I can state factually on behalf of both sides of this aisle as, if not the fairest among the fairest chairmen that have ever presided over any committee, and that is the gentleman from California [Mr. DELLUMS]. Members, Republican and Democrat, will agree that when the gentleman from California [Mr. DELLUMS] became chairman, and I believe that if the gentleman from California [Mr. THOMAS] will check with the members of the Committee on Armed Services—the then-Committee on Armed Services, every single amendment, every single statement, every single request for time, was honored by the gentleman from California [Mr. DELLUMS], and to state that hundreds of amendments had to come to this floor because they are unable to be delivered or unable to be presented in the Committee on Armed Services is utterly

and totally false and against the factual record. Amendments came on this floor because the gentleman from California [Mr. DELLUMS] and the majority recognized the opportunity and, in fact, the obligation of the minority to offer amendments under an open rule.

I say to my colleagues, ''If you would do the same, you would do well to follow Mr. DELLUMS' example instead of trying to lecture us on history''——

Mr. ACKERMAN. In conclusion, Mr. Chairman, I just ask that we please observe some sense of civility in this House. We understand the mathematics. We understand that they have a majority. It may be very wide, but it is very narrow, but they have a majority, and under the old math or new math we understand what the vote is going to be.

I say to my colleagues, ''Will you let me just offer this to you? With the majority, please, don't be afraid to debate your ideas, please don't be afraid to allow us our say, and don't be afraid to allow us to record the votes.''

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. Mr. Chairman, I would like to yield half my time to the gentleman from Pennsylvania [Mr. CLINGER].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 30 seconds.

Mr. CLINGER. Mr. Chairman, as a point of clarification and to sort of correct the record here:

Every amendment that was offered was considered by the committee. All of section 4 was open for amendment in committee. So, every amendment that was offered, every Member had an opportunity to offer amendments to those sections of this bill which were in the jurisdiction of the Committee on Government Reform and Oversight so there was no limitation on the ability to offer this amendment. This amendment was not offered; I think the gentleman from Pennsylvania would agree. This amendment was not offered in the committee——

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

Mr. ACKERMAN. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, so that the record is correct, if the Chair recalls, we had a list of seven or eight amendments which we thought were extremely important to be considered. We went under—because the committee was trying to mark up the bill that day and get it ready to come to the floor, we had one vote on the Social Security amendment, which passed 39 to 3, if I recall, and the other amendments, at my request, were packaged so that we could work with the majority to see if they could be included in the bill as an en bloc amendment when it came to the floor to facilitate——

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

AMENDMENT OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KANJORSKI: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) requires State governments and local governments to participate in establishing and maintaining a national database for the identification of child molesters, child abusers, persons convicted of sex crimes, persons under a restraining order, or persons who have failed to pay child support.

Mr. KANJORSKI. Mr. Chairman, I would urge all the Members of the House to perhaps remain on the floor. This is a very important amendment that both the gentlewoman from New York [Ms. SLAUGHTER], my colleague on the committee, and I had put in a package to offer at the full committee markup.

□ 1440

Mr. Chairman, at the end of the 103d Congress, this Congress adopted the crime bill, as we all know. A major part of the crime bill called for the creation of a database that would record sex offenders in all 50 States so that that information could be readily available to local police and State police of the various municipalities and States in these United States.

It is my understanding that the Justice Department has not promulgated the rules and regulations pursuant to that bill as of this moment, and that potentially that database will not be able to be constructed for several reasons, one of which is that it does not comport with the statement of standards required in this bill. Further, if we get over that objection, that it was previously passed legislation which had not yet had promulgated rules, we run into the problem that for every sex crime in the United States that would come under that jurisdiction, if the sex offender was discovered because of that database, it would give him a cause of action under the judicial review of this bill to allow him to charge that he is improperly charged because of information developed illegally against him and to set aside the regulations as they pertain to him.

Now, I know that the Members of the minority party have long been well recognized for the fact that they want to do away with vicious sexual crimes in this country. We also know that in order to protect our citizens and protect the privacy of many citizens and the safety of most of our families, our wives and our children, it is essential that we are able to disseminate multiple sex offenders by having some database exist in this country. If we pass this unfunded mandate as it is presently constructed and written, it will not allow for this database information to go forward.

I think that it is this type of exemption that should have been considered at the level of the committee in markup, and in a matter of 15 or 20 minutes the reasonableness and the rationality would have been clearly understood by both the majority and the minority.

This is our last attempt to have that database secure so that it can be implemented by proper rules and regulations and not to give every sex offender in this country the opportunity to vitiate his criminal conviction.

So I urge all my colleagues to take one step back.

This is just good, sane legislation. Let us allow an exemption here for the database that we had originally anticipated and all voted for in the crime bill of the 103d Congress.

Mr. Chairman, I now yield to the cosponsor of the amendment and a member of the committee on the minority side, the honorable gentlewoman from New York [Ms. SLAUGHTER].

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

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Pennsylvania [Mr. KANJORSKI] has already made a very compelling argument about the crime that is committee against a victim twice by allowing the perpetrator to have an edge in court. I would like to speak about the personal side. First, I am not trying to stall this bill. I know it is going to pass. The votes are there, but I do not want it to pass until I have a chance to speak for the victims of rape, or children, and women.

The national statistics show us that rapists are 10 times more likely to repeat their crimes than any other offender. The American people have felt outrage, and expressed it many times, over sensational cases where the sexual predators were released in their communities and neither the police nor the community knew they were there. Polly Klaas in California and Megan Kanka in New Jersey are two recent examples of young children allegedly abused and murdered by released sex offenders.

In my home town of Rochester, NY, Arthur Shawcross went on a rampage of serial rape and murder while he was on parole for having murdered two young children.

Mr. Chairman, the parole board in the State of New York lost track of Mr. Shawcross, and not even the police investigating his crimes knew about his past or where he was.

Communities across the Nation have similar horror stories. Last year this database on sexual predators was passed with heavy support on both sides of the aisle. Senator FEINSTEIN introduced the bill in the Senate where it passed.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, why do we want to collect this information nationally? We know a lot of things about sexual predators. One thing is that we cannot treat them as other criminals, that they are very apt to be repeat offenders. We know they cross State lines.

We had the full support of all the police agencies in the country. They feel in the cases of Polly Klaas and Megan Kanka that had they had prior record information at their fingertips, they might have been able to save Polly Klaas who was alive when the police stopped the car she was allegedly in.

□ 1410

One of the things I would like to say to the people of the country is when we talk about the unfunded mandate it is as though they were a four-letter swear word. Unfunded mandates has a ring to it of something almost repugnant. In truth this bill really says that the Federal Government cannot pass any legislation if we are not going to give all the money the legislation requires; that States and local governments will no longer be required to make any contribution of their own.

That means we could no longer pass bills as we have over the history of the United States such as mine safety. There we said that the people who go down in the coal mines of the United States, the most dangerous job, to meet our energy requirements, they should be able to be safe in that work and certain conditions had to be met so that their lives were more likely to be kept out of danger. We did the same thing with child labor laws, when we said OK, maybe little fingers are wonderful in the textile mills and to clean out the machines, but American children should not be exposed to that kind of hazard. And we said the same thing about children in the coal mines.

The same thing happened when we said American children are all going to be educated. These are all called unfunded mandates; as are airline safety, highway safety, and clean water. We are going to have to reauthorize clean water. It is going to come under this law after it is passed.

What we are saying is if the Federal Government does not spend enough money to provide clean water for every family in the United States, that bill's requirements will be repealed or action will be optional. So you may have clean water if you want to in Virginia, but you do not have to have it in Alabama.

Is that what people in the country are looking for with the unfunded mandates? Do they want to let sexual predators go? Do they want to let the polluters go ahead and pollute? We must not lose this opportunity to do everything we can to stop that menace, that horror, of sexual predators preying on the children of the United States. I would venture that there is not a single district represented in Congress that has not had a case where someone has come in from across the State line or someone has been released with a prior record as long as your arm, and yet unless we act other people will be victimized either with rape or with death. Do we have to learn this lesson over and over again?

In this day of communications is it too much to ask that State and local governments help to provide this information, and, yes, help to pay for it? Because, believe me, in the long haul, if you really want to bring this down to dollars and cents and not to human dignity and lives, if you want to just put it down to dollars, it is obviously going to be cheaper for us to prevent these kinds of things than to go through the costs of the court cases and trials we will have to suffer.

Let me close with one example where this could have made an incredible difference. Two years ago investigators in the State of Virginia were puzzled because there was a maintenance man on the loose who raped 18 women, all with the same modus operandi. He got access to the apartments by claiming to be a repairman

Tragically, that man, Eugene Dozier, had already been convicted for a string of rapes in New York State in which he used the very same tactics, and he was released from prison in New York and moved right down into Northern Virginia. If we had had the nationwide data base, law enforcement in Northern Virginia could have gone right to his door.

What kind of a thing is it that we are saying is too much? What is it that makes that so expensive that we cannot continue to do that so we can try to keep people safe? Well, I am sure that anybody in this country who has been victimized or lost someone would tell you that it is not too much. And when we talk of unfunded mandates, we have got to remember that what we are doing is providing for the health and the safety and, yes, indeed, saving the lives of many of our people.

I urge that this be exempted from the unfunded mandate bill.

Mr. DAVIS. Mr. Chairman, I rise on behalf of the committee to oppose this bill and move to strike the last word.

Mr. Chairman, for reasons that we have opposed other amendments to this section, we would oppose this amendment at all. I think we are all against rape or all against child molestation, and as a father of three, I do not want to have sexual predators go free either. But I will tell you what, there is nothing in this bill that prohibits this data base from going forward and that is going to cripple our efforts in these areas.

Mr. Chairman, I am just becoming increasingly frustrated at the pace and content of the debate on this Unfunded Mandate Reform Act. Over the past several days there has been large amount of disinformation on the bill coming out from its opponents and many mischaracterizations about the competence of State and local governments to fulfill their duties in a number of areas.

The American people know that all knowledge and competency does not reside in Washington, DC, in the Congress. In fact, if you look around, some of the most dynamic and innovative programs for the homeless, for the hungry, for protecting the environment, fighting sexual predators and child molestation, are emanating from local and State governments.

The federalist system has traditionally challenged State and local systems to experiment and invent new programs and policies to meet the needs of the citizens. Other levels of the government have a great opportunity to gain insights to benefit from these experiments and from these programs. But there is a certain arrogance in believing that Congress and only Congress has the knowledge of what laws and programs should become public policy. This arrogance is intensified when Congress does not have the guts to put our money where our mouth is. That is, to pass the bill, and then we pass the buck on to States and localities to fund what we feel are the priorities.

I keep hearing the argument that Congress is only trying to help and assist State and local governments to provide functions that it otherwise could not. But that is ridiculous. In this particular case the big seven, including the National Governors Association, National Conference of Mayors, National League of Cities, National Association of Counties, and a number of private sector entities, including the U.S. Chamber of Commerce, support this bill and oppose this amendment, because they recognize these amendments are basically gutting the bill.

I served in local governments for 15 years prior to any election to this body. What I think Members need to understand is that local and State officials want the same things that Members of this body want. But we were increasingly frustrated at the local level by having the Federal Government take a larger share of our local dollars from our local efforts to cut crime, to sexual predators, to fight the whole crime area, to improve the environment, to house the homeless and feed the hungry, because we had to take those dollars and pay for mandates Congress thought were most important, but not important enough to send the dollars to go with it.

As I see exemption after exemption proposed in from the other side of the aisle, it is important to put these amendments into perspective and into context. A core of Members have consistently supported exempting from this bill not just sexual predators in this case in those actions, but also the Clean Air Act, wastewater treatment,

aviation and airport security, licensing, construction, and operation of nuclear reactors, disposal of nuclear waste and toxic substances, health of individuals with disabilities, child labor and minimum wages, and OSHA. You put these together, there is no bill. There is no bill if you put that altogether, and this bill would have no teeth at all. Taking these amendments together, the proposals would in fact, the bill would become worthless.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, the programs, as the gentleman from Virginia [Mr. DAVIS] pointed out eloquently, are all worthy. As a former assistant district attorney in Pennsylvania, I can tell you a national data base is certainly a program worthy of being explored and worthy of being adopted, but at the right time. What we have before the House right now is a bill, H.R. 5, which will provide the cost analysis of what it is going to be for imposing a mandate that we have put on State and local governments. And H.R. 5 is why we are here in the House today.

Those are all worthy programs, as the gentleman from Virginia [Mr. DAVIS] discussed. But before we vote them up or down, we need H.R. 5 passed, to make sure this House does not pass on to States and local government any bill, any cost, without knowing what it is going to cost ahead of time, and this House approving it.

Mr. DAVIS. Mr. Chairman, reclaiming my time, let me try to sum up, if I may. Keeping these items in the bill does not mean Congress will pass no more laws on these matters or even any unfunded mandates. What it does is nothing in this act nullifies any existing law or regulation. But in this case, child molestation laws and regulations, they can still move forward on a prospective, and any act that is currently, of course, in effect, is not affected. But we will either pay for it or know what the costs we are putting on to our States and localities will be before we can proceed and have all of that information in front of us.

The real issue is not the relative merit of any single mandate; the issue is who should pay, and if Congress does not pay, what will the costs be to those with whom we are passing the bill. What is wrong with obtaining the cost to the States and localities before we act. What are we afraid of?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DAVIS] has expired.

(By unanimous consent, Mr. DAVIS was allowed to proceed for 1 additional minute.)

Mr. DAVIS. Mr. Chairman, if a mandate is required and we believe the costs should be allocated to someone else, why not vote on it? Why not overrule a point of order and take some responsibility for our actions as we send that dollar down to the States and localities.

□ 1420

Let us remember this: unfunded mandates are basically a cost shift from a progressive income tax to more regressive property taxes. I believe it is in everyone's interest to know these costs before we pass them onto States and localities in taxes.

Ms. SLAUGHTER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding to me.

Did I hear the gentleman say that if this bill passes, that we could still go ahead and pass unfunded mandates?

Mr. DAVIS. Of course. We have the flexibility under this act to go ahead with that, but we would have the costs in front of us. And we would have to affirmatively waive the point of order.

Ms. SLAUGHTER. Does the bill not say that if we do pass an unfunded mandate, it is optional?

Mr. DAVIS. What would happen with the bill is——

Ms. SLAUGHTER. If the State says, ''I don't want to cooperate with you and this river that runs between my border and yours and I am going to pollute my side and I am sorry about that.''

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DAVIS] has again expired.

(By unanimous consent, Mr. DAVIS was allowed to proceed for 1 additional minute.)

Mr. DAVIS. We would still have that option, but we would have the costs in front of us and identified before we could act on that instead of being automatic. This is not a no-money-no-mandates bill. There may be an amendment offered to that later. This would simply put those costs in front of us, and we would have to affirmatively vote to waive the point of order before we could go forward with an unfunded mandate.

Ms. SLAUGHTER. The point I am trying to make, Mr. Chairman, is, what in the world would be the point of passing one if everybody could opt out of it?

Mr. DAVIS. They do not have an option of opting out of this. We have the same authority we would, but the costs would be identified up front. We would have to affirmatively waive that point of order. The responsibility would still lie with the counties.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I fully support this amendment. I find it absolutely incomprehensible that we would debate a bill of such significance as this that clearly exempts such provisions as compliance with the county and auditing practices or procedures but failed miserably by not exempting the requirement that State and local governments participate in establishing and maintaining a national data base for the identification of child molesters and child abusers and other persons convicted of sex crimes and persons under a restraining order and those who fail to pay child support.

Anyone who supports tougher measures against crime and anyone who supports reforms in welfare would just have to support this amendment or an amendment just like it. It just makes good sense to do so.

Far more frequently than I or any of us want to know, the media constantly brings us the heart-rending news of some little boy or some little girl who has been sexually abused or has been even ravaged or has been, even worse, been killed by some sex predator. Even when they are not killed, they are frequently mentally and physically abused in horrible fashions.

Serial rapists and repeat offenders who sexually abuse women are equally perpetrators of various heinous crimes. We just have to know who these criminals are. That is all we are saying. We have to know who these people are.

Without this amendment in H.R. 5, we cannot—if we had this amendment, we would be able to have a data base so that we could know who they are. Without it, we would allow States to refuse to maintain data that would enable us to track these very criminals, thereby undermining efforts of other States to keep track of individuals in our neighborhoods who may threaten our women and children.

Why, for example, should the kids, the little kids who live in the State of Illinois, not be secure as the kids who live in, say, Michigan or Iowa that is contiguous to our State? Because that State is doing less than it should to fight these terrible crimes by creating a data base. Or to let us know through a reciprocal agreement or the sort of thing with the data base who these people are who injure our little kids.

In Illinois we will have a stalker law which attempts to address the plight of women who are helpless against individuals who terrorize and intimidate them. If other States are not required to track these individuals who are under restraining orders, then the Illinois law is far less effective. It just seems to me, Mr. Chairman, that a data base of this kind is something that we simply must have, and not to have it would be doing the human thing that Americans do.

All of us here, most of us here are mothers and fathers or grandfathers and what have you. If anything were to happen to one of our children or one of our friends or one of our grandchildren, we would certainly want to know who those who have done this to other children or who are likely to move across a State border and do the same thing to another child. How can we in good conscience not support this amendment?

Mr. Chairman, I support this amendment to exempt laws and regulations which require State and local governments to participate in the establishment of national data bases to identify child molesters and abusers, as well as sex offenders, individuals under restraining order, and persons who have failed to pay child support payments.

Far from empowering States, without this amendment, H.R. 5 could actually lessen the ability of a State to protect itself from these kinds of crimes.

Almost everyone agrees that enforcing the payments of child support is one of the most important elements of true welfare reform. But without a national database, those who try to avoid child support responsibilities, or who molest a child or rape a woman can just move to another State and keep on committing these crimes. In this sense, failing to pass this amendment, could cost the States, and the Federal Government millions in unnecessary welfare payments.

I urge you to support this amendment.

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I do not know if the gentleman from Virginia [Mr. DAVIS] is still on the floor. I wanted to direct something to him.

I think, Mr. Chairman, if I may, this amendment really structures what the issue that the minority and myself have been trying to make now for several days, and maybe I could have a colloguy with the chairman of the committee, so that we could get an understanding of where the problem is.

Mr. Chairman, as I read the legislation, there is no section denying judicial review, is that correct?

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. No section denying judicial review, that is correct.

Mr. KANJORSKI. Mr. Chairman, if the gentlewoman will continue to yield, so that by inference it is open and common practice, when a Federal statute is in play, judicial review usually lies as a matter of jurisdiction in the Federal court; is that not correct?

Mr. CLINGER. Mr. Chairman, that is correct.

Mr. KANJORSKI. So we have no exemption. We have no denial of judicial review here. So anyone subjected under this bill has a right to go to a Federal district court to raise the question of whether the rule or regulation that they are being charged under or arrested under, whether or not that stands.

Now, what we are addressing ourselves to here is the question of section 221, the regulatory process. The criminal bill was passed last year. In that bill it authorized the Attorney General and the Justice Department to promulgate rules and regulation to bring about the intentions of that legislation, of which was to establish a national database.

They have not promulgated those rules and regulations.

First question, that because it follows this legislation it could be contended in a judicial review process that they acted contrary to this legislation because it was promulgating a rule and regulation after the enactment of this act.

If that were the case, any information derived from that database would be challengeable as having interfered with the privacy or the rights of that criminal defendant and could have breached his constitutional protection under the law.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. Mr. Chairman, if the gentlewoman will continue to yield, what the majority has not paid attention to is because we have not denied judicial review, section 202 sets forth a statement that is required to accompany every promulgation of every rule and regulation by every Federal agency of the U.S. Government. If the Justice Department then promulgates these rules and regulations, even though to the best of their ability they comply with the litany of tests, of costs and all the other matters, it still does not deny every defendant, after a full trial, to go into court and enjoin to reverse his conviction because of the violation of the Justice Department in promulgating the rules and regulations and creating the database that caused his original detention or arrest.

We do not want that to happen. Every criminal sex offender in this country will be able to say 2 years, 3 years from now after this database is created that I was caught and my privacy was invaded or my constitutional right was denied me and my statutory protection under this act, unfunded mandate act, was not properly carried out in the promulgation of rules and regulations by the Justice Department that are laid in great detail.

We, by inference, by not denying judicial review, allow judicial review to occur in that area.

What we are saying is, why do we want to raise that tremendous question out there? Why can we not just—this is a very limited part.

I want to say, there are 50 States in the Union, thousands of counties, and 32,000 municipalities. Unless we get compliance of every one of those units of government, this database is useless. We are not going to have voluntarily, as the gentleman from Virginia [Mr. DAVIS] suggested in his debate, every element of government.

There are communities in the United States that could care less about the crime problem of Washington, DC, Virginia, New York, Pennsylvania, or Illinois. There are many municipalities in the country that—and I will tell Members, I have dealt with some of the officials—when they get a vicious sex offender, it is a lot cheaper for them to take him down to the bus station, buy his ticket and ship him out of town than to go through the trial, prosecution and incarceration of that offender.

I have got counties in my State that because they prosecute the sex offender from New York in Pennsylvania, they incur the liability of incarceration, health care and every other factor that applies to that person. It is much cheaper for them to pay him to get out of town.

Now, I wash that were not the case, but that is the reality.

All we are asking for is, why do we not write this legislation in such a way with a small exemption that no sex offender in the future could ever raise that defense, could ever go into a Federal court to get an injunction or could ever raise any violations of his constitutional rights propagated on the fact that some regulatory agency did not comply with what some future court may consider the act intended.

□ 1430

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, the way we avoid that problem is merely by exempting out this position in the bill.

It goes back to what we earlier argued, Mr. Chairman. If in committee we had had the opportunity to call the Attorney General, or their representative, or law enforcement officials across this country, we could have found and created a provision that would have protected the database and the ability to prosecute sexual criminals.

Now we have put that all in question, and some jurisdictions of this country, just as we had with the motor-voter legislation, will take an action in court to deny their duty to comply with the information required for the database.

Mr. Chairman, I think that is foolish. This Congress wants to work right. We are going to, and we will try on this side to support unfunded mandates from being improperly imparted on the States and the municipalities of this country, but let us do it right. This is our only chance.

If we miss it and for some reason the conference committee does not cover it, it will be the law of this land and all of us here today, regardless of how we vote on this amendment, are going to be guilty of the fact that sex offenders, and rapists, and murderers involving sex crimes will be free in the land, because we failed to take the opportunity and the rationality and the reasonableness to make sure this legislation says what we intend it to say.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, in response to the concerns of the gentleman from Pennsylvania [Mr. KANJORSKI], let us back up a minute and talk about what the real subject of the debate is.

No. 1, Mr. Chairman, there is no point of order against the database. I think that should be made clear.

Mrs. COLLINS of Illinois. Mr. Chairman, reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, we are not talking about the point of order provisions.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 1 additional minute.)

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, we are not talking about the point of order. The point of order question is a procedural question in the House in passing legislation. Section 201 is the regulatory power.

Mr. PORTMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, just to be very clear, I would say to the gentleman from Pennsylvania [Mr. KANJORSKI], because the gentlewoman from New York [Ms. SLAUGHTER] raised this point earlier, this is not a question of applying this legislation in terms of the point of order to the existing statute which is in place, which in turn has the promulgation of the database. We are talking about the Federal agency action. That comes in title II of this legislation.

Let me be very clear, Mr. Chairman. We mentioned this last night in the debate. If in fact the database is going to be subject to the very limited requirements in title II of this legislation, that means necessarily that such regulations are already subject to the Presidential Executive order issued by President Clinton on October 4, 1993.

I just counted up the words a little while ago. The Clinton Executive order is 6,020 words. It is far broader, far more extensive, far more comprehensive than anything in title II.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mr. PORTMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, that is far more extensive than anything in title II to this legislation.

Let us be clear. Anything in this regulation and the database may or may not be covered by this. It has to be over $100 million to be covered by title II, but any regulation that could possibly be covered by title II, which again is far less broad than the executive order, and in fact it is 925 words versus over 6,000 words, would be subject to the existing Executive order.

Mr. Chairman, then the question becomes should the database, as an example, if it were in fact covered under either the Executive order or title II, and it is necessarily under the Executive order currently in place, if it is going to be covered by title II, should the agency, in this case the Department of Justice, as I understand it, be required to comply with the Clinton Executive order?

Let me ask the gentleman a question. Is the gentleman from Pennsylvania [Mr. KANJORSKI] saying that the Executive order is not appropriate? This asks for a written statement of the costs and expenses. Is that not appropriate?

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, if I may respond, if the Attorney General determines that the Executive order in some way impacts upon the promulgation of these rules and regulations, it takes one man with one pen 1 minute to vitiate that. If we pass a statute, and we have points of order that could be raised in future legislation——

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I think that is precisely why we need to have it in statute. I thought there was an agreement in this body, a consensus that the costs and benefits of legislation ought to be known, and in addition, that when new regulations were promulgated that agencies ought to have a requirement, as the Executive order provides, and in fact it goes much further than our bill, that the agency provide an assessment of what the costs are going to be. That is all we are asking here.

Mrs. COLLINS of Illinois. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I do not care how excellent the administration operates or the executive agency operates. Every individual American, if we do not deny the right of judicial review, will have the opportunity to go into court and raise all these legal issues after the conviction of a criminal.

Mr. PORTMAN. Mr. Chairman, every individual has that right now.

Mr. KANJORSKI. No, Mr. Chairman.

Mr. PORTMAN. Absolutely. Anyone can challenge an agency action, absolutely.

Mrs. COLLINS of Illinois. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, every individual cannot challenge whether or not the estimate of costs of an unfunded mandate were complied with, whether the future costs of the mandate have disproportionate effects on State and local government budgets. That is not the law today. That is not what a felon can do in determining whether or not his name can reside in a database in the Justice Department.

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

Mr. KANJORSKI. I yield to the gentleman form Ohio.

Mr. PORTMAN. Mr. Chairman, the gentleman's statement was that the agency action cannot be challenged. It indeed can be challenged. What this does is put into statute the written assessment of the cost of agency action.

Mr. KANJORSKI. No. No.

Mr. PORTMAN. I do not know why you would not want that to be enforced. The fact is the Executive order currently in place goes well beyond what we are asking for in this legislation. If it is routinely waived, then——

Mrs. COLLINS of Illinois. Mr. Chairman, I reclaim my time, and I yield to the gentleman from Pennsylvania [Mr. KANJORSKI] to answer the question.

Mr. KANJORSKI. Mr. Chairman, what it does is, it gives every convicted sex offender in this country another bite at the apple, when we are talking about the court system that we have.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Just a brief response, Mr. Chairman, to the gentleman from Pennsylvania [Mr. KANJORSKI], if he could remain standing, to his question.

Mr. Chairman, this new legislation would provide in statute some, not all, of the requirements that are currently in the Clinton executive order with regard to what the agencies are required to do in terms of saying what the costs of new regulations will be to State and local government and to the private sector.

Mr. Chairman, it has a $100 million threshold. In other words, anything under $100 million would not be subject to these requirements. The gentleman's concern is that judicial review would somehow cause additional rights to individuals to raise a concern about this.

This is not going to result in a stay of the regulation. The regulations will go forward. The database will go forward, should in fact somebody challenge the fact that a written statement of the cost to State and local government was not compiled.

Mr. Chairman, all we are trying to do in this legislation is to put some teeth in the existing standards, and the standards we have even relaxed, so the

agencies actually carry out this very important responsibility.

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

Mr. PORTMAN. I am happy to yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, as I read section 202, that is not true. Any rules or regulations not presently promulgated fall under this act. It is not like for all present existing rules and regulations, these are yet unpromulgated rules and regulations.

Therefore, the crime bill, having the rules and regulations in the database not having been established and the rules promulgated, they fall subject to this act, and what we are doing in statute now is requiring a standard that has to be complied with. Whether it is complied with——

Mr. PORTMAN. Mr. Chairman, reclaiming my time, the gentleman may have misunderstood me. I am not saying that prospective regulations would not come under this very limited title II of the bill. Absolutely, they should. That is the whole point, is to get a written assessment of the cost of new regulation.

What I said, and where the gentleman perhaps misunderstood me, was that does not stay the promulgation of new regulations. All it says is we want to have written costs of benefits.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DINGELL. Mr. Chairman, I have listened to this debate for several days. One of the things that has become increasingly clear to me as I rise in support of the amendment is the failure to follow the orderly rules and procedures of this House, the failure to have hearings on this legislation, the excessive haste in which this matter is brought to the floor, the unwillingness of my colleagues on this side of the aisle to consider amendments, or indeed, to have a fair analysis made on the House floor of what this legislation in fact does to a wide spectrum of laws enacted by this Congress by overwhelming votes. This makes a prophet and a correct prophet of my colleague on this side of the aisle who made the observation if we were to adopt the amendments on the environment, on health, on crime, on the problems of the aged, on the problems of the young, on clean water, on air, on health, that there would be no point in passing this bill.

□ 1440

I think that Member has pointed very sagely the course that should be taken here. Here we are finding that because of inattention in the processing of this legislation in committee, failure to have hearings, failure to get testimony of witnesses and experts, failure to properly analyze, we now are jeopardizing one of the provisions of the crime bill in the last Congress which was enthusiastically supported by all. That is, a register of serious criminals who have engaged in sexual activities prohibited by law against innocent and defenseless women and children. That leaves us in position to add another reason for voting against this bill.

What are the other defects that this debate has shown? The defects that this debate has shown are that the unfunded mandates in the area of clean air which were adopted at the request of all the governors and all the States and local units of government who came forward and demanded that we follow the traditional pattern and practice that we have had in this country, whereby the Federal Government lays down standards and the States enforce those standards on clean air, to protect people in other States, to protect the health and the well-being of all the people, and to follow the practice that was set up back in the 1950's before the governors came in and they said we want the Federal Government to lay down standards, so that we can then enforce them by delegation of that responsibility.

The governors were concerned because the Federal Government had all of a sudden realized that if you flush a toilet in Minneapolis, or Kansas City, or Denver or in other places, that that is going to impact somebody in New Orleans at the mouth of the Mississippi River.

And here is where we begin to understand that we had to do things like this so that we could keep intact the Federal system. I never heard a word of complaint from governors when we were passing the Clean Air Act or any of the drinking water legislation or any of the clean water legislation, that we were imposing unfair and improper burdens upon them. They all came in and they said, ''You are doing something which is necessary for the protection of the environment and to protect the citizens in one State against wrongdoings in another place.''

All of a sudden we have come to this great sensitivity on unfunded mandates on the States. We are not paying heed to the fact that the Federal Government gives the States about $750 billion a year and that in many of the programs about which we are hearing complaints, that there are major grants to States and local units of government. States are going to get large sums of money for construction of prisons under the crime bill. Local units of government are going to get large sums of money to hire police.

We never hear a word about that. But we hear great complaints about the unfunded mandates that are going to be imposed. What and why? To do something that every citizen in this country except the criminals want to be done, and, that is, to address the problems of not knowing who these people are that travel about committing crimes in a repetitive fashion. These are repeaters. These are serial killers, serial rapists. All we want to do is know who they are.

The mandate killing that we are doing here would not only prevent the administration from promulgating the regulations but would afford those criminal wrongdoers the opportunity to persist and to defend themselves with a new procedural defense.

I say the amendment is a good one, the bill is a bad one. Vote against the bill. Vote for the amendment.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I understand the amendment offered by the gentleman from Pennsylvania correctly, he is suggesting that we make an exemption in this bill if the Federal Government requires data bases to keep track of sex offenders, and if that is not the case and if judicial review is allowed of agency actions, then the argument is that every sex offender will go to court and prevent this legislation from taking place, or stop any regulation from taking place.

First of all, I want to say again that our bill goes to a cost accounting, and a cost accounting it seems to me is not going to be very subject to challenge from any part.

But let me specifically talk about this issue of a data base and sex offenders. In the first place, as we put this issue in the crime bill at the present time, it is the requirement for Sates to have a data base to identify sex offenders, so that they can exchange information.

As I recall, as a member of the Committee on the Judiciary, it is a condition of a grant, and it is not an unfunded mandate, it is to participate in the grant programs that we set up in the bill for the States which they can elect to participate in or not to participate in as they choose. There is no requirement for States to participate in federal grant programs.

More important on this particular issue is the issue of standing to file any kind of lawsuit seeking judicial review in Federal court. Not everyone can go into court and raise a question of judicial review of the propriety of every act of Congress or even every act of a State legislature or every regulation. There must be the standing to go into court to show among other things how the person aggrieved or the institution aggrieved is affected by the argument that the regulation was not adopted in compliance with the law.

In this particular case, we require State and local government, particularly state Government, to maintain this data base. We do not require citizens as individuals to maintain this data base.

I submit that the only bodies that could even try to bring about a challenge in judicial review, which I do not think would be successful, anyway, given the limited requirements we put on agencies just to identify costs, but I submit the only ones that would have

standing before a Federal court would be the States themselves and not every individual and therefore not every sex offender who does not want such legislation to take effect.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself in an usual position of rising in opposition to this amendment and in the process to point out the irrationality of the underlying bill and what is happening in this body.

I was one of the few people in this body who actually spoke against this provision in the crime bill when it was inserted. I think the provision is unconstitutional. It is counter everything that our criminal laws have stood for in this country, the presumption of innocence. It is counter the notion that I learned all the way through law school and in 22 years of practice that once a person has served his or her time, they have done the time, they should be given a new start, and I expressed this concern.

So I have consistently been of the position that this provision in the crime bill is unconstitutional.

But what is happening here on this bill is irrationality. There is a marching in lockstep without regard to the public policy consequences of what is being done. Even people who are on the opposite side of me philosophically on this issue and want to keep this bill intact do not want to amend it even when it makes good sense from a public policy perspective and in support of their own position, and that is unforgivable. We should not be here just kind of marching, keeping every amendment from going forward.

I think we ought to defeat this amendment, because I think the speakers before are absolutely right. People who now believe this provision to be unconstitutional are going to have another day in court to come and assert that right which they ought to have.

My colleagues on the other side of the aisle in order to keep any amendments from going forward on this bill, even though they do not want that right to happen, do not want that right to be real, are marching lockstep just to show their muscle on this issue.

□ 1450

I am telling Members that it does not make sense. In all respects, this probably should be the endorsement of a no vote that gets this passed, but I tell Members, I think the provision in the underlying bill was unconstitutional and I think we ought to stand up and vote against it and I intend to vote with you.

Mr. KINGSTON. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, I have been impressed with the brilliance of the lawyers on both sides of the House on this, and I must admit while I am impressed with the brilliance, I am not a lawyer myself and have gotten a little bit muddled down in some of the jargon here. So I would like to engage in a colloquy with my friend, the gentleman from New Mexico [Mr. SCHIFF].

Let me ask, if I was a rapist in the State of Georgia, which I represent, and I moved to California, right now am I tracked on a database?

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

Mr. KINGSTON. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, right now the answer to the gentleman's question is no.

Mr. KINGSTON. If I understand the gentleman from Pennsylvania [Mr. KANJORSKI], if I move from Georgia to California as a rapist, under the crime bill then very soon, when everything is promulgated and the rules are in place, I will be tracked, is that correct?

Mr. SCHIFF. If the States and local government choose to participate in the programs offered in the crime bill, and for their part, among other things, establish a database as required by the conditions for grants, yes, tracking of sex offenders across the country will begin.

Mr. KINGSTON. One final question. If this bill passes, and I as a rapist move from Georgia to California, under this bill, when it becomes law, will I still be tracked, with or without the amendment?

Mr. SCHIFF. In my judgment, the gentleman will continue to be tracked without the amendment. The judicial review, in my opinion, would not be successful in any event, because the regulatory limitation is very limited. But there would be no standing by anyone but a State or local government to bring a challenge in the first place. So you would still be tracked even without this amendment.

Mr. KINGSTON. I appreciate the learned gentleman's advice on that.

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

Mr. KINGSTON. Yes; I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I thank my friend on the other side who is an excellent lawyer. He will agree, however, the rapist in California, after the entire prosecution goes through and everything is done, will have a cause of action to go into the Federal District Court to set aside his arrest or conviction based on the fact that he was found in a database that was improperly constituted, because they did not comply with the standards set forth in this act, and if anyone should determine that to be a fact, he will be released.

Mr. KINGSTON. Let me reclaim my time and yield to the gentleman from New Mexico. What I was really trying to do, ladies and gentlemen, is not get bogged down in legalese at this point, but bring it back home to the crime victims. And if I am hearing correctly, the crime victims will still be able with this amendment to have their offender tracked, is that correct?

Mr. SCHIFF. If the gentleman will yield to me, we will still have the offender tracked.

If I can respond to the question of the gentleman from Pennsylvania, that is now stretching things beyond, in my judgment, beyond a reasonable argument here. At the very least we are not raising issues of a constitutional level, which anybody could use to set aside their conviction because an institution might have been set up outside of regulatory compliance which led to their conviction.

I was a prosecutor for 14 years and as a defense attorney for 2 years, I am entirely confident there is no basis to that argument.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I would simply want to inquire of the gentleman, if you support this or you do not support it, do you want to leave this question up in the air or do you want it resolved? Because if you want it resolved, then the only way too resolve it is to pass the amendment. Now if you want it up in the air, as I do, then you should vote with me, and leave it unresolved, so that, as the gentleman from New Mexico [Mr. SCHIFF] knows, every criminal defendant will take every opportunity they can to raise any conceivable constitutional or legalese right they can. So if we want to resolve it, then I would think we would want to vote ''yes'' on this amendment. If we want to leave it mushy and up in the air and unresolved, then I would say Members ought to be voting against this amendment.

Mr. KINGSTON. If I can reclaim my time, it sounds to me as if we have mush one side and maybe mush on the other. But in terms of certainty, the gentleman just said if I voted for the amendment then I would have some uncertainty, whereas the gentleman over here, the 14-year veteran prosecutor, says that there would be no certainty or less uncertainty.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

(By unanimous consent, Mr. KINGSTON was allowed to proceed for 1 additional minute.)

Mr. KINGSTON. Again, just to do my duty to the constituents back home, particularly victims of crime, what I am concerned about, if a rapist moves from Georgia to California under current law, he is not tracked. Under the crime bill, he will be tracked. And under this bill, without that amendment, he will still be tracked. We may need to come back, as we always have to, and revisit something down the road.

But I do not think that this legislation will diminish the fact that that

rapist would be tracked moving from California to Georgia.

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make one clarification. This rapist that is the subject of this discussion is not the subject of a criminal prosecution at the point we are discussing. We are talking about someone who has already been prosecuted, already been adjudged guilty of the crime and who has moved to California. So all of this concern about this person being able to interject this bill into his defense in a criminal prosecution is really totally off the point. This has nothing to do with the prosecution. The prosecution would have already happened. This person would have been found guilty. And we are merely talking about keeping track of him as he moves around the country posing a continuing threat to children around the country.

So for those who have any concern at all that the bill as written without this amendment would somehow jeopardize the successful prosecution, really have been led down a path that is not the subject of this bill.

I oppose this amendment, and believe strongly that we will continue to be able to have this tracking system in place with the bill as written.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 255, not voting 7, as follows:

[Roll No. 33]

AYES—172

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Whitfield
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—255

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

NOT VOTING—7

Bishop
Cardin
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Pomeroy
Wilson

☐ 1516

Mr. MCKEON and Mr. YOUNG of Alaska changed their vote from ''aye'' to ''no.''

Ms. HARMAN changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Chairman, I was unable to be present today for rollcall vote No. 33. During this vote, I was at a meeting at the Pentagon. Had I been present, I would have voted ''yea.''

AMENDMENTS OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mrs. MALONEY: in section 4, strike ''or after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and at the end add the following new paragraph:

(8) provides for the protection of the health of children.

In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and at the end add the following new paragraph:

(8) provides for the protection of the health of children.

Mrs. MALONEY. Mr. Chairman, I asked unanimous consent that my amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, my amendments would add to the list of exemptions, children. Surely if we are exempting seniors and social security, we should give the same support protection to our children.

I regret, Mr. Chairman, that a bill of this magnitude was not given one single public hearing before being rammed through the Committee on Government Reform and Oversight.

Few people in this Chamber today would dispute the need to provide for relief from unfunded Federal mandates to our cities and States, but instead of taking a scalpel to this problem, we are attacking it with a meat cleaver.

□ 1520

No one knows exactly what the consequences may be, particularly for our most vulnerable citizens, our children. Mr. Chairman, it makes no sense to exempt auditing and accounting procedures, treaties like NAFTA, and special emergency legislation such as flood relief, and not provide an exemption for children. Our children cannot vote, cannot speak for themselves, cannot spend millions of dollars to lobby Congress. Maybe that is why our children are in such a deepening crisis.

According to the Children's Defense Fund, every day in America three children die from child abuse, 9 children are murdered, 43 children are either murdered or injured by guns, 207 children are arrested for violent crimes. In 1992, 2.9 million children were reported as abused and neglected. We will debate this legislation at least for 3 days, and during that time 10 children under the age of 5 will die of abuse and neglect. Despite this urgent crisis, Mr. Chairman, this House is about to pass legislation that could make it much more difficult to address the severe health and safety threats facing our children. How much more must our children suffer until we decide that the costs of assisting them should enjoy the same exemption as accounting?

Mr. Chairman, my amendment would rectify this deficiency by adding legislation and regulation directly affecting the health and safety of children to the list of exempted categories. Are children not as worthy of protection as accountants, treaties, and flood relief as a national emergency? In our haste to pass a bill within an arbitrary time without an exemption for children and not knowing the ramifications of the impact of this legislation on children we could seriously jeopardize the health and safety of millions of American children.

Mr. Chairman, a Member of the other body referred to this bill as an experiment. Do we really have the right to make our children the guinea pigs of that experiment? I do not think so. The health, safety and general welfare of our children should be a national priority. I urge my colleagues to adopt this amendment.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Here again, Mr. Chairman, the proponent of the amendment is asking for an exemption basically to deny the House information about the costs of what we are proposing to do. It seems to me that many of these proposed exemptions, and this being another in a long line of exemptions that we have been dealing with over these many days, are based on the false assumption that States and localities somehow care less about kids and know less about what is best for our children than does the Federal Government, and yet I would say that the record that we have before us over the many, many years that we have had Federal programs in effect to protect the health and safety of children, nearly 15 million American children continue to live in poverty, which is a 6 percent increase since 1979.

So, with such a record, Mr. Chairman, I am not convinced that the Federal Government knows better, or indeed as well, when it comes to the welfare of our children as might be done by localities. H.R. 5 is going to force Congress to know what the costs are that we might impose on States and localities. If these costs are high enough, I can only hope that Congress will stop to ask itself whether what we are proposing to do is going to be better for the children of the communities, towns and cities of our country than what the communities might do themselves.

Maybe we should give thought to the fact that communities know pretty well what to do with their own children and not have the Federal Government always telling them what they must do without telling them what to do it with.

Mrs. MALONEY. Mr. Chairman, I would like to respond to the statement of the gentleman from Pennsylvania [Mr. CLINGER] very briefly.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. MALONEY] has expired.

(By unanimous consent, Mrs. MALONEY was allowed to proceed for 1 additional minute.)

Mrs. MALONEY. Mr. Chairman, I agree very much that we should know the costs of mandates and programs. I voted for a bill last year in the committee that required a cost analysis for every single program. But if the gentleman is so certain that the waivers and the procedural hurdles that one must overcome are flawless, then why did the authors of this bill find it necessary to create any exemptions at all? Obviously the authors are not so sure that the waiver will work for national security, auditing and accounting, emergency legislation, and Social Security.

Mr. Chairman, I am just asking that children, our most vulnerable resource that cannot vote, cannot speak for themselves, be added to this list of exemptions.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to point out that what the gentlewoman from New York [Mrs. MALONEY] is saying is absolutely correct. What higher priority should we have in this country than our children? And we should not put any more barriers in the way of trying to work at both a cooperative level with the Federal Government, and the State and local governments, and nonprofit organizations, to serve those kids particularly who are coming from poor homes, and there are exemptions in this legislation, and I cannot see why any of those exemptions are more deserving than having one for the children of this Nation.

So, Mr. Chairman, I want to commend the gentlewoman from New York for this amendment. I think it is a wise one, and I urge all of my colleagues to support it.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I also want to add my support that if we give exemptions, and we cannot find the rationale for giving exemptions to our children, and we can still find reason where we can get accountability of the costs—now it simply says that for children, those we hold precious, we will find a way to support them and not have them subject to a point of order. I think it says something about us, we as a Nation, when we fail to not respond when there are not politics concerned.

We just responded to senior citizens. I am a card-carrying member. Why did we respond? Because they vote.

Children do not vote. They are vulnerable. My colleagues know that. They are the most vulnerable of our population and need more help.

The general welfare of our country is indeed dependent on us helping our children. I urge my colleagues to consider supporting this amendment.

Mr. WAXMAN. Reclaiming my time, Mr. Chairman, we have heard over and over again that we will have a chance to vote on these issues after we get this analysis of the cost. But my colleagues know what will happen is a lot of people will say, ''I'd like to be for this program for kids, but I can't vote for an unfunded mandate. I'd like to be for an increase in the minimum wage, but I can't vote for an unfunded mandate. I'd like to be for environmental protection, but I can't vote for an unfunded mandate.''

Mr. Chairman, we are going to hear that over and over again. It is going to be a way for people to hide their true feelings and act as if they are really for protecting kids when in fact what they are doing is not willing to put their votes really up front.

So, I rise in support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY], and I urge all my colleagues to vote for it.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in very strong support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Mr. Chairman, I must say to my colleagues that I think, as Americans look at this, they would think this is the most commonsense thing we could do because, as we look at every American kitchen table, I do not care what State it is in, and I do not care what background the family has, but take every American kitchen table where the family is gathered around trying to figure out how to make those budget dollars do what they have to do. When things are tough, the one thing every

American family agrees on is to hold the children harmless as long as possible.

Mr. Chairman, no one puts the children out there first and says, ''Gee, things are tough so we won't take them to the doctor, and we won't give them their immunization, and we won't feed them, and we won't give them milk, and we won't do any of these things,'' and yet over, and over, and over again in this body we do it just in reverse. It is part of why the American people cannot understand what is wrong.

□ 1530

We do it just in reverse. The first ones out of the budget are kids. They are always first out of the budget because they do not vote. They do not vote. They do not have political action committees. They cannot go to $5,000-a-head dinners. They cannot do books. They cannot do anything, except count on us, who should understand they are the most important natural resource this country has.

Our most important natural resource is not coal and it is not oil and it is not any of those. It is our children. And there is no question, we all know the statistics. We get terrible grades on this. I do not want to see States standing up and saying we are not going to do anything about the kids because the Federal Government will not do totally everything for the kids. And the Federal Government says we are not going to do anything for the kids because the States will not do anything for the kids. That should not even be on the table when it comes to these issues.

I must say for so long I have always wished, my great dream was that there was a group that had once a year an accountability thing on who is for kids and who is just kidding by how they vote. This ought to be the number one thing. If you are really kidding about kids, then, of course, vote no, because that is really what you are doing. You are giving one more excuse.

No one in this Chamber, no one I have ever known in the history of my being in politics, has ever run against children. W. C. Fields could not get elected. We all know how important they are. We all know how we think family values are the rock of this place.

So let us look at the most essential family value which every family groups around the children, and does not use any excuses to shortchange them until they have absolutely no other alternative. That is what we are talking about here. We are talking about kids' health.

My goodness, what are they going to do if they come into a family that cannot afford health care for them? It is not their fault. You do not get to pick when you are laying in that little bed in the hospital. You do not get to say there is the parent I want. It has already been preselected, and should your health care depend on that? This is talking about eating, this is talking about education, and this is also talking about taxpayers.

So whatever we do here, it is the best thing we can invest in, because we get it back over and over and over again.

So if for once we could just stop thinking that we are in the most powerful capital of the most powerful nation where we all want to be on power trips, and do the right thing, do the kind of trip every family does when they trip in to try to make their checkbook balance at the end of the month, and for crying out loud, hold America's children harmless. Hold them harmless in every State, hold them harmless nationally, and say no more excuses.

I hope this body votes for this amendment. I cannot believe that we all voted to protect the elderly, which of course we should do, and then, if we run and throw our children overboard, what we are really saying is we are only going to vote to protect those who will vote to protect us.

Well, our children will not vote to protect us when they get to be electoral age if we are going to be so quick to throw them over.

So I salute the gentlewoman from New York for her courageous amendment. I really am glad she is here. And I hope we do another good thing here today. We voted to help those in the sunset of their life. This is in the sunrise. Please vote ''yes.''

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we in Washington have witnessed a stark display of hypocrisy over the last 2 days. Yesterday a few blocks from here 45,000 so-called pro-life demonstrators marched against reproductive freedom. They demanded the protection of fetal life from conception to birth. Many Members of this body offered their support.

Today, Congress debates a Federal responsibility of the highest order, the duty to protect the child from birth to the grave. Where are the marchers? All gone home. And what of my colleagues? Will each of them who spoke in support of yesterday's demonstration rise today in support of this amendment? Is the protection of the child of lesser value than the alleged right of the fetus?

I believe that the protection of the child after birth is a national priority of the highest order. It is a sacred duty above all others. This amendment will ensure that it remains so. It will allow the Federal Government to continue to enact and enforce legitimate child protection measures without undue restraint. It deserves the support of every Member of Congress, pro-life and pro-choice alike.

Lead exposure is one important area where the Federal Government has moved to protect our kids. It is also an area where women need to act again. The problem is particularly apparent in my home State of New York.

In New York, 65 percent of the housing stock was built prior to 1965 when lead paint was used extensively. Thirty years later, more than 30,000 kids were identified with high levels of lead in their blood. Another 1.5 million children under the age of 6 were potentially at risk of exposure. Lead remains a serious threat to our children's health.

Many of these same children face another grave risk, exposure to asbestos. Again, we have enacted legislation and regulations to combat the problem. Again, the problem continues. On at least two occasions in recent years, children in my district and elsewhere in New York were exposed to asbestos dust in their schools, years before the city had contracted for the removal of asbestos from school buildings. Little follow-up ensued. As a result, cracks developed in ceilings and walls, sending chips and dust into classrooms. Some areas had to be closed off. Other schools had to be shut down.

Both of these examples illustrate the fact that the protection of our children is an ongoing responsibility as science develops the scope of toxic contamination unfolds.

It was only a few years ago that we understood that substances like lead and asbestos were dangerous. Today we realize just how much danger they present. The process for controlling dangerous substances is likewise an evolving one. Standards for asbestos and lead protection and removal adopted only a few years ago may tomorrow prove to be inadequate. New regulations may need to be enacted.

The lesson here is that we as servants of the people must be able to enact any measure necessary to protect our kids in their school and in their homes. This bill jeopardizes this ability. Its procedural hurdles and points of order create delay and gridlock where none can be justified.

Is the drum beat of unfunded mandates so loud that it drums out the cries of children in need? Who here will stand up today and state for the record that the cost of saving lives is too high? Have we as a nation sunk so low?

I urge my colleagues to uphold our most sacred duty, and exempt child protection laws and regulation from this bill.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an open debate. If we had been debating this in past years we probably would have been done by now and had two or three amendments and would be on to some other issue. I think it is important we are going through this process. But as I count the amendments, I know that we had a debate on the clean water, and we wanted to exempt that. We then wanted to exempt the clean air, and had very impassioned reasons why we should do that. The we wanted to exempt airport aviation security. Then we wanted to exempt child labor laws and the minimum wage, and so on.

Then we wanted to exempt nuclear reactors and nuclear waste. Then we wanted to exempt toxic, hazardous, or radioactive substances.

□ 1540

Then we wanted to exempt the national data base for tracking child molesters and now we want to exempt issues dealing with children.

I am convinced we will have voted on every exemption and if every one had passed, we would not have a bill.

Now, I do think children are very important. And for some to make the assumption that when we would pass a bill that we would not come up with the money to pay for it suggests to me that we must not think children are important. If we think they are important, we will come up with the money to pay for it. If we do not think we can come up with the money to pay for it but we think it is a mandate that is required, then we will logically make a motion to overrule the point of order, because we think children are important.

We are debating this bill today because Republican and Democratic Governors and Republican and Democratic mayors and Republican and Democratic legislatures throughout the country have said, ''You have got to stop putting mandates without knowing the cost. And in some cases, you simply have got to stop doing the mandates, even if you know the cost.

In my judgment this bill is extraordinarily fair. It strikes me as a situation that we need to just wake up from. And I just hope that we do not go through the process of continuing to ask ourselves to exempt ourselves from this mandate bill, because we will have no bill left.

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

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding.

This amendment is not about protecting children. This amendment is about protecting the rights of so many here who want to take away the rights of parents and local governments and State governments to have their own input into how children should be cared for. We all believe in protecting the rights of children. But when we make a decision in one place about what we are going to do and in another place about how we are going to pay for it, that is a very bad way to handle things. And it takes away rights of people who care the most about children, and that is their parents.

I thank the gentleman for yielding to me. I urge the defeat of this amendment.

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

Mr. SHAYS. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I just want to make the point that if we really cared about children, we would be spending more money on children now. The gentleman indicated he thought it was a high priority, and we will want to spend money. Yet we do not fund health care for all kids who are poor. We do not fund adequate immunizations for them. The fastest growing poverty group in this country are children. We are not doing what we should be doing now.

Mr. SHAYS. I get the gist of my colleague's comments. I think it is very well taken. There are people who feel passionate on this issue, and we do not spend the money. That is very true.

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

Mr. SHAYS. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, the gentleman raised the point that this would not protect children but it would actually provide those of us in Congress with the ability to somehow obstruct families from caring for their children.

I have the amendment before me. I am trying to figure out where the gentleman takes from this particular amendment all those things that he ascribed to it.

All this amendment says is that along with the other nine exemptions that we currently provide in the bill, including Social Security being exempted, including civil rights laws that protect against age discrimination, that protect against racial discrimination, ethnic discrimination, we have no provision, and this is the entirety of the amendment, that says we would exempt as well those provisions which provide for the protection of the health of children.

Mr. SHAYS. Reclaiming my time, Mr. Chairman, the answer to the question is very simply that we have consistently, in the course of the last few days, had amendments offered to exempt more and more categories. There is no need to have any exemption because we have a very simple process. A simple majority allows the will of this Chamber to override a point of order even if money has not been appropriated to provide for the legislation that as been argued on the other side.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Maloney amendment to H.R. 5. This amendment will rectify a glaring oversight on the part of the drafters of this legislation. This amendment will protect children who are among our most vulnerable citizens.

Mr. Chairman, I have traveled throughout this world, and I have not seen the kind of love and devotion that the Japanese, the Chinese, the Russians, Europeans, Africans give to their children. I have not seen that same kind of reverence and devotion right here in America. Instead I hear Members talking about balancing the budget.

I have not seen Members love the children in this House, Mr. Chairman. Instead, I hear them talk about the rights of States and parents for children.

We must not pass legislation that will put the health of children and babies, both inside and outside of the womb, at risk. H.R. 5 currently exempts bills that secure constitutional rights, prevents discrimination, ensure national security, implement treaties and provide for the auditing or accounting of Federal funds. Surely the health of our children is just as important as the aforementioned.

We must protect our children. They have no voice, no vote. So we must speak out for them and keep their well-being at the forefront as we cast our votes.

I hear Members saying that there are so many exemptions. There are so many amendments. Maybe it is because H.R. 5 is flawed. It needs to be cleaned up. Sometimes I would like the Members across the aisle to know that we should take the moral high ground, not the low ground, not gravel. They are talking about cutting the budget, cutting the deficit. Let us talk about saving kids. Let us talk about doing our duties as the custodians of the United States of America by protecting the people.

You say Clean Air Act, that is an amendment. Yes. Because if you do not have it, you do not breathe. Think about it.

You talk about exempting the old people. Yes, you are supposed to exempt them. If you had moral fiber in your body, they would have been in the bill in the first place, same thing as discrimination, same thing as children.

There are 4 million children growing up in American communities that cannot assure them the childhood and the hopes to which all American kids are entitled. Therefore, it is our obligation to protect our children.

Otherwise, we run the risk of dismantling our status in this world as a superpower. But most importantly, ensuring a strong and productive future for America.

Take the high ground. Take the moral ground. Protect our children, yours and mine. That is what we are here for. That is what we are about.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment of the gentlewoman from New York [Mrs. MALONEY] to protect the children. I support the Maloney amendment because it makes children a national priority.

Listening to the debate yesterday and today, we have had a number of initiatives which have addressed children and the priority we give them in our society. And let us just say right out that I think we can all agree and stipulate that every single Member of this body on both sides of the aisle

cares very deeply about the children of our country.

So this is not about what we care about. It is how we make decisions and come down on the side of supporting children.

We have often heard quoted in this body and in our country the famous statement of President Kennedy that child are our greatest resource and our best hope for the future. They are, indeed. And so it is not only about the compassion and the love and care we feel for children that this amendment is important, but it is about our country that this amendment is important to the future of our country, as President Kennedy so eloquently stated.

None of us would be here and our country would not be the great country that it is today, if generations before us did not decide in favor of future preference, that we will say that our highest priority is the next generation, that we spend and invest in our children as our families each did, that we in this society have done and that we must continue to do.

□ 1550

Mr. Chairman, while I supported the Clean Air Act amendment, the clean water, safe drinking water, et cetera, because they are all very important, and in fact, very important to the children of our country, I believe I can say without any hesitation the amendment of the gentlewoman from New York [Mrs. MALONEY] today is the most important amendment that we will have to deal with in this unfunded mandates legislation, because it says that the first dollar we spend should be on children.

Yes, we all have sympathy for the localities, the Democratic Governors and Republican Governors and mayors, but all levels of government must share in the responsibility for preparing our children for their futures and investing in their health and well-being. Every level of government has that strong responsibility.

Mr. Chairman, I believe that the amendment of the gentlewoman from New York [Mrs. MALONEY] should take precedence over everything else in the bill, all the exemptions that are already listed and any other consideration that the Governors and the mayors may present, because it says who we are as a society, that we believe in future preference, that we understand that we have a responsibility to these children, and that we understand that our country depends on us honoring that responsibility.

Mr. Chairman, other countries have social programs that are different from here and they provide a great deal more for children right off the bat, without any question, and no debate. We have the debate on this issue. They will be watching what we do. The country will be watching what we do here today.

More importantly, Mr. Chairman, the children are listening. The children are listening. Let there be no doubt in their minds about their importance as individuals and their importance as resources to the future of our country.

Mr. Chairman, our colleagues on the Republican side have the votes. They may win this vote today and defeat the Maloney amendment, although I hope not, because as I say, I recognize and respect the regard and concern that they have for children as well.

They may win the vote, but they must not win the debate about what is the most important resource to our country and what should be the very first dollar that we spend. I have repeated that a couple of times, Mr. Chairman, because I want to reinforce and make the point.

Mr. Chairman, I serve on the Subcommittee on Labor-Health and Human Services-Education of the Committee on Appropriations. We certainly do not do enough for the children of our country. We jokingly say it is a committee where it is, lamb eat lamb, because every single program is very important to the children of our country.

We do not have enough money to spread around. Therefore, we must say that as much as we possibly can will be spent on the children at the national, at the State, and at the local levels. That is why this amendment is so important, because it says in recognition of the fact that unfunded mandates may be a problem to them, and in recognition that resources are limited, in recognition of all of that, children come first.

Mr. TOWNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by first thanking the gentlewoman from New York [Mrs. MALONEY] for this very fine amendment. I think it is the kind of amendment that would make this bill better.

Also, Mr. Chairman, let me just sort of respond to my friend, the gentleman from the State of Connecticut [Mr. SHAYS], who indicated that we keep asking for exemptions. There is a reason why we keep asking for exemptions.

The reason we keep asking for exemptions is that this bill did not have any hearings. Therefore, there are a lot of things that we feel need to be corrected. There should have been some input. Some questions should have been asked along the way.

I have been here 13 years. I have been here 13 years. I can never recall a piece of legislation of this magnitude to come before this body without having one public hearing, and then want to know as to why we want to ask for exemptions, why do we want to ask for amendments.

It is very obvious that we want to strengthen it, we want to make it better, we want to get as much input into it as possible, because we are talking about the lives of people.

We voted earlier, and we were able to exempt the senior citizens. I think that was a very wise vote. I think that those of the Members that made that vote, it was an important vote and they should have done it. However, I also would like to say that here is another one that we need to vote in favor of, because the children are extremely important.

Mr. Chairman, if we want to save money, this could be referred to as the save money amendment, because when we look at the problems that we have with children in terms of their health, if we do not have some protection for them, they will end up in emergency rooms, they will end up with all kinds of problems, and it will cost us more in the long run than it would to correct it now.

If someone is going to say, ''What about a point of order,'' think about the amount of children that will die while we are waiting for a point of order. I think that the time has come for us to wake up and to address this problem and address it now.

Mr. Chairman, we are sending the wrong message out there. I do not think that we should be guilty of doing that. I think unfunded mandates give us an opportunity to correct a lot of things that are going wrong.

Mr. Chairman, some people want to increase the defense budget. If we do not protect our children, who are we going to draft? Who are we going to put in the military? Who is going to go? I think we need to make certain that we have a healthy population, and we need to do that with our children.

Mr. Chairman, let me just say to my friends on the other side, yes, they said to me earlier that they have the votes, and they are right, they probably have the votes. However, let me say, they could win the battle but they will lose the war if they do not move to protect the children of this Nation. I say that is important.

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

Mr. TOWNS. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my good friend from Brooklyn for yielding me this time.

Mr. Chairman, I simply will respond by saying that at the outset of the gentleman's remarks, and I should also say that we are all very sympathetic to the plight and the challenges children face, but at the outset of my friend's remarks he said there were no hearings held on this whatsoever.

I know there are many new Members of Congress who were not able to benefit from the very extensive hearings that were held in the 103d Congress, but there is a sense that no hearings were held in this 104th Congress, which is 3 weeks old tomorrow. We in the Committee on Rules had a briefing, a lengthy briefing, and hearings. We heard from a wide range of Members and groups.

I would simply say to my friend that to argue there were no hearings whatsoever held on this issue is incorrect, and not the kind of assessment of the deliberation that has just for years gone into that process.

Mr. TOWNS. Reclaiming my time, Mr. Chairman, in the 103d Congress, yes, there were hearings, but this bill is not the bill that was brought in the 104th Congress.

Mr. DREIER. Mr. Chairman, we had hearings in the 104th Congress, too.

Mr. TOWNS. Mr. Chairman, it is my time. Let me say to the gentleman, so that he will be aware of the fact, more than 50 percent of the people that serve on the committee now are brand new. They were not even on the committee in the last Congress.

I am saying to the gentleman that these are the new Members in the Congress, this is not the same bill that was dealt with last year, so therefore, for the gentleman to say that we had hearings on this bill, that is not accurate. This is a new bill. It was not the bill last year.

Let me just say to the gentleman, further, the bill last year was sponsored by me so I know what the bill said versus that this bill says. I am saying to the gentleman that his Contract With America does not mean that he should ignore input coming from America. I think if that is the contract the gentleman had, he had better divorce himself from it.

Mr. DREIER. Mr. Chairman, we are not saying that at all.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

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

Ms. JACKSON-LEE. Mr. Chairman, I do not think this is really a debate on the issue of unfunded mandates. We all are cognizant and aware of the issues that have come forth from our local governments.

However, I do rise now to support the amendment of the gentlewoman from New York [Mrs. MALONEY] because I think she has raised an issue that all of us have faced firsthand, we have faced it with our neighbors, our constituents, the sadness of mothers who are trying to raise their children alone, simply trying to make a way.

Across this Nation we are hearing that voices are being raised for us to be children-friendly. State and local governments struggle with funding for children's programs. Children suffer from violence against them and violence among them. Our children need to be protected.

Mr. Chairman, I have struggled with this issue on a local basis when we have fought at city hall to try and find monies to immunize our children, when we fought at city hall to determine do we borrow from Peter to pay Paul, when we try to make sure that we tend to children in our well-care programs that are over the age of 5. Time and time again we have had to turn away children and say: ''No, you cannot come into our clinics, we do not have enough money to serve you.'' It is important that we work with the Federal Government when it comes to protecting children.

□ 1600

There is no shame in that. Why have commercial advertisements across this Nation with television stations telling us be aware of your children, be friendly to your children and we in the U.S. Government cannot protect them?

I think about the woman named Delores in my community, living in the many housing developments, raising five children, attempting to survive on any kind of benefits she may get. Not lounging around, not taking welfare because she just wants to take it but trying to raise five children, trying to make sure they are healthy, trying to make sure that they are strong and yet we do not provide the extra ''mph,'' if you will, to protect the children of this country, to help that mother preserve her home, to help that mother keep that home together.

I simply say that we need involvement. We need to protect our children. We need to support the amendments of the gentlewoman from New York which simply say our children must be protected.

I ask this House to rise to the level of serving all the people and support our children.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like also to support the amendment before us today to look after the interests of children.

I have been a Member of this body for not very many days and I have heard a lot in the last few weeks about the 100-day deadline. But I would like to talk today not about 100 days from now, but 20 years from now, and the things that we do today, how it will affect the world that we live in and our children live in 20 years from now.

All of us who are parents, and I think that includes most of us in this House of Representatives, love our children and I know that is true of all of the Members here, whether they are voting in favor of this amendment or not in favor of this amendment. We know that our children are the most precious things that there are in the world, and our own families, and I think at some level as parents and as community members, we know that all of the children in the country really carry the future of our country in their small hands.

I think if we look at what our economic competitors are doing around the world, not just what should we do, what do we feel we should do but economically what we should do as a country, we know that our competitors are literally betting the farm on the next generation. They are throwing everything they have got to make sure that their future work force is going to be topnotch and they are going to be competitive and they hope will be the next generation work force.

I have been prepared to offer in the Committee on the Judiciary an amendment to the balanced budget amendment that would have exempted investments in childhood education, in childhood health for the same reasons I am supporting this amendment. If we do not make these long-term investments and remove every impediment there is to investing in the young people in this country, then we are not going to have a good country in the future and we are not going to have an educated work force, we are not going to have a healthy work force, we will not have a good country. I know that I care about that and I know that every Member of this House cares about that.

I would therefore urge adoption of this amendment.

Mrs. SMITH of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am amazed at how emotional this issue has become. I have been involved in, you might say, politics for years, and I thought this was a pretty generic, reasonable bill coming from a State government. The bill just says establish and consider the cost you require of local governments. That is pretty simple.

Let us review in general what the bill does. It is not retroactive. You would think by the conversation on the floor today that it went back and wiped out all the protections for children, for the elderly, and for our communities. It is not retroactive. It requires cost information.

I have a history of being a budget person. I also have been involved in budgets and politics. The best thing you do for the people is find out what it costs. If you ignore those costs, they are still there, and they come out somewhere else.

It requires informed debate, what we have all been talking about. I am amazed at how many people stand up and say they have been gagged and then talk for 5 minutes. It just says informed debate on the question of funding, and that debate is required, so that we do not wake up 1 day and find out Washington State ends up with a multibillion-dollar cost that this Congress passed. And it requires separate votes on imposing unfunded mandates to local governments. That is not so difficult. It seems to me that that makes some sense.

This bill is about taking the high ground, telling the truth, all the truth up front, debating it, deciding what it is and working with real figures, not emotions.

This is about truth, a reasonable bill about accountability and good government, and I think it is time we stop playing around the corners of this and say, ''States, we are going to be honest with you and we have every intention

of passing this accountability bill that just tells the truth.''

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Maloney amendment. I have strong concerns about the negative impact the unfunded mandate bill will have on children, the Nation's most valuable resource.

As a Florida State representative for 10 years, I am personally aware that States and local government need flexibility and are facing increasing fiscal constraints. We must not eliminate the government historical role of protecting all citizens, especially children and the elderly.

What has worked well is a partnership between all branches of government, at the Federal, State and local level. One branch cannot do it alone. Without these partnerships, we jeopardize clean water, clean air, and food safety. The results will be high levels of cancer from toxic air and polluted waters.

Without these partnerships, we jeopardize the welfare of our children. The rate for childhood shots for some children is only 30 percent. Some Third World countries have higher rates.

In the rush to pass a bill, Congress has endangered the health of our children. Let us not rush to pass an imperfect bill that would destroy a partnership and hurt those who most need our help.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to respond to the gentlewoman from Washington and maybe to a lot of other Members on the other side of the aisle who are not aware of something, where they say this is not retrospective and that it is only going to take into consideration new laws as we do this cost analysis or cost versus benefit.

Let me make you very aware of something, that almost every bill needs to be reauthorized, and all the programs. So the Juvenile Justice Delinquency Prevention Act, and minority programs we passed, those programs in the crime bill, will all have to be reauthorized at some point in time, and when we go to reauthorization, we are going to then determine that a study has to be done in order to determine if the benefits outweigh the costs in what we are mandating to the States.

Let me tell you something. It is very hard to measure the benefit of a compassionate act or responsible act. It is very hard to determine just what benefit you get from feeding children, hungry children, so they can learn. Not until those children have grown into adults and have shown the benefit by being taxpaying citizens of this country can you measure the benefit of that nutrition program in that school.

There is no way on God's good earth that you can do that. So I am afraid that when you start measuring the benefit versus the cost in many of these program, it gives easy justification to those people who would consider cost above the necessary thing to do to ensure that our young people are given and afforded every opportunity to succeed in these United States.

let me tell you something. There is no issue that more defines us as a people or us as parties than what we do regarding the children of our country. Earlier someone said these are our future and I have never heard a politician who has not at one time or another uttered that phrase, ''Our children are our future.''

Well, are they really if we are going to consider what it costs to feed them nutritional lunches? Are we going to measure what it costs to mandate that in States, in jail situations when a lot of times these children are put there for their own protection because they were abandoned by a parent or a guardian or because they are there because they were abused, and say, ''We're not going to mandate that States separate those from sight and sound of the adult population because the benefit doesn't outweigh the cost''?

That is the problem we have with this legislation, is that we are protecting right now those laws that exist because we are saying it is not going to affect any of those laws.

I guarantee you it will affect those laws as we move forward to reauthorization and that is something we really ought to consider, especially as it concerns the children of this country.

□ 1610

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, I want to clear up some comments that were just made for the record. First of all, nothing in this bill cancels any current mandate or prevents us from passing future unfunded mandates. We would of course have to cost these out if they were over $50 million across the rest of the country, and we could then decide, recognizing those costs that we would pass on the State and local governments, whether we would want to fund that mandate or impose an unfunded mandate on those other jurisdictions.

Also this bill does not apply to authorizations, unless in that reauthorization there is a new mandate over $50 million that will be passed on to State and Federal governments or a reduction in funding for existing mandates.

I just want to set the record straight on that, Mr. Chairman.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BECERRA. Mr. Chairman, I feel compelled to come here and respond to some things my colleagues from the other side of the aisle have said. I read this bill and I read the amendment, and to those on the other side of the aisle who say that this bill is adequately written, that as it is written it will protect children, my response to them is, if it does that, then what is the problem with accepting an amendment that just makes it implicitly clear.

If the response is, well, we do not need it because it is already there, then I turn to the actual bill itself and I see that the bill must not have been drafted that well, because there are at least seven different distinctions made and explicit references made for exemptions to this bill to make sure that those exemptions are identified as being protected.

In the case of Social Security we see it here under subsection 7. We see it for emergency legislation that the President might pass. We see it for national security. We see it for emergency assistance to State and local governments in the cases, for example, of a natural disaster. We see it in the case of our constitutional rights.

If this is such a well-drafted bill, why do we explicitly ensure our constitutional rights are protected? I would think that would be automatic.

There is also an exemption for our statutory rights that prohibits discrimination. If that is there, clearly there are needs for exemptions and we have to stop fooling ourselves and admit to that.

Then I turn to the amendment and I read the amendment and I look at the actual text of the amendment and it is one phrase. So what it would do is, add one additional phrase to those seven exemptions I listed, and all it does is say we would exempt as well any laws or regulations that provide for the protection of the health of children. Simple. But yet we have objections to that.

Why do we have objections? In response to what the gentlewoman said a few moments ago about how this bill would provide for informed and deliberate debate, H.R. 5 takes care of that. We have had years of informed and deliberate debate, but on many occasions when we have had a chance in this House to support Head Start for children, we have not done so, at least not everybody. Some of us have supported it. I am today prepared to support Head Start. I know some of my colleagues from the other side of the aisle, though, would not.

We have had an opportunity to provide full funding for immunization of our children in this country and I know Members of the other side of the aisle have not done so and have not done so at a time when at this stage of this country's development less than 60 percent of this Nation's children are immunized, and in some cases, in poor areas, you are talking about less than 30 percent of the children in this country immunized.

Remember, that unimmunized child will ultimately cost that local government and the neighborhoods more money because, when that child does

become infected or sick, chances are it will cost a lot more to heal that child.

So we have no protections and we cannot count on what someone will do prospectively. We need to know now, and if we do care about children, if we do wish to protect them, then add a simple amendment to this bill that would do so.

I find it ironic. We have the Republicans in this House who have proposed a Contract With America, I say a contract on America, and they say that they will increase by billions of dollars military spending, they will increase the deficit by cutting taxes on the wealthiest of Americans, and somehow with all of that they will still find a way to balance the budget to the tune of $1.2 trillion.

We will have to find cuts. We cannot cut entitlement programs, so we have to go to discretionary programs. What kind of discretionary programs? That is where we find all of the children's programs, discretionary cuts to the tune of around something like 30 percent. Head Start, immunization, child nutrition programs at our schools, health care for children, 30 percent, folks, across-the-board in some cases, unless, of course, the Republicans are willing to tell us how they would otherwise cut.

So why are we concerned, and why do we want to have explicit language that says you will protect the health of a child? Because there is no guarantee and this is not the time to play with the lives of our children.

Now just about an hour or two ago we voted on an amendment that would protect seniors or elderly, our older Americans from discrimination based on age. There was only one single vote out of this House of 435 Members, one single vote against that amendment. There was no problem explicitly exempting seniors from age discrimination and specifying it in this bill.

But now we talk about kids. There is a clear distinction between someone who is a minor and someone who is a senior. Most of us get elected by seniors, and it is unfortunate that we find that we cannot protect a child here, and in some cases you have to wonder why.

One of my colleagues from California on the other side of the aisle said we have sympathy for what you are doing and for the kids. The kids do not want sympathy. They do not want any of our sympathy. They want a fighting chance to grow up and succeed and let them prove themselves, but let us do our part in having them do that. Let us help the children, help, not hurt our children.

Pass the Maloney amendment.

Mrs. MEEK of Florida. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Maloney amendment and to call the conscience of this group to the needs of children in our society and to know that any bill that has not really researched this in its fullest, I would just like to have a few minutes to talk about some reality therapy that we must think about. That we can sit here and pass any number of bills and write any number of amendments, but to my knowledge, no one has researched not only the fiscal impact and the cost of lives and societal causes that this bill is going to get us into if we do not look at what happens to children in this country.

We hear a lot of rhetoric regarding save the children, save the oceans, save the rivers, but I am here today to say to each of my colleagues that of all of the assets this country has, our children are our most important assets. So the Maloney amendment is just trying to prick the conscience of this group to look at the children.

Look at what this bill does. I am on the Committee on Government Reform and Oversight. I am a new member. I came to that committee with all kinds of gung-ho enthusiasm. But I have yet to be able to analyze or look at or to research or look at what we are doing in that committee.

What we are doing in that committee is going to have far-reaching impacts on the lives of the citizens of this country, and these are the children that we are talking about today. These are the children that are going to pull each of us down if we do not do what is right for them up front.

We talk about criminality. If we do not look at what is happening to our children, if we do not look into our communities and find out how can we help the health of the children, how can we get them immunized, how can we get them educated, how can we help them become better citizens?

I want to tell my colleagues something: If we do not look at unfunded mandates in such a way as to tear it down to the smallest community and to the smallest child and even to the unborn children, we are going to leave something out.

This amendment that my colleague, the gentlewoman from New York [Mrs. MALONEY], has put up here today is not anything meant to cripple the bill. It is something meant to supplement the bill and to put in something that is so very important, and I really encourage my colleagues on the other side of the aisle to look at this just as they did the amendment for the aging and elderly.

□ 1620

The children are just as important as elderly people, and we have left them out, so that is what the gentlewoman from New York [Mrs. MALONEY] is trying to do.

Because of these hearings, we do not know how poorly this bill will work, but by any standard, we have not researched this bill, and we have not looked at the impact of it.

Now, a lot of children in this country are not as fortunate as some of our Members would have you think, and you do not need to read a magazine to find it out. You just need to go into some of the homes in both urban and suburban and both rural and otherwise to see these children. We rank in such a dismal category in terms of infant mortality. With all of the scientific discoveries we have made, we are 19th in countries in infant mortality. Our children are dying before the first year of life is over.

So you mean to tell me you are not going to look at this in terms of do you think any State legislature is going to do it? I spent 14 years in the State legislature, and I see what is happening here. There is a terrible syndrome happening here.

What is going to happen is after the contract is passed, after the 100 days, we are going to push all of this down to the State level. You are going to get some block grants or any kind of whatever configuration you want to call it, geometric, whatever it is; you are going to lump all the money in one big pile and ship it to the States, and that relieves you of the responsibility of saying to these mothers, people throughout this country, ''We do not care that much about you enough to look at the impact of these amendments and bills that we are writing now.''

You know what the States are going to do with that. They are getting their committees and their priorities that come first, where the most of the voters are. That is what they will fund first. It does not take a Ph.D. to figure that out, Mr. Chairman, as to what they are going to do with the money.

So the children will probably be left out, because it will not be the top priority of every State legislature. I know, I have been there.

A lot of people have not been on the street where these people are, where these people have children who are not being cared for.

I beg you to realize that one-quarter of the children born in this country are born in poverty. Think about it. They are not born with a silver spoon in their mouths.

So when you think about where the money is going when it leaves here to the State, to people who do not really realize where our problems are. One of every six children under the age of 6 is not covered, Mr. Chairman, by health insurance.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, I want to go back to say vote for the Maloney amendment, because it does, it helps us keep intact this safety net which has been placed there for the people who deserve it the most, our children. They are our future, and we cannot come to this floor and forget them.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York [Mrs. MALONEY].

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

Mr. DAVIS. Mr. Chairman, I demand a recorded vote.

Mrs. MALONEY. I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

Mrs. MALONEY. I withdraw my point of order.

The CHAIRMAN. The gentlewoman cannot withdraw her point of order at this juncture.

Mrs. MALONEY. I request a recorded vote, a rollcall vote.

The CHAIRMAN. The Chair has already stated that a quorum is not present.

Mrs. MALONEY. I withdraw it.

The CHAIRMAN. Members will record their presence by electronic device.

Any recorded vote that is ordered after the quorum call will be a 5-minute vote.

The following Members responded to their names:

[Roll No. 34]

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bishop
Fields (LA)
Frank (MA)
Frost
Kennedy (MA)
Kennedy (RI)
Neal
Oxley
Stark
Wilson

□ 1644

The CHAIRMAN. Four hundred twenty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Virginia [Mr. DAVIS] for a recorded vote.

Pursuant to clause 2 of rule XXIII, this will be a 5-minute vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 261, not voting 12, as follows:

[Roll No. 35]

AYES—161

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—261

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley

Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Bishop
Fields (LA)
Hoyer
Kennedy (MA)
Kennedy (RI)
Lazio
McIntosh
Neal
Oxley
Stark
Wilson
Wise

□ 1648

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer two amendments, numbered 4 and 5, printed in the RECORD. and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. OWENS: In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and inset ''; or'', and at the end add the following new paragraph:

''(8) provides for protection of the health of individuals with disabilities.

In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following:

(8) provides for protection of the health of individuals with disabilities.

Mr. OWENS. Mr. Chairman, my first amendment excludes from the unfunded mandates legislation any statute or regulation that acts to protect the health of individuals with disabilities. My second amendment applies the same protection for individuals with disabilities in relation to the Congressional Budget Act provisions in the same legislation.

Mr. Chairman, there is a high level of anxiety in the community of people with disabilities about this piece of legislation. Forty-nine million people have disabilities, and the number continues to grow because any one of us could be a candidate, and certainly as people get older, they end up in large numbers in the category of people with disabilities.

Mr. Chairman, people with disabilities have a high level of anxiety for good reason. They feel that they have been targeted in this legislation, that they are a particular target because for years now there have been expressions of concern about the high cost at the local level of programs for people with disabilities, particularly the program IDEA, Individuals With Disabilities Education Act, better known to you as special education. That program has been targeted, and there are constant complaints from mayors and Governors, from school administrators and school board members about its high costs.

There are other programs related to the Americans With Disabilities Act which provide civil rights for people with disabilities. But those civil rights sometimes have costs attached to them, especially in the area of public accommodations and transportation. It costs money to meet the requirements of the ADA bill. For that reason, they feel that they are particularly targeted here, and they would be the victims of this legislation.

This is an opportunity for us to clarify what we mean when we say that people's civil rights will not be affected. ADA, Americans With Disabilities Act, did elevate the rights of people with disabilities to the same level as other civil rights. It is a fact that they have some economic requirements attached to them that makes for a lot of confusion. There are many cases right now in litigation. The Equal Employment Opportunity Commission has a large number of cases related to people with disabilities because of this gray area.

Here is an opportunity to clarify and let it be known whether this act is particularly targeted at people with disabilities.

Traditionally, State and local governments have been hostile or indifferent to these people with disabilities, and the Federal Government has had to lead the way. In the case of vocational education and vocational rehabilitation, we have led the way. In the area of special education, it took the Federal Government's mandate to provide for children who needed education who had disabilities. The Federal Government has had to lead the way. The States have always complained. So if the mandate is taken away, they have good reason to believe they may be victimized.

In the area of health, individuals with disabilities chronically experience problems in remaining employed, and therefore they have fewer resources and have a higher number who are taken care of by Medicaid. Many of the 49 million Americans with disabilities are dependent on Medicaid. If we pass the unfunded mandates and that results in cuts in Medicaid, Medicaid services would be on the chopping block. Inpatient services or outpatient hospital services, physician services, the case would have to be made as to which of those are cut. If such services are cut, the parents of children with disabilities would not be able to gain access to needed services which allows them to keep their children at home, instead of an institution, which is much cheaper to all of us.

Another Medicaid service jeopardized by this legislation would be the early periodic screening diagnostic and treatment, which allows for low income children up to age 21 vital health screening, gives them vital health screening to prevent the possibility of long-term disabilities. Cuts in this program which will result from the passage of this legislation would especially be harmful to children with disabilities.

I do not want to repeat all the arguments that have been argued already for other children, but children with disabilities have a particular problem. Of course, this particular amendment covers more than just children; it is all people with disabilities, including adults.

We tried very hard last year to pass health care legislation that might have made my amendments unnecessary. But since the obstructionists prevailed, the pharmaceutical industry, the insurance industry, the medical industry, Harry and Louise, all of those prevailed; we did not get a health care bill which would provide for the needs of people with disabilities. It is important that we in this legislation make certain that they are not victimized unnecessarily.

Mr. Chairman, many of the organizations of people with disabilities also support this vitally needed legislation.

The CHAIRMAN. The time of the gentleman from New York [Mr. OWENS] has expired.

(By unanimous consent, Mr. OWENS was allowed to proceed for 2 additional minutes.)

Mr. OWENS. Mr. Chairman, among the organizations that have supported this legislation and feel they are in jeopardy are many organizations that have had bipartisan support in the past. In fact, the Americans With Disabilities Act had strong bipartisan support. Our great worry is that that bipartisan support will no longer be there.

In the former Committee on Education and Labor, now called the Committee on Economic and Educational Opportunities, the one committee that dealt with the interests of the people with disabilities all in one place, found that it was broken up and the various functions related to people with disabilities were spread through three different committees.

□ 1700

We considered that a dangerous and hostile sign of the kind of things that are about to happen. Many of the signers of the Contract With America have indicated that they think that President Bush signed the Americans With Disabilities Act in a weak moment. In fact, one of the signers of the Contract With America has stated that the President signed that bill in a weak moment, and they want to undo the kind of rights that are provided in the legislation for people with disabilities.

So it is very important that a clarification is gained here. I hope that all of the numerous Members on both sides of the aisle who do support programs for people with disabilities will vote for this amendment and send a message to the people with disabilities that they still have friends on both sides of the aisle, that they are not being targeted, that they will not have their programs taken away because they do require funding at the local level.

The special education, for example, the Federal Government promised that they would fund it 40 percent and they only fund about 7 or 8 percent. There have been complaints about that since it began. So we need an indication with this vote that people with disabilities will not suffer needlessly, that when we say civil rights statutes are exempt, we mean that programs for people with disabilities, including the programs which directly affect their health and their children's health, are also exempt from this, these mandate requirements.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment just very briefly to say, Mr. Chairman, that I think the gentleman is correct, that Members on both sides of the aisle have great concern for the disabled in this country. The Americans With Disabilities Act, which the gentleman referred to and which is now law, is unaffected by this legislation in any way, shape or manner. This is not in any sense a retroactive bill. The Americans With Disabilities Act, which I must say there are some who would like to amend because it in fact has imposed some rather heavy burdens on our States and local communities to comply with the act in terms of retrofitting various things to comply with the act, but that is not the point.

The point is that this is not going to in any way reach back into the Americans With Disabilities Act to affect the rights of the disabled, nor will it preclude us from in any way passing through a mandate for the benefit of the disabled in the future.

All we say is that this area should not be anymore exempt from consideration of the cost that is being imposed than any other area. And for that reason, Mr. Chairman, I must oppose the amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people with disabilities represent the most vulnerable and poorest group in America. People with disabilities are disproportionately minorities and have the most health problems. Yet disabilities touch us all. One in three Americans has a family member that has a disability. I myself had a family member that had a disability and know firsthand the kinds of other health problems that can be created when one has a disability and that might be directly caused by that particular disability.

Conditions for people with disabilities varies greatly from State to State and the people with disabilities therefore have looked to the Federal Government to help them to improve their quality of life and to make the quality of life equal for people who live in Michigan, or Illinois, or New York, or Mississippi, or Colorado, or any other State, giving them an equal opportunity to have, if you will, the kind of help that they certainly deserve to have.

One example, for example, is when we have all gone through and seen these ramps on the side of curbs so that people with disabilities who have to use wheelchairs are able to get about, to do things that we take for granted because we can walk, for example. We have also cases where it is absolutely essential that we provide for people who have lost their eyesight, who have certain kinds of disabilities. We want people not just in one State to have those provisions made for them. We want people in all the States to have those provisions for them so that every person who has a loss of eyesight can equally enjoy the quality of life no matter where they happen to live or in which communities they happen to live. With so many States entering into experiments in the Medicaid Program, the health centers of people with disabilities is certainly at great risk.

The move toward managed care as a device to control costs in Illinois and other States increases the likelihood that people with disabilities will end up in appropriate care settings with disastrous consequences. Studies show clearly that managed care does not work well for people with disabilities who often require specialized medical care on a very routine basis.

Without this exclusion, H.R. 5 could prevent the Federal Government from the insurance that Medicaid programs in the States are appropriate to the needs of the people with varying disabilities. We wisely chose to exclude antidiscrimination laws, including those that protect people with disabilities, from this bill, but what good is it, if there is an exclusion for the disabled, if we by some same action undermine their rights to decent health.

It just does not make any kind of sense at all, Mr. Chairman.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Owens amendment to exempt from the impact of the unfunded mandates legislation any provisions designed to maintain the health of individuals with disabilities. This is not only the compassionate thing to do, it is also the sensible and fiscal thing to do.

As a direct result of the advancement in medicine, many individuals with disabilities are able to maintain an independent life as productive, contributing citizens.

The absence of medical care for such individuals is, therefore, not simply a health problem but one of loss of general functionality as well.

To take away health care for most of us means that we have to prioritize resources. For individuals with disabilities, there are no other priorities. They must have health care for anything else to exist.

Moreover, it also means that we will have to pay a lot more for other support costs once the independence of an individual with disabilities is lost.

What this amendment says, Mr. Chairman, is that we should not treat individuals in totally different circumstances as if they were the same. Without this amendment, individuals with disabilities would be dramatically affected.

As the gentleman from New York has indicated, Congress has passed many bills affecting the rights and independence of individuals with disabilities and without this amendment, it would be virtually impossible for Congress to take any action to protect this vulnerable group in the future.

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

Mr. SCOTT. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I would like to clarify the fact that this amendment is primarily about health, mandates which affect the health of people with disabilities. But I deliberately included other matters because

the gray area there is always there for people with disabilities.

Their health is affected if they cannot get proper transportation and the ADA gives them the right to transportation, which has to be provided by local governments. And many local governments have refused to take the steps to provide the necessary transportation.

There are numerous areas which are gray, which have led to a great deal of litigation about the civil rights that are supposed to be protected under this statute, which always, not always, but usually affect the health and the welfare directly of people with disabilities. So it cannot be separated. The gray areas are such that it would be, a great service would be rendered by, in this legislation, passing this amendment and clarifying once and for all the fact that anything affecting people's health, people with disabilities' health, is also part of the overall protection that is provided for people with disabilities.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by my colleague, the gentleman from New York [Mr. OWENS]. Mr. OWENS, who shepherded the ADA legislation and the IDEA legislation last year, did a commendable job in attempting to preserve the rights of people who are handicapped.

I heard one of the colleagues on the other side say it was a heavy burden on our poor States and our local government. It was a heavy burden on our transportation companies that they had to make way for people with a handicap to have their civil rights so that they could go to work, to be productive citizens, so that they could live a quality of life that we who are fortunate enough to be unencumbered with a handicap have.

I think that it is relatively callous when we look at the burden that is imposed because we are attempting to make the quality of life more livable for other individuals. These amendments are essential to many individuals in this nation who suffer from disabilities. Individuals with disabilities experience more problems with retaining employment. They have more problems and more expense and fewer resources, in many instances, when they attempt to get to their places of employment than most Americans have.

□ 1710

Many of the 49 million Americans with disabilities are dependent on Medicaid for their basic health care. If this unfunded mandates legislation is passed without these amendments, and we also have entitlement caps, then the list of mandated health services in the current Medicaid Program would have to be cut in relation to the decreasing amount of funds in State governments.

Moreover, Mr. Chairman, if these services are cut, parents of children with disabilities will not be able to gain access to needed services which enable them to keep their children at home. Instead, these parents will be forced to place their children in institutions, institutional settings, thereby promoting more dependency rather than independent living.

Mr. Chairman, I though one of the contract's provisions was to make people more independent, to make them more self-reliant, but by some of these moves, we will make people more interdependent on the system, not more independent.

Mr. Chairman, last year we made a concerted effort to pass health care legislation that might have made these amendments unnecessary, as the gentleman from New York [Mr. OWENS] mentioned. However, since we could not accomplish this effort, it is now more important than ever before that we support these amendments, so that we do not take away what little access to health care individuals with disabilities currently have.

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to reemphasize what we are doing here today. We are here, Mr. Chairman, to pass an unfunded mandate bill that puts a stop to federally unfunded mandates. All the amendments we have heard on the floor today would not be impacted by this. This is prospective. The ADA, the amendment we are talking about right now in civil rights, everything is prospective. Civil rights is exempted.

What we are doing here today is talking about accountability again. Let me tell the Members, we have heard a lot of amendments. Most of them really I think are portrayed incorrectly, but the majority of the Members in this House are getting it, because when we count the votes today and yesterday, the majority of Members in this House are voting down these amendments. They clearly understand that local government is watching what we are doing. We are putting some accountability in this House.

The things that the Members advocate are good and I am supportive of that, but let me say, if we want to do those things, all we are saying is if they are good enough for us to debate, good enough for us to talk about, good enough for us to pass, then they are good enough for us to pay for. That is simply what we are doing here today.

All the things we are debating right now sound good, are good, in my opinion, but they have little to do with the unfunded mandate bill because most of this is about prospective legislative. The civil rights has been exempted.

Mr. Chairman, it is a great debate to have, I guess, but let us remember what we are doing. We are trying to put some accountability in the House. We are trying to get people to say if they are for something and they feel that strong about it, take the accountability and responsibility to pay for it.

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

Mr. CONDIT. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, is the gentleman aware of the fact that there is a well-documented history of the State and local governments being indifferent and even hostile toward the needs of people with disabilities? If the Federal Government had not moved, most of these people would never have been helped at all.

Mr. CONDIT. I understand there have been times that local government has been slow to respond to things, and the Federal Government frankly has not been perfect in responding to certain things as well, but I have much more faith than some of these people who have come to this floor, with local governments.

We have heard stories that ''We would not have cleaned up sanitation facilities, we would not have built curb cuts.'' We act as though local government officials have no incentive. They represent the same people we represent. They are trying to do good for their people as well.

Mr. Chairman, I think it is a disservice for us to come here and suggest that they have no incentive to do the right thing for their people. Yes, they are slow. I can tell you why they are slow today, because they do not have much money. They are just about like we are. They are that far from the poorhouse.

What we need to do, Mr. Chairman, is be cooperative and work with them and not put unfunded mandates on them. If we think it is a good idea, then let us just pay for it. Let us help them out, because I think their agenda is the same as my agenda, to do what is right for the American people, to do what is right for their constituents.

If Members have never sat in a city hall chamber at a city council meeting, they do not know what the heat is, because the people come down there and they want things done. They want their wastewater treatment clean. They want their drinking water safe. They want clear air, and they let you know it, and they let you know it on Monday night at the city council meeting. Therefore, I think that local government is more responsible than we are giving them credit for here today.

All I am saying, Mr. Chairman, let us put some perspective on this. We are talking about accountability here. We are talking about if we think it is good enough for us to debate, pass, then it is good enough for us to pay for. That is it. That is what we are doing here. Mr. Chairman, I just want us to focus on that.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 275, not voting, 10 as follows:

[Roll No 36]

AYES—149

Abercrombie
Ackerman
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—275

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

NOT VOTING—10

Bilirakis
Bishop
Chenoweth
Fields (LA)
Gekas
Kennedy (MA)
Kennedy (RI)
Neal
Wilson
Young (AK)

□ 1733

Mr. SCHUMER changed his vote from ''aye'' to ''no.''

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. COMBEST] having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 17, RELATING TO TREATMENT OF SOCIAL SECURITY UNDER CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET AND HOUSE JOINT RESOLUTION 1, PROPOSING BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–4) on the resolution (H. Res. 44) providing for consideration of the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any Constitutional amendment requiring a balanced budget and providing for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2. I was erroneously listed as supporting this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

COMMENDING SAMOAN NFL PLAYERS

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

Mr. FALEOMAVAEGA. Mr. Speaker, on the positive side, I want to offer my congratulations and commendations on behalf of some 150,000 citizens of our country whose roots are found in a group of islands in the South Pacific—the Samoan Islands—a special recognition of five outstanding Samoan football players in the National Football League who recently participated in the final two games that were televised nationally two Sundays ago.

Mr. Speaker and my colleagues, these Samoan NFL players are—Mr. Suilagi Palelei, defensive end with the Pittsburgh Steelers, and also with the Pittsburgh Steelers is defensive lineman Ta'asē Faumui. There is also offensive tackle Mark Tuinei of the Dallas Cowboys and offensive guard Jesse Sapolu of the San Francisco 49ers. And last but not least, Mr. Junior Seau, middle linebacker for the San Diego Chargers.

Mr. Speaker, I also want to call to the attention of our colleagues three of the above gentlemen have been selected as members of the NFL All-Pro Team this year: Mr. Seau, Mr. Sapolu, and Mr. Tuinei.

I also want to commend Mr. Alfred Pupunu, tight end of the San Diego Chargers—who hails from the Polynesian Island Kingdom of Tonga.

Mr. Speaker, because Mr. Jesse Sapolu and Mr. Junior Seau are both going to be playing their hearts out in this week's Super Bowl game—I can only say, may the best team win.

Mr. Speaker, I include for the RECORD two articles from the New York Times:

SEAU VERY GOOD WITH ONE GOOD ARM

(By Timothy W. Smith)

PITTSBURGH, Jan. 15.—As he stepped onto a podium for a post-game interview session, Chargers linebacker Junior Seau rolled his left shoulder slightly and then winced. The grimace was quickly replaced by a smile when someone asked how he felt about his first Super Bowl trip.

''I can't tell you, to tell you the truth,'' Seau said. ''It's a time where you go through hills and valleys in the course of 60 minutes. At the end of the game, it comes down to that last play. You don't know whether to cry or yell or smile. All I know is we're going to the Super Bowl.''

Since the New England game on Nov. 20, Seau has been playing with a pinched nerve in his neck that has deadened his left arm. He has played the last eight games with one good arm, and early on against the Steelers here this afternoon it looked as if Seau was going to single-handedly deliver the Chargers a victory.

On the 13 plays on Pittsburgh's opening drive for a touchdown, Seau was involved in 5 of the tackles—3 of them solo, including one in which he stopped running back Barry Foster for no gain on a screen pass. For the game Seau finished with 16 tackles (12 solo) and one pass defense.

''I've never seen him play a better game,'' said Chargers free safety Stanley Richards. ''I've seen him make more tackles, but I've never seen him make more big plays. He was all over the field today. It felt good being out there with Junior Seau today.

''He had in his mind that there was no reason we were going to lose this football game. You could see the intensity and the fire he had from the start of the game.''

The Chargers came in with a defensive game plan of stacking eight people at the line of scrimmage to stop Pittsburgh's rushing attack, which led the league with an average of 136.6 yards a game. They were successful in that regard, holding the Steelers to 66 yards rushing.

Seau played a pivotal role in helping the Chargers' defense keep the Steelers off balance. With his speed and athleticism, Seau was able to blitz and drop back into pass coverage. And when the Steelers did try to run sweeps around the corner, Seau was there to greet the runners.

''I felt the Steelers altered their game plan to pass more,'' he said. ''Once you see that from a smash-mouth football team, you know that they're doing something different that they're not used to.''

On the Steelers' final offensive drive, which started at their 17 with 5 minutes 13 seconds to play and was down to the Chargers' 9 at the 2-minute warning, Seau tried to convince San Diego defensive coordinator Bill Arnsparger to be more aggressive and attack Pittsburgh quarterback Neil O'Donnell. That would have meant the Chargers would have had to switch out of their zone coverage and into man. Arnsparger held firm and stuck with the zone.

The Chargers' defense yield a 7-yard reception by the fullback John L. Williams, but produced two deflected passes by linebacker Dennis Gibson, and the last one on fourth-and-goal from the 3 sealed the victory.

''I have to give him credit for sticking to that,'' Seau said. ''Playing zone, if they caught the ball, we would have someone to tackle them. And that's exactly how we did it.

Seau, who aggravated his injury again in the second quarter, has one more game to play before he can rest the pinched nerve and get the feeling back in his left arm.

''It's pain, but after what happened here, it's worthwhile,'' he said. ''You never play this game 100 percent healthy and you should never expect to.''

SEAU'S GUILT AND PAIN ARE STILL FRESH

(By Tom Friend)

SAN DIEGO, Jan 12.—His neck burns like a forest fire, and his left arm sleeps on the job. Junior Seau can tackle you with his pinched nerve, but he cannot maim you.

He needs a month off, ultrasound around the clock and more days at the beach with Dennis Hopper. He needs to listen to his mother and send his uniform on vacation. He needs a new Sunday activity, such as stopping off to see his brother in jail. He needs bad directions to Three Rivers Stadium.

But he will not miss Sunday's American Football Conference title game for the world, or for his mom. She has asked him to quit this contact sport since grade school, but he tells her this contact sport paid for her new house, her new car and the beds her children never had growing up. That quiets her down. He tells her there is no harm in a little numbness he can't feel it anyway.

Junior Seau, in a nutshell, is the San Diego Charger defense, and he has a private pact with himself: play or die.

The linebacker is motivated by the thought of a Super Bowl, the thought of his guilt and the thought of his father still doing custodial work. Against the Steelers on Sunday, he will drape a town over his head and seem inconsolable. But underneath that veil, where no one else can travel, he will be pumping himself up in a personal ceremony that allows him to play over the speed limit.

''I have got to sell out,'' he said today.

His avenue to this defining championship game has had many potholes. The home he knew as a child, the one that lacked bedrooms, stirred his original hunger and was an important frame of reference. His roommates were a brother, a car and a dishwasher.

''We didn't know any different,'' Seau said. ''We thought everybody slept in the garage.''

They resided in a poor Samoan section of Oceanside, Calif., and jobs were to be hunted, cherished. Every Seau son—all three of them—were to contribute to the family pot, although Junior sparred with his father over the work edict. It was Junior's preference to play high school sports—where no one else could run as fast or leap as high—but it took much explaining at home. Tiania Seau was a stern taskmaster someone Junior was afraid to cross. He know if he was not going to share in the bread-winning, he had better do some winning elsewhere.

''I wanted to preform well for my mom and dad, because in high school. I didn't have a job,'' Seau said. ''My brothers, they worked at Pizza Hut or places like that, but sports, that was my way of giving back.''

Either out of guilt, or natural-born ability—or both—Seau became the area's premier football and basketball player. Nothing could deter him. Literally 48 hours after undergoing abdominal surgery, he bled through his basketball uniform and still led his team to the high school championship.

Seau's parents, sensing their son's commitment, began attending games with the entire family. Junior had enough uncles, aunts and cousins to fill the bleachers, and they chipped in to make him perhaps the first high school athlete with incentive clauses.

''For an interception, they gave him $10 and for a sack, $10'' said one of his high school coaches, Bill Christopher. ''One day, they paid up, and he had a wad of bills that could choke a horse.''

After sitting out his freshman season at Southern Cal because of Proposition 48—''If you know Junior, that's worse than taking a hammer to his head,'' Christopher said—Seau was obsessed with paying his family back, tenfold. And once he signed a first-round contract with his hometown Chargers five years ago, he retired the childhood shact he grew up in.

''Bought them a house and car with the first check,'' he said.

But his father still would not quite his custodial job at the local high school; Seau decided then he would never turn complacent, either.

On the second snap of his first preseason game, he was ejected for fighting the Raiders' Steve Wisnieski, and he was feared from that moment on.

The Pro Bowl because his annual vacation stop, he sponsored a clothing line called''Say Ow,'' and he became the Chargers' only media darling. On the ''Tonight Show'' this season, he bench-pressed Jay Leno and said,''Jay was heaver than I thought.' He also filmed a sneaker commercial on the Santa Monica Pier and Dennis Hopper and called it ''the highlight of my career.;

The lowlight had to be the day his brother Tony was arrested and charged with attempted murder. Tony, younger and less focused, jointed a gang after struggling in Junior's shadow. After shooting his way into a house and nearly killing a man with a baseball bat, he is serving 10 years in prison. It alternately frightens Junior and validates him.

''We're allowed to visit him once a week, and I try to get there as much as possible,'' Seau said. ''But we're in season now, and Sundays are his visiting hours. And You know what I'm doing Sundays.''

But on one particular Sunday, six weeks ago, Seau pinched a nerve in his neck, apparently on one of his team-high 155 tackles. His left arm has deadened sporadically, since,

and he has essentially been a one armed linebacker. Football experts have said he should sit out, should move into a whirlpool turned up to top speed. But if he could move his neck freely, he would shake it a thousand times no. Because of the guilt, because of a workaholic father.

''I play out of fear,'' he said. ''Fear of failure.''

The stark result, of course, is that he may be a target on Sunday—for the first time in his career.

''The Steelers have to decide whether or not they're going to attack me with my one arm or run away from me,'' Seau said. ''It's a big challenge for me.''

And what would it take for him to sit it out?

''Break my legs, he said.

□ 1740

RECESS

The SPEAKER pro tempore (Mr. COMBEST). The Chair declares the House in recess until approximately 8:40 p.m. for the purpose of a joint session to receive a communication from the President of the United States.

Accordingly (at 5 o'clock and 40 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 40 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 16 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Richard Wilson, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas [Mr. ARMEY];
The gentleman from Texas [Mr. DELAY];
The gentleman from Ohio [Mr. BOEHNER];
The gentleman from California [Mr. COX];
The gentleman from Arkansas [Mr. DICKEY];
The gentleman from Arkansas [Mr. HUTCHINSON];
The gentleman from Missouri [Mr. GEPHARDT];
The gentleman from Michigan [Mr. BONIOR];
The gentleman from California [Mr. FAZIO];
The gentlewoman from Connecticut [Mrs. KENNELLY];
The gentleman from Arkansas [Mr. THORNTON]; and
The gentlewoman from Arkansas [Mrs. LINCOLN].

The VICE PRESIDENT. The President of the Senate at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the President of the United States into the Chamber:

The Senator from Kansas [Mr. DOLE];
The Senator from Mississippi [Mr. LOTT];
The Senator from Mississippi [Mr. COCHRAN];
The Senator from Florida [Mr. MACK];
The Senator from Oklahoma [Mr. NICKLES];
The Senator from New York [Mr. D'AMATO];
The Senator from South Carolina [Mr. THURMOND];
The Senator from Oklahoma [Mr. INHOFE];
The Senator from Tennessee [Mr. THOMPSON];
The Senator from South Dakota [Mr. DASCHLE];
The Senator from Kentucky [Mr. FORD];
The Senator from Maryland [Mr. MIKULSKI];
The Senator from Massachusetts [Mr. KERRY];
The Senator from West Virginia [Mr. ROCKEFELLER];
The Senator from Louisiana [Mr. BREAUX];
The Senator from Nevada [Mr. REID];
The Senator from Nebraska [Mr. KERREY]; and
The Senator from North Dakota [Mr. DORGAN].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Charge d'Affaires of foreign governments.

The Ambassadors, Ministers, and Charge d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Assistant to the Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 8 minutes p.m., the Sergeant at Arms, Hon. Bill Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the 104 this Congress, my fellow Americans. Again we are here in the sanctuary of democracy and once again our democracy has spoken. So let me begin by congratulating all of you here in the 104th Congress and congratulating you, Mr. Speaker. If we agree on nothing else tonight, we must agree that the American people certainly voted for change in 1992 and in 1994. As I look out at you, I know how some of you must have felt in 1992. I must say that in both years, we did not hear America singing, we heard America shouting. And now all of us, Republicans and Democrats alike, must say we hear you. We will work together to earn the jobs you have given us. We are the keepers of the sacred trust, and we must be faithful to it in this new and very demanding era.

Over 200 years ago our founders changed the entire course of human history by joining together to create a new country based on a single powerful idea: We hold these truths to be self-evident, that all men are created equal, endowed by their creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness.

It has fallen to every generation since then to preserve that idea, the American idea, and to deepen and expand its meaning in new and different times, to Lincoln and to his Congress, to preserve the union and to end slavery; to Theodore Roosevelt and Woodrow Wilson to restrain the abuses and excesses of the Industrial Revolution, and to exert our leadership in the world; to Franklin Roosevelt, to fight the failure and pain of the Great Depression and to win our country's great struggle against fascism; and to all our presidents since, to fight the Cold War. Especially I recall two, who struggled to fight that Cold War in partnership with Congresses where the majority was of a different party. To Harry Truman, who summoned us to unparalleled prosperity at home and who built the architecture of the Cold War, and to Ronald Reagan, who we wish well tonight and who exhorted us to carry on until the twilight struggle against communism was won.

In another time of change and challenge, I had the honor to be the first President to be elected in the post-Cold War era, an era marked by the global economy, the information revolution, unparalleled change and opportunity and in security for the American people.

I came to this hallowed Chamber two years ago on a mission, to restore the American dream for all our people and to make sure that we move into the 21st Century still the strongest force for freedom and democracy in the entire world. I was determined then to tackle the tough problems too long ignored. In this effort I am frank to say

that I have made my mistakes, and I have learned again the importance of humility in all human endeavor. But I am also proud to say tonight that our country is stronger than it was two years ago.

Record numbers of Americans are succeeding in the new global economy. We are at peace and we are a force for peace and freedom throughout the world. We have almost 6 million new jobs since I became president, and we have the lowest combined rate of unemployment and inflation in 25 years. Our businesses are more productive, and here we have worked to bring the deficit down, to expand trade, to put more police on our streets, to give our citizens more of the tools they need to get an education and to rebuild their own communities.

But the rising tide is not lifting all boats. While our Nation is enjoying peace and prosperity, too many of our people are still working harder and harder for less and less. While our businesses are restructuring and growing more productive and competitive, too many of our people still cannot be sure of having a job next year or even next month. And far more than our material riches are threatened, things far more precious to us: Our children, our families, our values. Our civil life is suffering in America today. Citizens are working together less and shouting at each other more. The common bounds of community which have been the great strength of our country from its very beginning are badly frayed.

What are we to do about it? More than 60 years ago at the dawn of another new era, President Roosevelt told our Nation new conditions impose new requirements on government and those who conduct government. And from that simple proposition, he shaped a New Deal, which helped to restore our Nation to prosperity and defined the relationship between our people and their government for half a century. That approach worked in its time, but we today, we face a very different time and very different conditions.

We are moving from an industrial age built on gears and sweat, to an information age demanding skills and learning and flexibility. Our government, once the champion of national purpose, is now seen by many as simply a captive of narrow interests, putting more burdens on our citizens rather than equipping them to get ahead. The values that used to hold us altogether seem to be coming apart.

So tonight we must forge a new social compact to meet the challenges of this time. As we enter a new era, we need a new set of understandings, not just with government, but, even more important, with one another, as Americans.

That is what I want to talk with you about tonight. I call it the New Covenant. But it is grounded in a very, very old idea, that all Americans have not just a right, but a solemn responsibility to rise as far as their God-given talents and determination can take them, and to give something back to their communities and their country in return. Opportunity and responsibility, they go hand in hand. We can't have one without the other, and our national community can't hold together without both.

Our New Covenant is a new set of understandings for how we can equip our people to meet the challenges of the new economy, how we can change the way our government works to fit a different time, and, above all, how we can repair the damaged bonds in our society and come together behind our common purpose. We must have dramatic change in our economy, our government, and ourselves.

My fellow Americans, without regard to party, let us rise to the occasion. Let us put aside partisanship and pettiness and pride. As we embark on this new course, let us put our country first, remembering that regardless of party label, we are all Americans, and let the final test of everything we do be a simple one: Is it good for the American people?

Let me begin by saying that we cannot ask Americans to be better citizens if we are not better servants. You made a good start by passing that law which applies to Congress all the laws you put on the private sector, and I was proud to sign that yesterday. But we have a lot more to do before people really trust the way things work around here. Three times as many lobbyists are in the streets and corridors of Washington as were here 20 years ago. The American people look at their Capitol and they see a city where the well-connected and the well-protected can work the system. But the interests of ordinary citizens are often left out.

As the new Congress opened its doors, lobbyists were still doing business as usual. The gifts, the trips, all the things that people are concerned about haven't stopped. Twice this month you missed opportunities to stop these practices. I know there were other considerations in those votes, but I want to use something I have heard my Republican friends say from time to time, there doesn't have to be a law for everything. So tonight, I ask you to just stop taking the lobbyists' perks. Just stop.

We don't have to wait for legislation to pass to send a strong signal to the American people that things are really changing. But I also hope you will send me the strongest possible lobby reform bill, and I will sign that too. We should require lobbyists to tell the people for whom they work, what they are spending, what they wanted. We should also curb the role of big money in elections by capping the costs of campaigns and limiting the influence of PAC's.

As I have said for three years, we should work to open the airwaves so that they can be an instrument of democracy, not a weapon of destruction, by giving free TV time to candidates for public office. When the last Congress killed political reform last year, it was reported in the press that the lobbyists actually stood in the halls of this sacred building and cheered. This year, let's give the folks at home something to cheer about.

More important, I think we all agree that we have to change the way the government works. Let's make it smaller and less costly and smarter, leaner.

I just told the Speaker the equal time doctrine is alive and well.

The New Covenant approach to governing is as different from the old bureaucratic way as the computer is from the manual typewriter. The old way of governing around here protected organized interests. We should look out for the interests of ordinary people. The old way divided us by interests, constituency or class. The New Covenant way should unite us behind a common vision of what is best for our country. The old way dispensed services through large top-down inflexible bureaucracies. The New Covenant way should shift these resources and decision making from bureaucrats to citizens, injecting choice and competition and individual responsibility into national policy.

The old way of governing around here actually seemed to reward failure. The New Covenant way should have built-in incentives to reward success. The old way was centralized here in Washington. The New Covenant way must take hold in the communities all across America, and we should help them to do that.

Our job here is to expand opportunity, not bureaucracy, to empower people to make the most of their own lives, and to enhance our security here at home and abroad.

We must not ask government to do what we should do for ourselves. We should rely on government as a partner to help us to do more for ourselves and for each other.

I hope very much that as we debate these specific and exciting matters, we can go beyond the sterile discussion between the illusion that there is somehow a program for every problem on the one hand, and the other illusion that the government is the source of every problem we have. Our job is to get rid of yesterday's government so that our own people can meet today's and tomorrow's needs, and we ought to do it together.

You know, for years before I became President, I heard others say they would cut government and how bad it was. But not much happened. We actually did it. We cut over one-quarter of a trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions from the Federal bureaucracy in the last two years alone. Based on decisions already made, we will have cut a total of more than a quarter of a million positions from the Federal Government, making it the

smallest it has been since John Kennedy was President by the time I come here again next year.

Under the leadership of Vice President GORE, our initiatives have already saved taxpayers $63 billion. The age of the 500 dollar hammer and the ashtray you can break on David Letterman is gone. Deadwood programs like mohair subsidies are gone. We have streamlined the Agriculture Department by reducing it by more than twelve hundred offices. We have slashed the small business loan form from an inch thick to a single page. We have thrown away the government's 10,000 page personnel manual. And the government is working better in important ways. FEMA, the Federal Emergency Management Agency, has gone from being a disaster to helping people in disasters.

You can ask the farmers in the Middle West who fought the flood there or the people in California who dealt with floods and earthquakes and fires, and they will tell you that.

Government workers working hand in hand with private business rebuilt Southern California's fractured freeways in record time and under budget. And because the Federal Government moved fast, all but one of the 5,600 schools damaged in the earthquake are back in business.

Now, there are a lot of other things that I could talk about. I want to just mention one, because it will be discussed here in the next few weeks. The university administrators all across the country have told me that they are saving weeks and weeks of bureaucratic time now because of our Direct College Loan Program, which makes college loans cheaper and more affordable with better repayment terms for students, costs the government less, and cuts out paperwork and bureaucracy for the government and for the universities. We shouldn't cap that program. We should give every college in America the opportunity to be a part of it.

Previous government programs gathered dust. The reinventing government report is getting results. And we are not through. There is going to be a second round of reinventing government. We propose to cut $130 billion in spending by shrinking departments, extending our freeze on domestic spending, cutting 60 public housing programs down to three, and rid of over 100 programs we do not need, like the Interstate Commerce Commission and the Helium Reserve Program.

And we are working on getting rid of unnecessary regulations and making them more sensible. The programs and regulations that have outlived their usefulness should go. We have to cut yesterday's government to help solve tomorrow's problems, and we need to get government closer to the people it is meant to serve. We need to help move programs down to the point where states and communities and private citizens in the private sector can do a better job. If they can do it, we ought to let them do it. We should get out of the way and let them do what they can do better.

Taking power away from Federal bureaucracies and giving it back to communities and individuals is something everyone should be able to be for. It is time for Congress to stop passing on to the states the cost of decisions we make here in Washington.

I know there are still serious differences over the details of the unfunded mandates legislation, but I want to work with you to make sure we pass a reasonable bill which will protect the national interests and give justified relief where we need to give it.

For years Congress concealed in the budget scores pet spending projects. Last year was no different. There was $1 million to study stress in plants, and $12 million for a tick removal program that didn't work. It is hard to remove ticks. Those of us who have them know. But I will tell you something, if you will give me the line item veto, I will remove some of that unnecessary spending. But I think we should all remember, and almost all of us would agree, that government still has important responsibilities. Our young people, we should think of this when we cut, our young people hold our future in their hands, we still owe a debt to our veterans, and our senior citizens have made us what we are.

Now, my budget cuts a lot, but it protects education, veterans, Social Security and Medicare, and I hope you will do the same thing. You should. I hope you will.

And when we give more flexibility to the states, let us remember that there are certain fundamental national needs that should be addressed in every state, north and south, east and west. Immunization against childhood disease, school lunches in all our schools, Head Start, medical care and nutrition for pregnant women and infants, all these things are in the national interest.

I applaud your desire to get rid of costly and unnecessary regulations. But when we deregulate, let's remember what national action in the national interest has given us: Safer food for our families, safer toys for our children, safer nursing homes for our parents, safer cars and highways, and safer workplaces, cleaner air and cleaner water. Do we need common sense and fairness in our regulations? You bet we do. But we can have common sense and still provide for safe drinking water. We can have fairness and still clean up toxic dumps, and we ought to do it.

Should we cut the deficit more? Well, of course we should. But we can bring it down in a way that still protects our economic recovery and does not unduly punish people who should not be punished, but instead should be helped.

I know many of you in this Chamber support the balanced budget amendment. I certainly want to balance the budget. Our administration has done more to bring the budget down and to save money than any in a very, very long time.

If you believe passing this amendment is the right thing to do, then you have to be straight with the American people. They have a right to know what you are going to cut, what taxes you are going to raise, how it is going to affect them.

We should be doing things in the open around here. For example, everybody ought to know if this proposal is going to endanger Social Security. I would oppose that, and I think most Americans would.

Nothing has done more to undermine our sense of common responsibility than our failed welfare system. This is one of the problems we have to face here in Washington in our New Covenant. It rewards welfare over work. It undermines family values. It lets millions of parents get away without paying their child support. It keeps a minority, but a significant minority, of the people on welfare trapped on it for a very long time.

I have worked on this problem for a long time, nearly 15 years now. As a governor I had the honor of working with the Reagan Administration to write the last welfare reform bill back in 1988. In the last two years we have made a good start at continuing the work of welfare reform. Our administration gave two dozen states the right to slash through Federal rules and regulations to reform their own welfare systems and to try to promote work and responsibility over welfare and dependency. Last year I introduced the most sweeping welfare reform plan ever presented by an administration.

We have to make welfare what it was meant to be, a second chance, not a way of life. We have to help those on welfare move to work as quickly as possible, to provide child care and teach them skills, if that is what they need, for up to two years. But after that, there ought to be a simple hard rule. Anyone who can work must go to work. If a parent isn't paying child support, they should be forced to pay. We should have their driver's licenses, track them across state lines, and make them work off what they owe. That is what we should do. Governments do not raise children, people do, and the parents must take responsibility for the children they bring into this world.

I want to work with you, with all of you, to pass welfare reform. But our goal must be to liberate people and lift them up from dependence to independence, from welfare to work, from mere child bearing to responsible parenting. Our goal should not be to punish them because they happen to be poor. We should require work and mutual responsibility.

But we shouldn't cut people off just because they are poor, they are young, or even because they are unmarried. We should promote responsibility by requiring young mothers to live at

home with their parents or in other supervised settings, by requiring them to finish school. But we shouldn't put them and their children out on the street.

I know all the arguments pro and con, and I have read and thought about this for a long time. I still don't think we can in good conscience punish poor children for the mistakes of their parents.

My fellow Americans, every single survey shows that all the American people care about this, without regard to party or race or region. So let this be the year we end welfare as we know it.

But also let this be the year that we are all able to stop using this issue to divide America. No one is more eager to end welfare. I may be the only President who has actually had the opportunity to sit in a welfare office, who has actually spent hours and hours talking to people on welfare. And I am telling you, the people who are trapped on it know it doesn't work. They also want to get off.

So we can promote together education and work and good parenting. I have no problem with punishing bad behavior, or the refusal to be a worker or a student or a responsible parent. I just don't want to punish poverty and past mistakes. All of us have made our mistakes, and none of us can change our yesterdays. But every one of us can change our tomorrows. And America's best example of that may be Lynn Woolsey, who worked her way off welfare to become a Congresswoman from the State of California.

I know the Members of this Congress are concerned about crime, as are all the citizens of our country. I remind you that last year we passed a very tough crime bill, longer sentences, three-strikes-and-you're-out, almost 60 new capital punishment offenses, more prisons, more prevention, 100,000 more police. And we paid for it all by reducing the size of the Federal bureaucracy and giving the money back to local communities to lower the crime rate.

There may be other things we can do to be tougher on crime, to be smarter with crime, to help to lower that rate further. Well, if there are, let's talk about them and let's do them. But let's not go back on the things that we did last year that we know work, that we know work because the local law enforcement officers tell us that we did the right thing, because local community leaders who have worked for years and years to lower the crime rate tell us that they work.

Let's look at the experience of our cities and our rural areas where the crime rate has gone down and ask the people who did it how they did it. And if what we did last year supports the decline in the crime rate, and I am convinced that it does, let's not go back on it. Let's stick with it, implement it. We have got four more hard years of work to do to do that.

I don't want to destroy the good atmosphere in the room or in the country tonight, but I have to mention one issue that divided this body greatly last year. The last Congress also passed the Brady Bill, and in the crime bill the ban on 19 assault weapons. I don't think it is a secret to anybody in this room that several members of the last Congress who voted for that aren't here tonight because they voted for it. And I know, therefore, that some of you who are here because they voted for it are under enormous pressure to repeal it.

I just have to tell you how I feel about it. The Members of Congress who voted for that bill and I would never do anything to infringe on the right to keep and bear arms to hunt and to engage in other appropriate sporting activities. I have done it since I was a boy and I am going to keep right on doing it until I can't do it anymore.

But a lot of people laid down their seats in Congress so that police officers and kids wouldn't have to lay down their lives under a hail of assault weapon attack. And I will not let that be repealed.

I would like to talk about a couple of other issues we have to deal with. I want us to cut more spending, but I hope we won't cut government programs that help to prepare us for the new economy, promote responsibility and are organized from the grassroots up and not by Federal bureaucracy. The very best example of this is the National Service Corps of America. It passed with strong bipartisan support, and now there are 20,000 Americans, more than ever served in one year in the Peace Corps, working all over this country, helping people person-to-person in local grassroots volunteer groups, solving problems, and in the process earning some money for their education.

This is citizenship at its best. It is good for the AmeriCorps members, but it is good for the rest of us too. It is the essence of the New Covenant, and we shouldn't stop it.

All Americans, not only in the states most heavily affected, but in every place in this country, are rightly disturbed by the large numbers of illegal aliens entering our country. The jobs they hold might otherwise be held by citizens or legal immigrants. The public service they use impose burdens on our taxpayers.

That is why our administration has moved aggressively to secure our borders more by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal hiring, and by barring welfare benefits to illegal aliens.

In the budget I will present to you, we will try to do more to speed the deportation of illegal aliens who are arrested for crimes, to better identify illegal aliens in the workplace as recommended by the commission headed by former Congresswoman Barbara Jordan.

We are a nation of immigrants, but we are also a nation of laws. It is wrong and ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years, and we must do more to stop it.

The most important job of our government in this new era is to empower the American people to succeed in the global economy. America has always been a land of opportunity, a land where if you work hard, you can get ahead. We have become a great middle class country. Middle class values sustain us. We must expand that middle class and shrink the under class even as we do everything we can to support the millions of Americans who are already successful in the new economy.

America is once again the world's strongest economic power, almost 6 million new jobs in the last two years, exports booming, inflation down, high wage jobs are coming back. A record number of American entrepreneurs are living the American dream. If we want it to stay that way, those who work and lift our Nation must have more of its benefits. Today too many of those people are being left out. They are working harder for less, they have less security, less income, less certainty that they can even afford a vacation, much less college for their kids or retirement for themselves.

We cannot let this continue. If we don't act, our economy will probably do what it has been doing since about 1978, when the income growth began to go to those at the very top of our economic scale, and the people in the vast middle got very little growth, and people who worked like crazy but were on the bottom end fell even further and further behind in the years afterward no matter how hard they worked.

We have got to have a government that can be a real partner in making this new economy work for all of our people, a government that helps each and every one of us to get an education and to have the opportunity to renew our skills. That is why we worked so hard to increase educational opportunities in the last two years, from Head Start, to public schools, to apprenticeships for young people who don't go to college, to making college loans more available and more affordable. That is the first thing we have to do. We have got to do something to empower people to improve their skills.

The second thing we ought to do is to help people raise their incomes immediately by lowering their taxes. We took the first step in 1993 with a working family tax cut for 15 million families with incomes under $27,000, a tax cut that this year will average about $1,000 a family, and we also gave tax reductions to most small and new businesses. Before we could do more than that, we first had to bring down the deficit we inherited and we had to get economic growth up.

Now we have done both, and now we can cut taxes in a more comprehensive way. But tax cuts should reinforce and promote our first obligation, to empower our citizens through education and training to make the most of their own lives. The spotlight should shine on those who make the right choices for themselves, their families, and their communities.

I have proposed a Middle Class Bill of Rights, which should properly be called the Bill of Rights and Responsibilities, because its provisions only benefit those who are working to educate and raise their children and to educate themselves. It will therefore give needed tax relief and raise incomes in both the short run and the long run in a way that benefits all of us.

There are four provisions. First, a tax deduction for all education and training after high school. If you think about it, we permit businesses to deduct their investment. We permit individuals to deduct interest on their home mortgages. But today an education is even more important to the economic well-being of our whole country than even those things are. We should do everything we can to encourage it, and I hope you will support it.

Second, we ought to cut taxes $500 for families with children under 13.

Third, we ought to foster more savings and personal responsibility by permitting people to establish an independent retirement account and withdraw from it tax-free for the cost of education, health care, first-time home buying, or the care of a parent.

And, fourth, we should pass a GI Bill for America's workers. We propose to collapse nearly 70 Federal programs and not give the money to the states, but give the money directly to the American people, or vouchers to them, so that they, if they are laid off or if they are working for a very low wage, can get a voucher worth $2,600 a year for up to two years to go to their local community colleges or wherever else they want to get the skills they need to improve their lives. Let's empower people in this way. Move it from the government directly to the workers of America.

Any one of us can call for a tax cut, but I won't accept one that explodes the deficit or puts our recovery at risk. We ought to pay for our tax cuts fairly and honestly. Just two years ago it was an open question whether we would find the strength to cut the deficit. Thanks to the courage of the people who were here then, many of whom didn't return, we did cut the deficit. We began to do what others said would not be done. We cut the deficit by over $600 billion, about $10,000 for every family in this country. It is coming down three years in a row for the first time since Mr. Truman was president, and I don't think anybody in America wants us to let it explode again.

In the budget I will send you, the Middle Class Bill of Rights is fully paid for by budget cuts in bureaucracy, cuts in programs, cuts in special interest subsidies. And the spending cuts will more than double the tax cuts. My budget pays for the Middle Class Bill of Rights without any cuts in Medicare, and I will oppose any attempts to pay for tax cuts with Medicare cuts. That is not the right thing to do.

I know that a lot of you have your own ideas about tax relief, and some of them I find quite interesting. I really want to work with all of you. My test for our proposals will be, will it create jobs and raise incomes, will it strengthen our families and support our children, is it paid for, will it build a middle class and shrink the under class? If it does, I will support it. But if it doesn't, I won't.

The goal of building the middle class and strengthening the under class is also why I believe that you should raise the minimum wage. It rewards work. Two-and-a-half million Americans, two-and-a-half million Americans, often women with children, are working out there today for four and a quarter an hour. In terms of real buying power, by next year that minimum wage will be at a 40 year low. That is not my idea of how the new economy ought to work.

Now, I have studied the arguments and the evidence for and against a minimum wage increase. I believe the weight of the evidence is that a modest increase does not cost jobs, and may even lure people back into the job market. But the most important thing is, you can't make a living on $4.25 an hour, especially if you have children, even with the working family's tax cut we passed last year.

In the past the minimum wage has been a bipartisan issue, and I think it should be again. So I want to challenge you to have honest hearings on this, to get together to find a way to make the minimum wage a living wage.

Members of Congress have been here less than a month, but by the end of the week, 28 days into the new year, every Member of Congress will have earned as much in Congressional salary as a minimum wage worker makes all year long.

Everybody else here, including the President, has something else that too many Americans do without, and that is health care. Now, last year we almost came to blows over health care. But we didn't do anything. And the cold hard fact is that since last year, since I was here, another 1.1 million Americans in working families have lost their health care, and the cold hard fact is that many millions more, most of them farmers and small business people and self-employed people have seen their premiums skyrocket, their co-payments, deductibles go up. There is a whole bunch of people in this country that in the statistics have health insurance, but really what they have got is a piece of paper that says they won't lose their home if they get sick.

Now, I still believe our country has got to move toward providing health security for every American family. But I know that last year, as the evidence indicates, we bit off more than we could chew. So I am asking you that we work together. Let's do it step by step. Let's do whatever we have to do to get something done. Let's at least pass meaningful insurance reform, so that no American risks losing coverage for facing skyrocketing prices, that nobody loses their coverage because they face high prices or unavailable insurance when they change jobs, or lose a job, or a family member gets sick.

I want to work together with all of you who have an interest in this, with the Democrats who worked on it last time, with the Republican leaders like Senator DOLE, who has a long time commitment to welfare reform and made some constructive proposals in this area last year.

We ought to make sure that self-employed people and small businesses can buy insurance at more affordable rates through voluntary purchasing pools. We ought to help families provide long-term care for a sick parent or disabled child. We can work to help workers who lose their jobs at least keep their health insurance coverage for a year while they look for work.

We can find a way. It may take sometime, but we can find a way to make sure that our children have health care.

I think everybody in this room, without regard to party, can be proud of the fact that our country was rated as having the world's most productive economy for the first time in nearly a decade, but we can't be proud of the fact that we are the only wealthy country in the world that has a smaller percentage of the work force and their children with health insurance today than we did 10 years ago, the last time we were the most productive economy in the world.

So, let's work together on this. It is too important for politics as usual.

Much of what the American people are thinking about tonight is what we have already talked about. A lot of people think that the security concerns of American today are entirely internal to our borders. They relate to the security of our jobs and our homes and our incomes and our children, our streets, our health, in protecting those borders.

Now that the Cold War has passed, it is tempting to believe that all the security issues, with the possible exception of trade, reside here at home. But it is not so. Our security still depends upon our continued world leadership for peace and freedom and democracy. We still can't be strong at home unless we are strong abroad.

The financial crisis in Mexico is a case in point. I know it is not popular to say it tonight, but we have to act, not for the Mexican people, but for the sake of the millions of Americans

whose livelihoods are tied to Mexico's well-being. If we want to secure American jobs, preserve American exports, safeguard America's borders, then we must pass the stabilization program and help to put Mexico back on track.

Now, let me repeat, it is not a loan, it is not foreign aid, it is not a bailout. We will be given a guarantee like cosigning a note with good collateral that will cover our risk. This legislation is the right thing for America. That is why the bipartisan leadership has supported it, and I hope you in Congress will pass it quickly. It is in our interest, and we can explain it to the American people, because we are going to do it in the right way.

You know, tonight this is the first State of the Union address ever delivered since the beginning of the Cold War when not a single Russian missile is pointed at the children of America. And along with the Russians we are on our way to destroying the missiles and bombers that carry 9,000 nuclear warheads. We have come so far so fast in this post-Cold War world that it is easy to take the decline of a nuclear threat for granted, but it is still there and we aren't finished yet.

This year I will ask the Senate to include START II, which will eliminate weapons that carry 5,000 more warheads. The United States will lead the charge to extend indefinitely the Nuclear Non-proliferation Treaty, to enact a comprehensive nuclear test ban, and to eliminate chemical weapons. To stop and roll back North Korea's potentially deadly nuclear program, we will continue to implement the agreement we have reached with that nation. It is smart, it is tough, it is a deal based on continuing inspection, with safeguards for our allies and ourselves.

This year I will submit to Congress comprehensive legislation to strengthen our hand in combatting terrorists, whether they strike at home or abroad. The cowards who bombed the World Trade Center found out this country will hunt down terrorists and bring them to justice.

Just this week another horrendous terrorist act in Israel killed 19 and injured scores more. On behalf of the American people and all of you, I send our deepest sympathy to the families of the victims. I know that in the face of such evil, it is hard for the people in the Middle East to go forward, where the terrorists represent the past, not the future. We must and we will pursue a comprehensive peace between Israel and all of her neighbors in the Middle East.

Accordingly, last night I signed an Executive Order that will block the assets in the United States of terrorist organizations that threaten to disrupt the peace process and prohibits financial transactions with these groups. Tonight I call on all our allies and peace loving nations throughout the world to join us with renewed fervor in a global effort to combat terrorism. We cannot permit the future to be marred by terror and fear and paralysis.

From the day I took the oath of office, I pledged that our Nation would maintain the best equipped, best trained, and best prepared military on Earth. We have, and they are. They have managed the dramatic downsizing of our forces after the Cold War with remarkable skill and spirit. But to make sure our military is ready for action and to provide the pay and quality of life the military and their families deserve, I am asking the Congress to add $25 billion in defense spending over the next six years.

I have visited many bases at home and around the world since I became President. Tonight I repeat that request with renewed conviction. We ask a very great deal of our Armed Forces. Now that they are smaller in number, we ask more of them. They go out more often, to more different places, and stay longer. They are called to service in many, many ways. And we must give them and their families what the times demand and what they have earned.

Just think about what our troops have done in the last year, showing America at its best, helping to save hundreds of thousands of people in Rwanda, moving with lightning speed to head off another threat to Kuwait, giving freedom and democracy back to the people of Haiti.

We have proudly supported peace and prosperity and freedom from South Africa to Northern Ireland, from Central and Eastern Europe to Asia, from Latin America to the Middle East. All of these endeavors are good in those places. But they make our future more confident and more secure.

Well, my fellow Americans, that is my agenda for America's future. Expanding opportunity, not bureaucracy, enhancing security at home and abroad, empowering our people to make the most of their own lives. It is ambitious and achievable, but it is not enough. We even need more than new ideas for changing the world or equipping Americans to compete in the new economy, more than a government that is smaller, smarter and wiser, more than all the changes we can make in government and in the private sector from the outside in.

Our fortunes and our prosperity also depend upon our ability to answer some questions from within, the values and voices that speak to our hearts as well as our heads, voices that tell us we have to do more to accept responsibility for ourselves and our families, for our communities, and, yes, for our fellow citizens.

We see our families and our communities all over this country coming apart, and we feel the common ground shifting from under us. The PTA, the town hall meeting, the ballpark, it is hard for a lot of over worked parents to find the time and space for those things that strengthen the bonds of trust and cooperation. Too many of our children don't even have parents and grandparents who can give them those experiences that they need to build their own character, their sense of identity. We all know that what we hear in this Chamber can make a difference on those things, that the real differences will be made by our fellow citizens, where they work and where they live. And they will be made almost without regard to party. When I used to go to the softball park in Little Rock to watch my daughter's league and people would come up to me, fathers and mothers, and talk to me, I can honestly say I had no idea whether 90 percent of them were Republicans or Democrats.

When I visited the relief centers after the floods in California, in Northern California last week, a woman came up to me and did something that very few of you would do. She hugged me and said, ''Mr. President, I am a Republican, but I am glad you're here.''

Now, why? We can't wait for disasters to act the way we used to act everyday, because as we move into this next century, everybody matters. We don't have a person to waste, and a lot of people are losing a lot of chances to do better. That means that we need a New Covenant for everybody. For our corporate and business leaders, we are going to work here to keep bringing the deficit down, to expand markets, to support their success in every possible way. But they have an obligation when they are doing well to keep jobs in our communities and give their workers a fair share of the prosperity they generate.

For the people in the entertainment industry in this country, we applaud your creativity and your worldwide success, and we support your freedom of expression. But you do have a responsibility to assess the impact of your work and to understand the damage that comes from the incessant, repetitive, mindless violence and irresponsible conduct that permeates the media all the time.

We have got to ask our community leaders and all kinds of organizations to help us stop our most serious social problem, the epidemic of teen pregnancies and births where there is no marriage. I have sent to Congress a plan that targets schools all over this country with anti-pregnancy programs that work. But government can only do so much. Tonight I call on parents and leaders all across this country to join together in a national campaign against teen pregnancy to make a difference. We can do this, and we must.

And I would like to say a special word to our religious leaders. You know, I am proud of the fact that the United States has more houses of worship per capita than any other country in the world. These people who lead our houses of worship can ignite their congregations to carry their faith into action, can reach out to all of our children, to all of the people in distress, to those who have been savaged by the

breakdown of all we hold dear, because so much of what must be done must come from the inside out, and our religious leaders and their congregations can make all the difference. They have a role in the New Covenant as well. There must be more responsibility for all of our citizens.

You know, it takes a lot of people to help all the kids in trouble stay off the streets and in school. It takes a lot of people to build the Habitat for Humanity houses that the Speaker celebrates on his lapel pin. It takes a lot of people to provide the people power for all the civic organizations in this country that made our communities mean so much to most of us when we were kids. It takes every parent to teach the children the difference between right and wrong and to encourage them to learn and grow, and to say no to the wrong things, but also to believe that they can be whatever they want to be.

I know it is hard when you are working harder for less, when you are under great stress to do these things. A lot of our people don't have the time or the emotional strength they think to do the work of citizenship.

Most of us in politics haven't helped very much. For years we mostly treated citizens like they were consumers or spectators, sort of political couch potatoes who were supposed to watch the TV ads either promising something for nothing or playing on their fears and frustrations, and more and more of our citizens now get most of their information in very negative and aggressive ways that are hardly conducive to honest and open conversations. But the truth is, we have got to stop seeing each other as enemies just because we have different views.

If you go back to the beginning of this country, the great strength of America as de Tocqueville pointed out when he came here a long time ago, has always been our ability to associate with people who were different from ourselves, and to work together to find common ground. And in this day everybody has a responsibility to do more of that. We simply cannot wait for a tornado, a fire, or a flood to behave like Americans ought to behave in dealing with one another.

I want to finish up here by pointing out some folks that are up with the First Lady that represent what I am trying to talk about, citizens. I have no idea what their party affiliation is or who they voted for in the last elections. But they represent what we ought to be doing.

Cindy Perry teaches second graders to read in AmeriCorps in rural Kentucky. She gains when she gives. She is a mother of four. She says that her service inspired her to get her high school equivalency last year. She was married when she was a teenager—stand up, Cindy—she was married when she was a teenager, she had four children, but she had time to serve other people, to get her high school equivalency, and she is going to use her AmeriCorps money to go back to college.

Stephen Bishop is the police chief of Kansas City. He has been a national leader—stand up, Stephen—he has been a national leader in using more police in community policing, and he has worked with AmeriCorps to do it, and the crime rate in Kansas City has gone down as a result of what he did.

Corporal Gregory Depestre went to Haiti as part of his adopted country's force to help secure democracy in his native land: And I might add, we must be the only country in the world that could have gone to Haiti and taken Haitian Americans there who could speak the language and talk to the people, and he was one of them, and we are proud of him.

The next two folks I have had the honor of meeting and getting to know a little bit. The Reverend John and the Reverend Diana Cherry of the A.M.E. Zion Church in Temple Hills, Maryland. I would like to ask them to stand. I want to tell you about them. In the early eighties they left government service and formed a church in a small living room in a small house in the early eighties. Today that church as 17,000 members. It is one of the three or four biggest churches in the entire United States. It grows by 200 a month. They do it together, and the special focus of their ministry is keeping families together.

Two things they did make a big impression on me. I visited their church once, and I learned they were building a new sanctuary closer to the Washington, D.C. line in a higher crime, higher drug rate area, because they thought it was part of their ministry to change the lives of the people who needed them.

The second thing I want to say is that once Reverend Cherry was at a meeting at the White House with some other religious leaders, and he left early to go back to his church to minister to 150 couples that he had brought back to his church from all over America to convince them to come back together to save their marriages and to raise their kids. This is the kind of work that citizens are doing in America. We need more of it, and it ought to be lifted up and supported.

The last person I want to introduce is Jack Lucas from Hattiesburg, Mississippi. Jack, would you stand up?

Fifty years ago, in the sands of Iwo Jima, Jack Lucas taught and learned the lessons of citizenship. On February 20th, 1945, he and three of his buddies encountered the enemy and two grenades at their feet. Jack Lucas threw himself on both of them.

In that moment, he saved the lives of his companions and miraculously, in the next instant a medic saved his life. He gained a foothold for freedom, and at the age of 17, just a year older than his grandson—who is up here with him today, and his son, who is a West Point graduate and a veteran—at 17, Jack Lucas became the youngest marine in history and the youngest soldier in this century to win the Congressional Medal of Honor.

All these years later, yesterday, here is what he said about that day: ''It didn't matter where you were from or who you were. You relied on one another. You did it for your country.''

We all gain when we give, and we reap what we sow. That's at the heart of this New Covenant: Responsibility, opportunity, and citizenship. More than stale chapters in some remote civic book, they are still the virtue by which we can fulfill ourselves and reach our God-given potential and be like them, and also to fulfill the eternal promise of this country, the enduring dream from that first and most sacred covenant.

I believe every person in this country still believes that we are created equal, and given by our Creator the right to life, liberty and the pursuit of happiness.

This is a very, very great country, and our best days are still to come.

Thank you, and God bless you.

[Applause, the Members rising.]

At 10 o'clock and 35 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and Charge d'Affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two houses now dissolved.

Accordingly, at 10 o'clock and 40 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. SOLOMON. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

RULES OF PROCEDURE FOR THE COMMITTEE ON THE JUDICIARY FOR THE 104TH CONGRESS

(Mr. HYDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HYDE. Mr. Speaker, pursuant to clause 2(a) of rule XI of the Rules of the House, I submit for publication in the CONGRESSIONAL RECORD, the Rules of Procedure for the 104th Congress adopted by the House Committee on the Judiciary on January 5, 1995.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY, RULES OF PROCEDURE, ONE HUNDRED FOURTH CONGRESS, ADOPTED JANUARY 5, 1995

RULE I

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the House is in session.

(b) Alternative meeting dates and additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) The Chairman, with such notice to the ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and subcommittee meetings for the transaction of business shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, other than taking testimony or receiving evidence, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h) A complete transcript shall be made of any full Committee meetings, or any portion thereof, upon the request of any Member of the Committee made before the close of business of the preceding day, excluding Saturdays, Sundays, and legal holidays when the House is not in session.

RULE III. HEARINGS

(a) The Committee or any subcommittee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the Committee or subcommittee before which such hearing is scheduled determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

RULE IV. BROADCASTING

Any meeting or hearing of the Committee or any of its subcommittees that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 3 of House rule XI.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over the following subject matters: antitrust, tort liability issues, including medical malpractice and product liability, and such other legislative or oversight matters as determined by the Chairman.

(b) There shall be five standing subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Courts and Intellectual Property: copyright, patent and trademark law, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on the Constitution: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Crime: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, Federal Rules of Criminal Procedure, prisons, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Immigration and Claims: immigration and naturalization, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation private immigration and claims bills, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and the ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each subcommittee to which such Chairman or ranking Minority has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairman shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. BISHOP (at the request of Mr. GEPHARDT) for today on account of family illness.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TORKILDSEN (at the request of Mr. ARMEY) until 3 p.m. today, on account of attending the funeral of Mrs. Rose Fitzgerald Kennedy.

SPECIAL ORDERS GRANTED

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

(The following Member (at the request of Mr. WISE) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mrs. WALDHOLTZ) to revise and extend their remarks and include extraneous material:)

Mr. CHAMBLISS, for 5 minutes, on January 27.

Mr. WELLER, for 5 minutes, on January 26.

Mr. BROWNBACK, for 5 minutes, on January 25.

EXTENSION OF REMARKS

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

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. WYDEN.
Mr. RUSH in two instances.
Mrs. LINCOLN.
Mr. PASTOR.
Mr. KANJORSKI.
Mr. OBERSTAR.
Mr. CARDIN.
Mr. HOLDEN.
Mr. TRAFICANT in two instances.
Mr. BONIOR.
Mr. MURTHA.
Ms. MCCARTHY.
Mr. POMEROY.
Mr. LANTOS.
Ms. RIVERS.
Ms. SLAUGHTER.

(The following Members (at the request of Mrs. WALDHOLTZ) and to include extraneous matter.)

Mr. FIELDS of Texas.
Mrs. VUCANOVICH.
Mr. GILMAN.
Mr. CRAPO.
Mr. ARCHER, in two instances.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 25, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

190. A letter from the Under Secretary of Defense—Comptroller, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

191. A letter from the Under Secretary of Defense—Comptroller, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the U.S. Army Troop Support Command, St. Louis, MO, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

192. A letter from the President and Chairman, Export-Import Bank of the United States; transmitting the annual report on its operations for fiscal year 1994, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking and Financial Services.

193. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the administration's report entitled, ''Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1994,'' pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

194. A letter from the Chairman, Board of Governors of the U.S. Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 44. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget and providing for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States (Rept. 104–4). Referred to the House Calendar.

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. WYDEN (for himself, Mr. MATSUI, and Mr. SPRATT):

H.R. 645. A bill to amend the International Revenue Code of 1986 to provide for nonrecognition of gain on the sale of eligible small business stock if the proceeds of the sale are reinvested in other eligible small business stock; to the Committee on Ways and Means.

By Mr. WYDEN:

H.R. 646. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain capital assets for purposes of determining gain or loss; to the Committee on Ways and Means.

H.R. 647. A bill to amend the Internal Revenue Code of 1986 to provide incentives for awards to an employee under a performance-based reward plan and to direct the Administrator of the Small Business Administration to establish a program to promote implementation of performance-based reward plans and employee decisionmaking participation programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, and Small Business, 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. 648. A bill to improve small business export assistance; to the Committee on International Relations.

By Mrs. LINCOLN:

H.R. 649. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H.R. 650. A bill to amend the Immigration and Nationality Act concerning exclusion from the United States on the basis of membership in a terrorist organization; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. WELDON of Pennsylvania, and Mr. HOYER):

H.R. 651. A bill to direct the President to establish a commission for making recommendations to improve the Federal emergency management system; to the Committee on Transportation and Infrastructure.

By Mr. BATEMAN:

H.R. 652. A bill to authorize the Secretary of the Interior to provide a grant to the board of directors of the George Washington Boyhood Home Foundation for the Stabilization, preservation, and interpretation of the archeological resources and visual integrity of Ferry Farm, boyhood home of George Washington, America's first President; to the Committee on Resources.

By Mr. ENGEL:

H.R. 653. A bill to designate the U.S. courthouse under construction in White Plains, NY, as the ''Thurgood Marshall United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. HOLDEN:

H.R. 654. A bill to provide for the conversion of the assistance for the Tamaqua Highrise housing project in Tamaqua, PA, from a leased housing contract to tenant-based assistance; to the Committee on Banking and Financial Services.

By Mr. WALKER:

H.R. 655. A bill to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes; to the Committee on Science.

By Mr. KING:

H.R. 656. A bill to authorize the Secretary of Housing and Urban Development to make organizations controlled by individuals who promote prejudice or bias based on race, religion, or ethnicity ineligible for assistance under programs administered by the Secretary, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. LINCOLN:

H.R. 657. A bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas; to the Committee on Commerce.

By Mr. MCDERMOTT (for himself, Mrs. MORELLA, Mr. MINETA, Mrs. MINK of Hawaii, Ms. PELOSI, and Mr. MATSUI):

H.R. 658. A bill to amend the Civil Rights Act of 1991 with respect to the application of such act; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 659. A bill to amend title 18, United States Code, to permit Federal firearms licensees to conduct firearms business with other such licensees at out-of-State gun shows; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. BONO, Mr. CALVERT, Mr. GOSS, Mr. LEWIS of California, Mr. CANADY, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. EMERSON, Mr. CUNNINGHAM, Mr. HASTINGS of Florida, Mr. MILLER of Florida, and Mrs. SCHROEDER):

H.R. 660. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; to the Committee on the Judiciary.

By Mr. THORNTON:

H.R. 661. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself and Mr. ENSIGN):

H.R. 662. A bill to amend the Internal Revenue Code of 1986 to repeal the 50 percent limitation on the amount of business meal and entertainment expenses which are deductible; to the Committee on Ways and Means.

By Mr. ZIMMER (for himself, Mr. STUMP, Mrs. MYRICK, and Mr. ROHRABACHER):

H.R. 663. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to prevent luxurious conditions in prisons; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 664. A bill to amend chapter 5122 of title 42, United States Code, to ensure Federal disaster assistance eligibility for certain nonprofit facilities; to the Committee on Transportation and Infrastructure.

By Mr. FIELDS of Texas:

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. SANDERS (for himself, Mr. DEFAZIO, and Mr. MILLER of California):

H. Con. Res. 18. Concurrent resolution expressing the sense of the Congress that United States investors, lenders, and corporations should assume the full measure of risk and responsibility for their investments and loans in Mexico since the devaluation of the peso on December 21, 1994, and that loan guarantees that are backed by the full faith and credit of the United States and that could result in any direct or indirect financial obligation on the part of United States taxpayers should not be provided to the Mexican Government; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. NORWOOD, Mr. BURTON of Indiana, Mr. MOORHEAD, Mr. CUNNINGHAM, Mrs. VUCANOVICH, Mr. WALKER, Mr. SAM JOHNSON, Mr. CONDIT, Mr. COLLINS of Georgia, Mr. ROBERTS, Mr. BRYANT of Tennessee, Mr. TALENT, and Mr. PETERSON of Minnesota.

H.R. 11: Mr. DREIER, Mr. DELAY, Mr. POMBO, Mr. PETERSON of Minnesota, and Mr. SALMON.

H.R. 24: Mr. FOX.

H.R. 26: Mr. DEFAZIO and Mr. ZELIFF.

H.R. 43: Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. DEUTSCH, Mr. EVANS, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOWEY, Mr. MINETA, Mrs. MORELLA, Mr. NADLER, Ms. PELOSI, and Mr. RANGEL.

H.R. 58: Mr. WELLER.

H.R. 70: Mr. TAUZIN and Mr. BALLENGER.

H.R. 78: Mrs. MYRICK.

H.R. 104: Mr. FIELDS of Texas and Mr. LIGHTFOOT.

H.R. 110: Mr. LIPINSKI.

H.R. 117: Mr. BONO and Mr. SENSENBRENNER.

H.R. 123: Mr. YOUNG of Florida, Mr. POMBO, Mr. JONES, Mr. FUNDERBURK, and Mr. SMITH of Texas.

H.R. 127: Mr. HUTCHINSON, Mr. VENTO, Mr. MCDERMOTT, and Mr. FRANK of Massachusetts.

H.R. 139: Mr. GENE GREEN of Texas.

H.R. 142: Mr. FOX.

H.R. 218: Mr. TEJEDA, Mr. METCALF, Mr. HEINEMAN, Mrs. THURMAN, and Mr. EMERSON.

H.R. 221: Mr. BORSKI, Mr. LIPINSKI, Mr. MENENDEZ, Mr. UNDERWOOD, Mr. SCOTT, Mr. MARTINEZ, Mr. EVANS, Mrs. MINK of Hawaii, Ms. DELAURO, and Ms. KAPTUR.

H.R. 230: Mr. INGLIS of South Carolina.

H.R. 259: Mr. BONO.

H.R. 260: Mr. EMERSON and Mr. GALLEGLY.

H.R. 305: Ms. PELOSI, Mr. TOWNS, Mr. MCHUGH, Mr. ROHRABACHER, Mr. FATTAH, Mr. CANADY, Mr. SAXTON, Mr. BARTLETT of Maryland, Mr. LIPINSKI, Ms. MOLINARI, Mr. GEJDENSON, Mr. BEILENSON, Mr. PACKARD, Mr. KLUG, Mr. POMBO, Mr. EVANS, Mr. FILNER, and Mr. FOX.

H.R. 353: Mrs. MEYERS of Kansas and Mr. YATES.

H.R. 354: Mr. KNOLLENBERG, Mr. MANZULLO, Mr. LIPINSKI, and Mr. ROHRABACHER.

H.R. 359: Mr. THORNTON, Mr. HAYWORTH, Mr. EWING, Mr. DAVIS, Mr. HYDE, Mr. TIAHRT, Mr. DOYLE, Mr. WILLIAMS, and Mr. HEFLEY.

H.R. 370: Mr. CHRYSLER, Mr. PAXON, Mr. BILBRAY, Mr. EMERSON, and Mr. SMITH of Texas.

H.R. 372: Mr. EVERETT and Mr. HEFLEY.

H.R. 373: Mr. EVERETT, Mr. LIGHTFOOT, Mr. MYERS of Indiana, and Mr. HEFLEY.

H.R. 375: Mr. EVERETT and Mr. HEFLEY.

H.R. 394: Mr. SAXTON, Mr. LATOURETTE, Mr. BILBRAY, and Mr. KOLBE.

H.R. 436: Mr. BONILLA, Mr. BEREUTER, and Mr. PAXON.

H.R. 447: Mr. SERRANO, Mr. BARTLETT of Maryland, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. HUNTER, Mr. BROWN of Ohio, Mr. TOWNS, Mr. SABO, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. LAUGHLIN, Mr. SCOTT, Mr. BREWSTER, Mr. PARKER, Ms. PELOSI, Mr. VISCLOSKY, Mr. LIPINSKI, Mr. GUNDERSON, Mr. MOAKLEY, Mr. FAZIO of California, Mr. WILSON, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. DEFAZIO, and Mr. CHAPMAN.

H.R. 464: Mr. SCARBOROUGH, Mr. BUNN of Oregon, Mr. HOSTETTLER, Mr. SOUDER, and Mrs. VUCANOVICH.

H.R. 482: Mr. HEFLEY, Mr. KINGSTON, Mr. NEY, and Mr. PACKARD.

H.R. 491: Mr. STEARNS, Mr. ROYCE, Mrs. MYRICK, Mr. BLUTE, Mr. SMITH of New Jersey, and Mr. HAYES.

H.R. 502: Mr. HALL of Texas, Mr. BILBRAY, Mr. HYDE, Mr. PAXON, Mr. WALKER, Mr. LIPINSKI, Mr. LEWIS of California, Mr. HERGER, Mr. PACKARD, Mr. BAKER of California, and Mrs. VUCANOVICH.

H.R. 519: Mr. FOX, Mr. STEARNS, and Mr. ZELIFF.

H.R. 521: Mr. SMITH of New Jersey.

H.R. 522: Mr. SMITH of New Jersey.

H.R. 523: Mr. SMITH of New Jersey.

H.R. 588: Mr. MEEHAN, Mr. MCDERMOTT, and Mr. ENGLISH of Pennsylvania.

H.J. Res. 2: Mr. HAYES, Mrs. MEYERS of Kansas, Mr. WALKER, Mr. DEUTSCH, Mr. COBURN, and Mr. GOODLING.

H.J. Res. 3: Mr. MCINTOSH.

H.J. Res. 5: Mr. HAYES and Mr. MINGE.

H.J. Res. 14: Mr. FOLEY.

H.J. Res. 16: Mr. MONTGOMERY.

H.J. Res. 28: Mr. MCINNIS.

H.J. Res. 48: Mr. WATTS of Oklahoma, Mr. SAXTON, Mr. PACKARD, Mr. CHRYSLER, Mr. GUNDERSON, Mr. WELLER, and Mr. LUCAS.

H.J. Res. 53: Mr. SAWYER and Ms. WATERS.

H.J. Res. 55: Mr. POMEROY and Mr. GENE GREEN of Texas.

H. Con. Res. 17: Mr. FOX.

H. Res. 33: Mr. SERRANO and Mr. BARRETT of Wisconsin.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2: Ms. COLLINS of Michigan.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. MOAKLEY

AMENDMENT NO. 167: In the proposed section 426 of the Congressional Budget Act of 1974, strike ''10 minutes'' and insert ''20 minutes''.

H.R. 5

OFFERED BY: MR. OXLEY

AMENDMENT NO. 168:

SECTION 205. CLARIFICATION OF MANDATE ISSUE AS TO GREAT LAKES WATER QUALITY GUIDANCE.

Section (c)(2)(C) of the Federal Water Pollution Control Act (33 U.S.C. Section 1268(c)(2) is amended by adding at the end thereof the following new sentence:

''For purposes of this subparagraph, the requirement that the States adopt programs 'consistent with' the Great Lakes guidance shall mean that States are required to take the guidance into account in adopting their programs for waters within the Great Lakes System, but are in no event required to adopt programs that are identical or substantially identical to the provisions in the guidance.''

H.J. RES. 1

OFFERED BY: MR. FATTAH

AMENDMENT NO. 47: At the end of section 4 add the following:

''The provisions of this Article may also be waived for any fiscal year in which the United States experiences a disaster from natural causes or from causes resulting from the decay of the nation's physical, fiscal, or social infrastructure and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.''

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, JANUARY 24, 1995 No. 14

Senate

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal.—I Corinthians 13:1.

Loving God, let Thy love be shed abroad in our hearts. Thy Word declares that love is the fulfilling of the law. Help us to love Thee with all our hearts and our neighbors as ourselves.

As the Congress settles down to the demanding work of legislation, energize them mentally and physically and emotionally. Deliver them from discouragement and frustration. Help them in their deliberations and debate to distinguish between substance and semantics—between rhetoric and reality. Free them from personal and partisan preoccupation that would defeat their aspirations and deprive the people of just and equitable solutions.

Lead us, O God of Love, in the way of peace and unity. Bind us together that we may be strong as a nation and provide for the world the leadership which the Divine economy intends. Guide us in Thy way and in Thy will.

We ask this for Thy glory in the name of Thy Son whose love and sacrifice encompasses all people. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the time for the two leaders has been reserved, and there will now be a period for the transaction of morning business until 10 a.m., with Senators permitted to speak for up to but not to exceed 5 minutes, with the following Senators recognized for up to the designated time: Senator GRASSLEY for up to 5 minutes; Senator ROTH for 5 minutes; Senator CAMPBELL, for up to 10 minutes.

At 10 a.m., the Senate will resume consideration of S. 1, the unfunded mandates bill, and the Senators will be on notice at this time that there are five consecutive rollcall votes scheduled to begin at 4 p.m. today. No further rollcall votes are anticipated after this series. Senators are reminded that we have until 3 p.m. today to offer their amendments for S. 1 to qualify under the unanimous-consent agreement.

The Senate will recess between the hours of 12:30 and 2:15 for the weekly party luncheons to meet. Also, a reminder to our colleagues that the Senators will assemble at 8:30 this evening in the Senate Chamber so we may proceed at 8:35 to the Hall of the House of Representatives for the State of the Union Address.

Mr. President, just one note. We will, as I indicated, be returning to the unfunded mandates bill at 10 a.m. this morning. There will not be any recorded votes until 4 o'clock. I hope the Senate will now really move forward in dispensing with amendments and getting to the point where we can pass this legislation this week, hopefully by Thursday night.

I think there is an outstanding bipartisan support for it. I think any further delays or unnecessary distractions would reflect very poorly on the Senate. I hope that we will move forward on this very important piece of legislation.

Mr. President, I yield the floor at this time.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Iowa is recognized to speak for up to 5 minutes.

Mr. GRASSLEY. Mr. President, I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 262 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CAMPBELL. Mr. President, I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 262 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator may proceed for 5 minutes.

UNFUNDED MANDATES BILL

Mr. THOMAS. Mr. President, I simply rise to express my concern about the lack of progress that we have made

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper containing 100% post consumer waste

in the last several days on a bill that I think is generally supported in this body, certainly is supported by me and I know is supported by almost all of the leaders in local governments throughout the country.

I have watched the progress or, indeed, the lack of it on S. 1 for 7 or 8 days now. I have listened with a good deal of interest and watched the process, and I must tell you that it is an exasperating process. We have had, I think, more than 100 amendments, many of which were not germane to the issue that is before us. They certainly have to be considered as stalling tactics. I have heard Senators review endlessly the same kinds of issues on the floor which leads one to conclude that nothing more than stalling is happening.

We have heard discussions about previous years and the things that have happened in previous bills that have little, if any, relevance to what we are doing here.

I support the unfunded mandates bill. I think most people in the Senate support this bill, and I think the American people generally support this bill. I have come, as others have, from the House. I served in the Wyoming Legislature, and I have not seen a process which has no apparent purpose or goal be executed as has this one over the last several days.

I do not fully understand yet all of the intricacies, of course, of the U.S. Senate, but I do understand that there is a need to have a process by which people can insist upon more detail, can insist upon more time being taken so that everyone does understand, so that everyone has an opportunity.

But I must tell you that I have not been able to detect that there is any particular goal, that there is any particular purpose being served by the time we have taken here.

I think it is very important that we come to this place after having been through an election recently in which people in this country expressed themselves, I think, very clearly, expressed themselves in terms of wanting this Government to proceed, wanting this Government to move forward, wanting this Government to deal with the issues that are there, that are so apparent.

I think people are tired of unproductive maneuvers throughout the Congress, stalling tactics, and I think this is an example of that.

Mr. President, it seems to me that this delay over unfunded mandates is ultimately useless. The bill will ultimately pass. This will not change the outcome.

The bill is a flexible bill. It does not simply impose unfunded mandates on issues or on people, but it simply says there will be an accounting for what the impact of these proposals will be. It simply says that when there is an accounting that demonstrates an expenditure of over $50 million, that there will be cause for a point of order and a vote so that this Senate will take a look at it. Processwise, if the Senate continues to lag, action will be criticized.

Again, make no mistake, the bill will eventually pass. Changing Washington and changing the way we do business has been called for. It is a long process, but it is happening and it is happening now. Indeed, it should happen. Procedural changes such as a balanced budget amendment, such as limiting unfunded mandates, such as line-item veto, and, indeed, term limits are the kinds of procedural changes that will have an impact over time on the way we govern.

So we are witnessing the first protests of a huge change, and I understand that. Unfunded mandates will be banned. Washington will change. Some will not like it but the people in the country will. I urge us to move forward. I urge us to move forward and do the business of the people of this country.

I thank the Chair. I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

DEATH OF THOMAS YAGI

Mr. INOUYE. Mr. President, I want the people of this Nation to know about the passing of Thomas Yagi, a caring and passionate man who sparked Maui's labor movement nearly a half century ago. He was a good friend and one of Hawaii's great native sons. I ask unanimous consent that the following editorial from the Maui News, dated January 12, 1995, entitled ''Tom Yagi: A True Giant of His Times,'' be submitted for inclusion in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

[The Maui News, Jan. 12, 1995]

TOM YAGI: A TRUE GIANT OF HIS TIMES

In the past decade alone Maui County's population has grown by more than 40 percent, which means a good many people living here now don't know just how big a figure Tom Yagi was in Hawaii's labor movement. Without question, he was as big as they come.

Mr. Yagi, who died Monday at the age of 72, remains unchallenged as Maui's most esteemed labor leader. Through sweat, persistence and undying commitment to his cause in the face of powerful opposition, he rightfully earned that status. No part of his struggle came easy.

Back in the 1940's the word ''union'' was a dirty word to the owners of the giant plantations and their pawns in state government. Tom Yagi was a plantation warehouseman with a young family determined to make a better life for himself and those workers like him. He knew that wasn't going to happen on paychecks of a dollar a day.

He linked up with the International Longshoremen's and Warehousemen's Union and began to organize meetings, although most had to be held in secret, shielded from the vengeful plantation supervisors. The enemies of labor tried to equate the word ''union'' with the word ''communist,'' and congressional committees attempted to summon Hawaii's ILWU leaders to testify about their ''subversive'' activities. Tom Yagi, like his union colleagues, refused.

The success of the labor movement in Hawaii stands among the most significant social revolutions in this country's history, and it's not possible to overstate the role Tom Yagi played in it. For 30 years he led the Maui division of the ILWU, and never during that time did he change the focus of his mission—better wages, better health care, better education and a better life for the working class.

And he did it all in a rather mysterious fashion, commanding respect even from those on the opposite side of the table from him. While many union activists embraced militancy, Mr. Yagi somehow managed to achieve his objectives more so with diplomacy. He never shied from confrontation, no. But most often his keen ability to see more than one side to every dilemma led to solutions that averted conflict. For this he was as revered by those he fought against as by those he fought for.

Despite all his many accomplishments in the labor movement, the greatest source of pride for Tom Yagi was his family. In addition to his wife Miye, he also leaves behind two sons, six daughters, 22 grandchildren and two great-grandchildren. That the Yagi family has long been synonymous with community service on Maui is yet another testimony to the greatness of the man, Thomas Seikichi Yagi.

Maui has truly lost one of its most favorite sons.

SPEECH OF JACK VALENTI

Mr. COHEN. Mr. President, I recently read a speech that I believe deserves the attention of all Senators. Jack Valenti, the president and chief executive officer of the Motion Picture Association of America, a former aide to President Lyndon B. Johnson, and one of the most articulate and thoughtful people I know, delivered the speech in New York City, as the first in the Louis Nizer lecture series.

Jack Valenti's words that evening carry a special resonance for me and I think they will for others. They are words of optimism about our future, in a time when too many in our country do not feel optimistic. But they are also words of caution, directed toward all of us in this body and all of us in this city, who create the policies under which Americans live. They stress the importance of the family, of education, of appropriate moral conduct, of individual—not governmental—responsibility.

They are words to which we should all give careful consideration.

I ask unanimous consent that, following my remarks, the full text of Jack Valenti's speech be included in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WILLIAM FAULKNER'S OLD VERITIES: IT'S PLANTING TIME IN AMERICA!

(By Jack Valenti)

The issues of liberty and the replenishment of community values stirred restlessly within Louis Nizer. He and I talked often about the compass course of the society. We both had read the purifying speech of William Faulkner when he received the Nobel Prize for Literature, on December 10, 1950. Like me, Louis found in Faulkner's words a dark punishing wisdom, a plain, spare design for civic conduct. It is from Faulkner's vision that what I say tonight has taken wings. I think Louis would approve. Let me begin, then, by admiring this man, Louis Nizer, who has drawn so many of you here tonight.

In the muscular and musical English language which Louis knew so well, loved so much and illuminated so elegantly, there exits two words which perfectly describe him.

They are ''polymath'' and ''fidelity.''

Polymath means an artisan of immense learning in many fields.

Francis Bacon once said he had taken all knowledge to be his province. For Bacon it was not an immodest objective. But such were Louis Nizer's vast and diverse talents, he is the only man I know or knew who could come close to matching Francis Bacon. Lawyer, courtroom genius, public speaker, best selling author, painter, composer, lyricist, historian, counselor to presidents and public officials, he was all of these and more. And in each he performed with excelling intellect and ascending success.

Fidelity means faithfulness to obligations and observances.

Louis Nizer gave special meaning to the word ''fidelity.'' In his binding to the law, fidelity took on a richer meaning. The law in all its glory was the core of his life. It was the reservoir from which his daily tasks drew nourishment.

I first met Louis Nizer almost twenty-nine years ago when he came to visit with me in my office in the White House. I was about to resign as Special Assistant to the President, to become the President of the Motion Picture Association of America. He was to become the MPAA general counsel. Our paths that day not only crossed, but became intimately interwoven and forever sealed in friendship and trust.

His long, fruitful life is now over. Death, as it does to every mortal, has finally came to Louis Nizer. I can say that I am so grateful to a beneficent God that I was given to know Louis so intimately, so gloriously, so lovingly. He was a noble man. There are so few of his kind.

Any enterprise that bears Louis' name is valuable to me. This evening then, to me, has great worth. May the Louis Nizer Lecture series flourish in the decades ahead. May I do it as little damage as possible tonight.

I have been fortunate to spend my entire working career in two of life's fascinations, politics and movies. I have worked the precincts of my native Texas, within City Hall and county courthouses and the state capitol. I have been privy to decision making in the White House, at the side of a brave, extraordinary President. And I have for a long time been among and within the creative and executive communities of Hollywood and the world cinema.

Both arenas, movies and politics, and sprung from the same DNA. Their aims are the same: to entice voters and audiences to yield to their persuasions. What is the value of those persuasions? What is real? What is right? What is truth? Who determines it? Who furnishes the boundaries for the daily moral grind of a functioning society? How is that society to be governed? How do you shape a foundation for a nation's prime objective to endure, always striving to reach for the ascending curve?

These are ancient queries. Answers are available but often they are porous, not readily translated into specific behavior. Sometimes they are cast in different shapes to different people. Which answer is true? ''What is truth,'' said jesting Pilate, and would not stay for an answer.

I have thought a lot about this, though thinking about these matters is like trying to pick up mercury with a fork. It is maddeningly elusive. But we have to keep trying.

Herodotus tells the story of Athenians so emotionally affected by the drama, ''The Capture of Miletus'', by the poet Phrynichus, that the whole theater wept openly. When their passions had cooled, Athenian officials passed a law forbidding Phrynichus ever again to offer this play to the public. He was fined a thousand drachmas for reminding his fellows citizens of their own sorrows. It is an apt metaphor for our current scene. Nothing so much describes the perversity of political and social conduct, and calls to judgment the resorting to morality by public officials as an instrument of domestic and foreign policy.

It's a dicey political game to play. Like the Athenians we are deeply involved in that which tugs at both our practical minds and our moral conscience. Also like the Athenians we find the real world, the morning after, not so desirable as we had previously thought.

If morality is a rostrum from which we survey our lives, then it is also a principle on which we stand. Principles, unless one rises above them, are cruelly steadfast. If a principle is ignored, for whatever practical reasons, or bent, for whatever seemingly rational decision, then it is no longer a principle. It becomes a weak reed on which we lean at our own peril.

So it is that Presidents and Members of Congress, as well as officials of state and local governments, find themselves dealing with morality on a ''yes, but'' logic. If you tried to draw up a catalogue of the good guys and the bad guys, you wind up with public officials from the President down being judged on the same basis as that well known medieval monarch, Philip the Good, renowned in his time for both the number of his bastards and the piety of his fasts. Too often our officials, in both political parties, see issues through their own personal prism. To that end, the historian Procopius wrote about the Emperor Justinian: ''He didn't think that the slaying of men was murder unless they happened to share his own religious view.''

We are poised for a great debate in this land. It has to do with the reach of government, how wide, how narrow. But I daresay the debate will be waged on the wrong platform. Emerson may have gotten it right when he wrote: ''God offers to everyone his choice between truth and repose. Take what you please, you can never have both.'' Emerson is also speaking to this generation as well.

I am not a pessimist. Never have been. Don't intend to start now. This country did not survive more than 200 years of cruel disjointings to be undone at this particular moment by discomforts cataloged at length, mainly by TV commentators and political consultants. These are the new political Druids who convince their viewers and their clients that they alone are capable of inspecting the entrails of a pig and thereby are solely in possession of the bewitchery which will lead voters to a proper decision.

But this scrambling, unquiet, violent time is one of the rare moments in our history when those who govern us and those who are governed are in concert. Fear is the scarlet thread which runs like a twanging wire through the nation. Fear of tomorrow; fear of losing one's job; fear that children will find their future less attractive than did their parents; fear of crime, in the neighborhoods and in the home; fear that the old bindings which held the nation together are snapping: in too many cities there are too many broken homes, too much loss of the affection which thickens family ties, too much crazy drug use and users, too many guns in the hands of too many children, too many babies having babies, abandonment of the church, schools without discipline, life without hope, anger fed by imagined slights and bigoted blights.

No wonder there is fear. The first thing we have to do to combat fear is understand that no matter how well intentioned we are, unless we are guided by a basic moral compass, we will neither begin nor finish the journey. Make no mistake, the politicians are listening. There is nothing so compelling to a public official as the angry buzz of the local multitudes.

Therefore (ah, 'Therefore' is a wondrous word. It says enough of the rhetoric, what do you do tomorrow morning?), Therefore:

We ought to start with William Faulkner. In his speech in 1950, he cited what he called ''the old universal verities and truth of the heart, the old universal truth lacking which any story is ephemeral and doomed—love and honor and pity and pride and compassion and sacrifice. He might have added ''and duty and loyalty and service to one's family and friends and country.''

Faulkner's old verities have weight because they are what an enduring nation is all about. Old fashioned words? Yes, they are. Long-living words? Yes, they are. All the more reason why words which have sustained themselves in myth and reality are never out of date. These words describe neither religion nor ideology nor political affiliation. No group or faction or political party has a monopoly on interpreting their meaning.

What Faulkner's verities represent is a code of conduct between human beings, between the citizen and the state, between neighbors, friends, associates. They are better guides than a political poll, or the blatherings demagogues, or those earnest folks who insist they alone possess God's wisdom. We have an old prayer in Texas when we encounter these human repositories of divine Truth: ''Dear Lord, let me seek the truth, but spare me the company of those who have found it.'' Nice prayer. I say it often.

So, we begin with Faulkner's proposition that there are basics deep rooted in those crevices where each of us stores our beliefs and our passions. Without them we are barren of aim or cause or reason. Or as Faulkner said, without them we ''labor under a curse.''

Government cannot, ought not, be a national nanny, nor the custodian of our faith nor the divine arbiter of our lives. Each citizen must be responsible for his or her actions, fathers, mothers, sons, daughters. Parents must be responsible for their children. Adults responsible for there decisions. Young people responsible for what they do. Playing ''victim'', copping a plea that ''the Devil made me do it,'' these are mocking charades in which the foolish listen to the dunces and the dimwits lead the mob.

Taking responsibility for one's life, for one's action, does not mean turning away from the helpless and the hopeless. What it does mean is that if there is not a civic commitment to be individually responsible, the

future is pockmarked with detours and disappointment. But we must be wary in the months ahead. Strenuous efforts will be made to amputate the national government's intervention in the lives of those pressed against the wall because of circumstances over which they have no control. It would be tragic to do that. It would be worse than a crime. It would be a blunder. It cannot be allowed to happen.

To give Faulkner's old verities a communal reality, we have to begin within the family, for parents to care enough, believe enough, do enough to begin the process. Parents, sufficiently armed with passion, can do the most.

Alongside this familial commitment has to be a zealous attention to teachers and schools. We have to be willing to pay for first class public education or it continues to be lousy education. We can't build enough prisons, or wield enough judicial sabers, or legislate enough tough death penalty laws to compensate for the collapse of discipline in the classroom, or the graduation from high school of too many who can't read or write or the total loss of Faulkner's verities. In a time when our national obligations are larger than our capacity to fulfill them all at the same time, our leaders must make it clear—painful, discomforting, frustrating as it may be—that we have to reinstall the family and the school and the church as the central teaching centers for young people. We have to begin the journey back into ourselves before we can go forward into our future. Too idealistic? Too namby-pamby? too impossible? 'Yes,' to all of those descriptions if you think a society can just amble along and keep its liberties alive when so much of its core convictions are in a state of decay. I don't. Every day liberty must be guarded, because like virtue it is every day besieged.

Then, why am I optimistic? Because all things are always in flux. Nothing lasts forever, neither triumph nor tragedy, nor the omissions of the human spirit. So long as we understand who we are, why we are what we are, and how we became so, then we will always be able to know where it is that we ought to turn and where we must go. Of course, this requires a national conviction. Without conviction, said Lord Macaulay, a man or woman will be right only by accident.

President Kennedy supposedly told the story of a French general in Algeria who wanted to plant a special kind of tree to line the road to his chateau. ''But,'' protested his gardener, ''that tree takes a 100 years to bloom.'' The general smiled and said: ''Then we have no time to lose. Start planting today.''

It's planting time in America. Faulkner's old verities will take root again much sooner than the General's trees.

TRIBUTE TO FRED MUDGE

Mr. MCCONNELL. Mr. President, I rise today to recognize the career accomplishments and community leadership of Mr. Fred N. Mudge upon his retirement as president and CEO of Logan Aluminum, Inc., in Lewisburg, KY.

Mr. Mudge began his career 32 years ago as a plant manager with Anaconda Aluminum. Later, his aptitude for innovation and demand for quality guided him in his progress from site manager for Anaconda's Alpart facility in Jamaica to the position of vice president of technology for Anaconda and ARCO Metals of Chicago. In 1985, Fred Mudge invested his tenacity and experience in the position of president and chief executive officer for a new Kentucky company, Logan Aluminum, Inc. Through his foresight and hard work, Logan Aluminum today is a world leader in aluminum can sheet stock production.

Mr. Mudge's personal quest for excellence is not limited to the worksite. As a member of the Lewisburg community, he contributed to the revitalization of the local chamber of commerce and the establishment of an economic development commission. In addition, he assisted in the founding of Lewisburg's junior achievement program. Today, Mr. Mudge continues to work on behalf of his community as a member of the Logan Memorial Hospital board and the Western Kentucky University board of regents.

Mr. President, Fred Mudge's work as an industry leader and dedicated community volunteer demonstrates the essential skills and determination our Nation needs to successfully meet the future challenges of job creation and community development. While his daily leadership at Logan Aluminum will be missed, I am confident that the Logan County community will continue to enjoy the benefits of his energy and insight well into the future.

TRIBUTE TO DOROTHY A. HARDY

Mr. GREGG. Mr. President, today I rise to recognize one of my constituents, Mrs. Dorothy A. Hardy, for her many contributions to the town of Pelham, NH over the past 25 years.

Mrs. Hardy's distinguished services to the town of Pelham have included: dispatcher for the Pelham New Hampshire Police Department since 1970; active organizer with the Pelham Good Neighbor Committee; supervisor of the checklist chairman for over 25 years; long-time Republican Party activist, including 1980, 1988, and 1992 town chairman for President George Bush; member of the Pelham American Legion Post 100 Auxiliary, and Pelham newspaper correspondent for the Lowell Sun.

I would like to take this opportunity to highly commend Mrs. Hardy for her dedication, commitment, and numerous contributions to the town of Pelham and its citizens.

Mrs. Hardy has always been a source of great pride to her family, friends, and coworkers and will be sorely missed as she begins her retirement. I would like to extend a special thanks for her outstanding services and wish her all the best for a healthy and prosperous retirement.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in a trillion dollars? When you arrive at an answer, remember that it was Congress that ran up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Monday, January 23, the Federal debt, down to the penny, at $4,796,793,782,628.86—meaning that every man, woman, and child in America now owes $18,208.71 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, and you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (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, and for other purposes.

The Senate continued with the consideration of the bill.

Pending:

Hatfield amendment No. 181, to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

Dorgan-Harkin amendment No. 178, to require the Board of Governors of the Federal Reserve System to submit a report to the Congress and to the President each time the Board of Governors of the Federal Reserve System or the Federal Open Market Committee takes any action changing the discount rate, the Federal funds rate, or market interest rates.

Hollings amendment No. 182, to express the sense of the Senate concerning Congressional enforcement of a balanced budget.

Graham amendment No. 183, to require a mechanism to allocate funding in a manner that reflects the direct costs to individual State, local, and tribal governments.

Graham amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

Wellstone amendment No. 185, to express the sense of the Congress that the Congress

shall continue its progress at reducing the annual Federal deficit.

Wellstone amendment No. 186 (to amendment No. 185), of a perfecting nature.

Murray amendment No. 187, to exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy.

Murray amendment No. 188, to require time limitations for Congressional Budget Office estimates.

Graham amendment No. 189, to change the effective date.

Levin amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996.

Levin amendment No. 173, to provide for an estimate of the direct cost of a Federal intergovernmental mandate.

Levin amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie.

Levin amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002.

Levin amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Levin amendment No. 177, to clarify the use of the term ''direct cost''.

Dorgan amendment No. 179, to express the sense of the Senate regarding calculation of the Consumer Price Index.

Harkin amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution.

Bingaman amendment No. 191, to provide that certain legislation shall always be in order.

Bingaman amendment No. 192, to establish the application to requirements relating to the treatment and disposal of radioactive waste.

Kohl amendment No. 193, to provide that any State, local, or tribal government that already complies with a new Federal intergovernmental mandate shall be eligible to receive funds for the costs of the mandate.

Bingaman amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies.

Glenn amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

Kempthorne amendment No. 196 (to amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or Social Security taxes from being increased to meet the balanced budget requirement.

Glenn amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate.

McCain amendment No. 198, to modify the exemption for matter within the jurisdiction of the Committees on Appropriations.

Lautenberg amendment No. 199, to exclude from the application of the Act provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency.

Mr. KEMPTHORNE. Mr. President, today we begin the seventh day of debate on S. 1, the bill to curb unfunded Federal mandates. I believe we are beginning to see progress. We have had good discussion on this. I think Senators from both sides of the aisle feel that we have an atmosphere where they can make their statements, offer their amendments. Yesterday, 27 Democratic amendments were filed; 4 Republican amendments were filed. Today after 4 o'clock there will be votes on four amendments that had been presented.

I know that we have a number of Senators today who will be filing their amendments and I encourage them to do so, so we can get to those who have amendments, ensure that they are properly before us so we can deal with them and have the discussion.

I would like to read, Mr. President, one paragraph from the 1995 National League of Cities' opinion survey report.

I ask unanimous consent that the entire report be made part of the RECORD, and I will only read the first paragraph which says:

Assuring public safety, curbing unfunded federal mandates, and building strong local economies are the most important priorities for America's cities and towns, according to the National League of Cities' annual opinion survey of municipal officials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1995 NLC OPINION SURVEY NEWS RELEASE

Assuring public safety, curbing unfunded federal mandates, and building strong local economies are the most important priorities for America's cites and towns, according to the National League of Cities' annual opinion survey of municipal officials.

''This agenda—safety, governmental accountability and a sound economy—reflects what is most important now and for the future well-being of our nation's cities and towns. It represents a ''Contract for Americans'' that unites local government leaders throughout the country,'' said NLC President Carolyn Long Banks, councilwoman-at-large of Atlanta.

The NLC survey, conducted in October and November, found that public safety dominated the assessment of current problems and future concerns. The findings, are based on responses by 382 elected municipal officials drawn from a random sample in cities with populations or 10,000 or more.

Five of the top six most deteriorated conditions reported by local officials involved crime and violence: youth crime, gangs, violent crime, drugs, and school violence. Three of the ten ''most important conditions to address'' in the next two years relate to public safety: violent crime, youth crime and gangs.

Unfunded mandates—laws or regulations imposed on cities, but without funding by federal or state governments—continued as the top single issue adversely affecting local governments. Mandates led the list of conditions which worsened in 1994, which deteriorated the most over the past five years, and which were most important to address in the next two years.

Nearly half of the survey respondents reported improving local economic conditions for the second year in a row. At the same time, attention to economic matters remained a major concern for the future, appearing in four of most important issues to address in the next two years.

''These are the big, pervasive issues that affect the quality of life and the ability to govern responsibly and responsively in our hometown communities,'' said Banks.

''Making progress with them will make the most difference, for the most good, for the most people, more than anything else, including tax cuts. That's because these are the essential ingredients for a real and lasting empowerment of our citizens and our communities, and that's where the future strength and prosperity of our nation begins,'' she said.

THE STATE OF AMERICA'S CITIES: ELEVENTH ANNUAL OPINION SURVEY OF MUNICIPAL ELECTED OFFICIALS

(By Herbert L. Green, Jr.)

HIGHLIGHTS

NLC's 1994 survey results are dominated by concerns about public safety and unfunded mandates. Local economies also remained an important concern. Three hundred and eighty two (382) of the nation's municipal officials responded to the survey, which was mailed out before the November elections.

Public safety

Nearly two out of three (63.4 percent) of city officials say that your crime worsened in their locality in 1994.

Crime and violence dominate the ''most deteriorated conditions'' over the last five years. Five out of the top 6 most deteriorated conditions reported by local officials focused on public safety concerns.

Three out of 10 of the ''most important conditions to address'' in the next two years relate to public safety.

More municipal elected officials (63.6 percent) selected ''strengthening and supporting family stability'' as one of the top five measures most likely to reduce crime than any other. The next four items on the list are: jobs and targeted economic development (48.4 percent, more police officers (39.8 percent), after-school programs (33.0 percent), and neighborhood watch programs (33.0 percent).

Fifty five percent of elected officials reported that police/community relations improved in 1994. Thirty seven percent of local officials reported that police/community relations was one of the ''most improved conditions'' over the last five years.

Unfunded mandates

Seventy-five percent (74.6 percent) of municipal elected officials indicated that the impact of unfunded mandates worsened in 1994.

Mandates topped city officials' list of the ten ''most deteriorated conditions'' over the last 5 years. Thirty-five percent (35.1 percent) of officials indicated that unfunded mandates were the most deteriorated condition over the last 5 years.

Forty-two percent (41.9 percent) of local officials reported that citizens understand well or somewhat the issue of unfunded mandates in 1994. This was a 15 percentage point increase from the 27.5 percent reported by local officials in 1993.

Local economies

Four of the top 10 ''most important conditions to address'' in the next two years are related to local economies. More than one-fifth of local officials reported that city fiscal conditions (25.2 percent) and economic conditions (21.1 percent) were most important to address during the next two years.

Forty-eight percent (48.3 percent) of local officials reported improved local economic

conditions in 1994, and 46.4 percent of local officials reported that local unemployment conditions improved in 1994.

At the same time, about one-fifth of other municipal officials reported that the economic conditions and unemployment had worsened in their locality (21.7 percent, and 18.8 percent respectively).

Local governance

Fifty three percent (53.3 percent) of local elected officials indicated that municipal service levels were maintained in 1994. Two-thirds (64.4 percent) of these officials reported that even if city tax rates and fees are not increased in 1995, they will be able to maintain service levels.

Seventy-one percent of mayors, city council members and other elected officials indicate that their cities and towns are involved in local education reform/improvements efforts.

Ten percent (9.5 percent) of responding officials indicated that their cities and towns have a formal telecommunications policy for participation on the ''information superhighway.'' Seventy-eight percent of officials indicated that they are either working on or thinking about putting a telecommunication policy in place.

More than four-fifths (85.6 percent) of local elected officials believe that regional cooperation is important in helping local government achieve its goals.

MANDATES

''So we must keep saying over and over again until the members of the 104th congress heed our cry. 'No check, no mandate . . .' For we must accept the challenge our constituents have set before us; the challenge to balance our budgets without expected and uncontrolled costs; the challenge to be in charge of our destiny.''—keynote address, Mayor Sharpe James, President, National League of Cities, Annual Congress of Cities Conference, Minneapolis, MN (December 2, 1994)

Forty two percent of local officials reported that the citizens in their community understood the issue of unfunded mandates either well or somewhat in 1994. Twenty seven percent of local officials reported that citizens in their communities understood the issue of unfunded mandates either well or somewhat in 1993. Fifty eight percent of officials reported that citizens in their community either understand little about the issue or they do not understand the issue.

OVERALL CONDITIONS AND MANDATES

Municipal elected officials (see Chapter 2) reported that overall conditions related to mandates worsened in 1994. Seventy four percent of local officials indicated that unfunded mandates worsened in 1994.

Unfunded mandates also topped city officials list of ''most deteriorated conditions,'' over the last 5 years. When local officials were asked about the most deteriorated conditions in the last five years, 35.1 percent of them indicated that unfunded mandates was one of the most deteriorated conditions. From a list 26 ''conditions'' unfunded mandates was most often mentioned by city officials.

When local officials were asked about the most important conditions to address during the next two years, 28.7 percent picked unfunded mandates. Unfunded mandates and (violent crime at 28.4 percent) topped city officials list of the ''most important conditions'' to address in next two years.

Mr. KEMPTHORNE. Mr. President, this whole study reflects the reason the National League of Cities, the U.S. Conference of Mayors, the National Governors Association, the National School Board Association, and others are so supportive of the efforts of Senate bill 1, as well as the variety of entities in the private sector.

With that, I know that we have Senators who are here to file amendments.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments will be set aside.

The clerk will report.

AMENDMENT NO. 200

(Purpose: To provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate)

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 200.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 23, strike beginning with line 24 through line 6 on page 25 and insert the following:

''(IV)(aa) provides that if for any fiscal year the responsible Federal agency determines that an appropriation Act does not provide for the estimated direct costs of the mandate as set forth in subclause (III), the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year; and

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress.''

Mr. BYRD. Mr. President, I ask unanimous consent that further consideration of the amendment be delayed until later at such time as I may wish to call up the amendment. I offer the amendment simply to qualify under the agreement.

I ask unanimous consent that my amendment be temporarily laid aside.

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

Mr. BYRD. I thank the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 201, 202, AND 203, EN BLOC

Mrs. BOXER. Mr. President, I send to the desk three amendments en bloc for the purpose of complying with the unanimous-consent agreement of Friday, January 20, and ask that they be temporarily laid aside for debate at a later time.

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

The amendments (Nos. 201, 202 and 203) are as follows:

AMENDMENT NO. 201

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;

(2) incarceration; and

(3) health care.

AMENDMENT NO. 202

On page 13, line 5, strike ''or'' after the semicolon.

On page 13, line 8, strike the period and insert ''; or''.

On page 13, between lines 8 and 9, insert the following:

(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly.

AMENDMENT NO. 203

On page 13, line 5, strike ''or''.

On page 13, line 8, strike the period and insert ''; or''.

On page 13, between lines 8 and 9, insert the following new paragraph:

''(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor.''.

Mrs. BOXER. Mr. President, I want to thank the managers of the bill. They have been cooperative with me. They know that I care a lot about these amendments.

I would like to make a couple of comments about issues that do not have to do with S. 1 and then return to that.

ROSE FITZGERALD KENNEDY

Mrs. BOXER. Mr. President, I send my condolences to the Kennedy family. The Kennedy family has given this country great men and women. They have been profiles in courage in so many ways, and Rose Kennedy certainly was one of those profiles in courage.

I just want to send my deepest sympathy to my friends in the Kennedy family. In behalf of the people of California, we send our condolences to the family.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, I was very pleased that last week the Senate took a little time out to pass a very important amendment regarding violence at health care clinics around this country. I know it was difficult for some of my Republican friends to stop other business and pending matters. They have a contract they want to get through. But as I pointed out, the world goes on, contract or no contract, and we need to respond.

I think the fact that we did respond before the anniversary of Roe versus Wade was very important in terms of timing. I went to a clinic in California in Riverside County. I want to tell my friends in the Senate on both sides of

the aisle that those doctors, those nurses, those patients that came out to commemorate Roe versus Wade were very grateful to the U.S. Senate, and very grateful to the Attorney General because marshals were sent there to ensure their safety.

As I said to those who came to the commemoration of Roe versus Wade, this is the greatest country on Earth because we settle our problems peacefully and we are not like Bosnia and other countries where we decide issues through the barrel of a gun. There are going to be very many issues that we face in our Nation that are going to divide us. The beauty of America is that we are tolerant, or should be tolerant, of each other's views, and we will decide these issues with the rule of law.

Unfortunately, yesterday we heard from some of the organizations that want to make abortion illegal in this country. We heard that they put out a hit list of a dozen physicians. They handed out the names of these physicians, their addresses, their photos, and the stalking continues. The stalking goes beyond the physicians, to their families, their children, their loved ones at their churches, synagogues, at their homes, places where one should be at peace.

So I will call on all sides in this very difficult debate to condemn violence. When we speak to each other, speak in terms that do not insight violence. We cannot on the one hand say this is murder and then take no responsibility when someone takes those words literally.

I again want to thank my colleagues in the U.S. Senate on both sides for that overwhelming vote on that resolution, which I understand has been extricated from this bill and stands on its own as a sense of the Senate. I think it is very meaningful. I think we have to keep our eye on that issue.

Mr. President, violence seems to be so common in the world today. The tragedy that took place in Israel must be condemned as we have condemned such terrorism before. If peace talks are abandoned in the Middle East because of violence, then the terrorists will have won. That is another area where I hope we can perhaps take off our green eyeshades for a few minutes and let the world know that the U.S. Senate condemns that kind of international terrorism.

Mr. President, I have been waiting a long time to speak about S. 1. I am a member of one of the committees of jurisdiction, the Budget Committee. At the time that the Budget Committee took up S. 1, my chairman, Senator DOMENICI, and my ranking member, Senator EXON, asked if I would delay my amendments until we got to the Senate floor. I feel very strongly about these amendments, but I agreed to that because I like the thrust of S. 1. I was in local government myself. This is a good bill. I want to see this bill passed. I think it is a good bill. I believe the amendments that I offered will make this bill a better bill. I believe many of the amendments offered by Senator LEVIN will also improve the bill, and I must praise him for his incredible work on this bill. I watched until the last moment last night as Senator LEVIN asked both managers for their views on certain important issues surrounding S. 1.

I think it is fair to say both managers were very articulate but in some cases did not exactly agree with each other on some provisions in S. 1. These are the things that we need to work out so that we have a good bill, so that we do not have a bill that is going to paralyze this U.S. Senate and hurt the people of this country. That is not anyone's intent. But I think we have to examine this bill and see what it does. I am going to go over these charts that explain exactly what happens under S. 1 and whether we feel it has not crossed the line and become paralysis by analysis.

Again, I want to say that I am in agreement with the thrust of this bill. I was a local government official for 6 very proud years, a member of the board of supervisors of Marin County, CA. I won my first seat in 1976, and I saw many laws that were passed down from the State, and Federal Governments that we had to deal with. By the way, some of them were excellent laws. Some of them were paid for. Some of them called for partnerships between Federal, State and local government. I, frankly, grew up in politics with the understanding that there should be a partnership here.

When someone comes to the U.S. Senate, it does not make them a bad person. I am the same person I was when I was a local elected official. I am just a little bit older and a little bit grayer and perhaps, hopefully, a little bit wiser.

But the bottom line is that I am that same person that wants to make life better for my constituency. I think it is important that we discuss who our constituency is. Every day I hear letters from Governors and so on, that they love this bill. I understand that. I was not sent here by the Governors, I was sent here by the people of my State. As much as I want to work with Governors and local officials—and I have an excellent relationship with them—I have to make sure that what we do is not to make life better for Governors, but rather to make life better for all Californians.

As I was on the local board of supervisors, we got a mandate that came down from the Federal Government that, in case of nuclear war, we had to have a plan to evacuate our citizens because we were very close to a targeted area; namely, San Francisco, and all of the ported ships there. San Francisco was on the Soviet Union's target list for a nuclear bomb. So, sitting as a member of the board of supervisors—and at the time, there were three Republicans and two Democrats on that board—we got a mandate down from FEMA saying we had to figure out a way to get our people out of town in case there was a nuclear war. By the way, they were counting on a 24-hour notice for the bomb to drop. We were told that we had to evacuate to the county to the north of us, and they named that county, Sonoma County, the host county. We were the evacuees. We were supposed to go to the host county. FEMA said, ''You better make sure your people bring cash because they are going to have to fill up their cars with gasoline, and the attendants at the gasoline stations are going to be too busy to take credit cards.

That was the most incredible mandate I had ever seen. That board of supervisors, on a 5–0 vote, said: We do not want this mandate and this money; this makes no sense at all. We never took the money and we never planned it, because we know the only way to survive a nuclear war is not to have one. That ought to be where the efforts went, not trying to figure out ways to get people out of town because you could not escape the range of the kind of nuclear bomb that we were talking about.

So, yes, I understand the problem with these mandates. I hear stories like that wherever I go. So there is no question about it that we must address the problem of unfunded mandates. We should step back and look at what we are proposing, make sure it serves the national purpose, and if it is appropriate for State and local government to be involved in this. And certainly if it is an expensive mandate, we should figure out how to pay for it.

I am disturbed by some aspects of this bill. This bill is not the same bill that was before us last year—a bill that I supported, a bill that was not bureaucratic, a bill that was simpler to understand. But I think we can fix this bill. I am extremely hopeful that my amendments will pass, and I am going to explain what they are and that many other amendments will pass with this bill, so that it is a good bill.

We have to be careful not to prescribe a cure that is going to hurt our people unintentionally. I want to make a point about what the American people want. There is always talk after an election about what they want. I think it is fair to discuss the ramifications of this election. But there is a Wall Street Journal-NBC News poll that shows in many areas, including protecting the environment, protecting civil rights, strengthening the economy, improving the health care system, and reforming welfare, the public believes the Federal Government should play a larger role than State or local governments. And those percentages in this poll were rather dramatic. So the people are not saying to us, ''Do nothing''; the people are saying to us, ''Get it right.'' They are saying, ''We send you back there to care about the environment, to care about our jobs, to care about the economy, to care about crime, to care about welfare, but get it right.'' I do

not think they sent us here to create a bureaucracy and a system here that could well paralyze us as we try to meet those needs of the environment, health care, welfare reform, and all of the things people think we ought to address.

I also want to make a comment about the Democrats voting against the cloture motion so that we can continue debating this bill. I have listened very carefully to the debate, and having witnessed 2 years of Republican filibusters—and as BOB DOLE says, you are the experts, my Republican friends; the Republicans taught the Democrats how to do it. I know a filibuster when I see one and when I am in one, and we are not in one, and this is not a filibuster.

This bill needs amending. This Senator said in a very bipartisan spirit in the Budget Committee that I would withhold my amendments. I offered one amendment to sunset the bill, and it was voted down three times on party line votes. But as far as my amendments of substance, this Senator said she would put off her amendments until we got to the floor. And I voted for the bill, to move the bill forward, because I like the thrust of it and I want to fix it, and I hope I can vote for it.

The distinguished majority whip called me, and he said, ''Senator can you drop some of your amendments.'' Mr. President, I did not want to drop any of my four amendments, but I agreed to drop one of the four amendments in a bipartisan spirit. I said, ''All right, I think Senator WELLSTONE has a similar amendment to mine on the benefits of some of these mandates, and so I will work with him and I will drop my amendment.'' We have done that, and I will talk more about that later.

I agreed to drop one of my amendments in good spirit, because I knew that we want to move this process forward. So we are not seeking delay, we are seeking answers to questions—unanswered questions. I thank Senator BYRD, once again, for insisting on committee reports. It was very important that all views be known on this bill. I was rather stunned when on another party line vote the Budget Committee and the Governmental Affairs Committee voted not to issue committee reports. I do not ever remember that happening when the Democrats were in the majority. I could be wrong, but I have certainly no personal memory of that.

Mr. President, I would like to show the Senators and the public the kind of process that we are now dealing with currently under S. 1, a process that is quite different from where the bill was last year. I am going to go over this chart, not read everything on it, but try to make it clear as to why I have some concerns.

Mr. WELLSTONE. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. WELLSTONE. Mr. President, I wonder if I could ask the Senator whether I could, in less than 20 seconds just offer two amendments, en bloc. That is all I need to do, given the unanimous consent agreement. Will the Senator consent to that?

Mrs. BOXER. Mr. President, I ask unanimous consent that I may yield for the Senator to put forward his amendments without losing my right to the floor.

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

AMENDMENTS NOS. 204 AND 205

Mr. WELLSTONE. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes amendments numbered 204 and 205.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 204

Insert at the appropriate place the following:

''( ) The term ''direct savings''—

''( ) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs or burdens to any State, local government, or tribal government as a result of compliance with the federal intergovernmental mandate.

''( ) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs or burdens to the private sector as a result of compliance with the Federal private sector mandate.

''( ) shall be interpreted no less broadly than the terms 'Federal mandate direct costs' and 'direct costs.'''

AMENDMENT NO. 205

Insert at the appropriate place, the following:

''( ) Notwithstanding any other provision of this Act, no point of order under paragraph (1)(A) of Section 408(c) shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director reasonably to carry out the Director's responsibilities under this Act.''

Mr. WELLSTONE. I thank the Chair, and I thank the Senator from California.

Mrs. BOXER. Mr. President, it was my pleasure to yield time to expedite the business of the U.S. Senate.

I want to now start explaining this chart, or I should say, these two charts. We could not fit all of these procedures onto one chart, so we actually had to make up two charts to show what goes on here with S. 1.

And, again, I am not going to go through every step, but I am going to try to take you through a little bit of it because here we are about to pass this bill, and I venture to say not too many people in the U.S. Senate are aware of what we are about to do here unless there are some changes.

The legislative committee proposes the bill that will likely impact State and local governments or the private sector. It then goes to the committee which, if it approves the bill, now has to take two tracks. The committee sends the bill to the Congressional Budget Office with identification of any Federal mandate, and CBO, the Congressional Budget Office, sets its whole process in motion. That is the red. The committee is the yellow. This is the red for CBO, and I will get back to that in a minute.

While the CBO is making its analysis of the costs, the committee prepares its report. It has to wait, really, until CBO gives them the number but, hopefully, if all works right—and around here, in my memory, I do not know that all works right most of the time—but assuming we will give it every break, everything works right, and the CBO, after talking to, I assume, hundreds if not thousands of folks, because they do talk to and interview people all over to make their analysis, now comes in with the cost.

So the committee report comes in with the expected direct cost to State and local governments and the private sector, a qualitative and quantitative assessment of benefits expected, and how you get to the benefits is a whole other issue.

How will CBO quantify the benefit of immunizing a child? The benefit of cleaning up the air? What is the benefit if people do not get asthma and they can come to work more? That is a whole other question that this bill does not really answer. What is the benefit of cleaning up the water, taking the lead out, the mercury out, the bacteria out? Just ask the people in Milwaukee, where 400,000 of them got sick and 120 died because of cryptosporidium, a parasite which got into the water supply.

But those benefits, frankly, are not going to be calculated as part of the net costs under the bill currently before us.

CBO will also analyze the impact on the private and public sectors and report on the extent of change to competitive relationships between State and local government and private business, and add a statement of whether the bill preempts State and local law.

Now this could take a year. But it is going to be pushed through.

Under the best of circumstances, and if the mandate is less than $50 million, the bill moves to the floor and it gets to the Parliamentarian. So that is where I am up to.

Now, first, if the bill is more than $50 million, there are additional committee statements on an increase or decrease in Federal assistance or of authorization of appropriations; second, whether mandates are fully or partially funded and the rationale; and third, whether the bill preempts State, local, or tribal law.

And then those additional committee statements come here to the floor.

Now, this is where the Parliamentarian gets into it. Now, Mr. President, I think the Parliamentarians are terrific. I had the joy of sitting where you sit for 2 years when we were in the majority. These Parliamentarians are brilliant. There is not one question you ask them that they will not come up with the right answer. I never had an experience like that.

But these Parliamentarians are not elected by the people and they are not accountants. For all of their standing and the fact that their faces are on CNN and C–SPAN, people do not know these Parliamentarians. They do not, in California, vote for these Parliamentarians. And yet, the Parliamentarians have the life-or-death power over not only every bill that may impact State and local government, but every amendment that any Senator sends up.

So here is where we are. We now have the Parliamentarian having about as much power as the committee. If you look at the green, the Parliamentarian determines whether the point of order under S. 1 applies to the bill. The Governmental Affairs and the Budget Committee might be consulted at this point. But they do not have to be, and it goes and it moves. A point of order cannot be raised if the bill contains costs that are less than $50 million; or if the bill contains costs that are greater than $50 million to State and local governments but increases direct spending.

So, in other words, if we raised the taxes, a point of order cannot lie against it. A point of order cannot lie if the bill increases receipts to meet the full costs of the mandate. A point of order cannot be raised if the bill contains costs that are greater than $50 million to State and local governments and increases appropriations to meet the direct costs of the mandate. The bill must, one, state the yearly total amount, state the source of the funds, and state the minimum amount necessary in each appropriation, and provided that the appropriations are not made available in the future, the mandate would expire or the mandate would be reduced by the corresponding drop in funding.

So there would be no point of order in that scenario. If there is no point of order, the bill continues on the floor, Mr. President. But then, the bill is open to amendment.

Now, the amendment process around here is greatly valued by every single Senator. It is our opportunity to bring our priorities for our people to the floor of the Senate.

So here we go. The bill manages to make it through all this, if it is still alive and on its feet. If it is amended, the whole process starts all over again.

Can you imagine that? Every floor amendment is subjected to this entire process, and you start all over again. Every single amendment.

I daresay, if you look at the amendments that have been offered to bills over the last year, Republican and Democratic amendments alike, they probably number into the thousands. Imagine this bureaucratic nightmare being repeated for every single amendment?

Now, when the bill was first written last year, it provided for a CBO cost estimate and if it did not have it, a point of order could be raised on the floor. That was sensible, because we wanted to make sure that our people were aware, if we were proposing laws, that there was going to be a cost.

But all these new layers were added. And, by the way, I hasten to add, Mr. President, this is all repeated on the House side. And if you have a House bill and a Senate bill that are not the same, guess what happens? It starts all over again with the conference report. We are back to square one. With the conference report, it starts all over again, and I have not even gone into all the steps CBO has to take.

They have to talk to everyone you can imagine to come up with their estimate because, after all, this is a great responsibility on unelected bureaucrats. We are putting so much power in this bill on unelected bureaucrats, CBO, Parliamentarians, these may be the best people in America, for all I know. But they were not elected by the people of California. And if we pass a bill that says we found out from the Kobe earthquake that we need to seismically upgrade our bridges and our highways, and we decide that it makes sense to make sure that the planners keep this in mind, and we want to pass such a law, but we cannot get the votes to waive the point of order, the bill dies. Yes, it may be a cost on State and local government. But do you know what the savings would be?

Know what the savings would be? Mr. President, when I was on that board of supervisors we were in a beautiful Frank Lloyd Wright building. It was his last building that was constructed before his death, the last public building. Unfortunately, it was very unsafe from earthquakes. When I found out about it, I went to my colleagues and said, ''We sit in a beautiful, magnificent building that houses 1,200 people; in case of an earthquake they will be history.''

Some of my colleagues said, ''Do not talk about it, Barbara. Do not talk about it. We do not have the $5 million to do this.''

I said, ''We have to do it because $5 or $10 million of investment to save 1,200 lives is a very important investment, and in the end if we save 1,200 lives we have saved countless millions of dollars, and we have saved heartbreak and distress.''

And we did it. So, yes, certain things have an up-front cost but they have a payoff, by the way, not adequately reflected in S. 1.

Mr. President, I hope I have shown what this bill would do. Now, that does not even get into what Federal agencies have to do if this bill passes.

The orange shows all the things that agencies are required to do. Assessment of the effects on regulations, State and local governments and the private sector, minimizing the burden on governmental entities, continued regulatory functions, a pilot program to reduce compliance and reporting requirements on small government. All these things are good. I support them all. But all these are burdens on agencies, and seems to me, while we are doing this, now we are laying over this whole structure a legislative process which does not even wait for the outcome of these other, very expensive, analyses. Agency consideration of a proposed rule, agency determination of cost, cost to local, tribal, State governments of less than $100 million aggregate cost. It moves on and on, all the things they have to do before they can go forward with a rule.

Then there is this Advisory Committee on Intergovernmental Relations, ACIR. They are reviewing existing mandates. This is all the work they have to do. Well, I am glad that they are looking at this. I think this is very useful.

But it seems to me when we put this all together into one bill, we are placing additional layers of complication on top of Government processes which are already unwieldy. We complain about it. At least many Senators do. We are laying on hundreds of steps, if not thousands of steps—hundreds of millions of dollars of work. Reports, paper, shuffling, unelected people having power. Therefore, I think since this bill has changed so dramatically from the very straightforward bill of last year, which I supported, I think we have to be very careful and consider these amendments which are going to make this bill better.

I would ask the Senator from Kentucky, is he interested in sending any amendments to the desk at this time? I would be happy to pause while he does that.

Mr. FORD. Mr. President, may I answer that question from the distinguished Senator from California without her losing the right to the floor. I have an amendment, I say to my friend from California, we are now attempting to work it out. It may be acceptable. So I thank the Senator for her courtesy, as always, but we may have to ask at some point, but not now.

Mrs. BOXER. Mr. President, I thank the Senator, and this Senator stands ready to yield at any point without losing her right to the floor so we can expedite the bill. It is not my purpose to slow down, but to get on the record my feelings about where we are and why I think these amendments are entitled to be heard and why they are so important.

There are so many unanswered questions and so many ambiguities. Again, I want to mention that Senator LEVIN

has really done this U.S. Senate a service. If Members watched his questioning of the managers, some of the questions he asked. How does the bill cover floor amendments? I have just explained to Members the way I believe it covers floor amendments, that when an amendment is presented to the bill, we have to go over the same ground again.

By the way, I think that Senator LEVIN raised a very good point, does a Member have a right to get a CBO estimate if a Member of the Senate believes that he or she wants to offer an amendment, is that Member entitled to get an estimate and not have to go through an authorizing committee? How can that Member come to the floor? There will be prejudice against that amendment if these things are not costed out. I was heartened to see that both managers, I believe I am correct, and I ask the Senator from Ohio, both managers agree this is a problem. The Senator is indicating yes. These are ways we can improve this bill.

We also have to make sure that we know if a reauthorization lapses and it is later taken up by Congress, would that reauthorization be considered a new mandate. How would the less money/less mandate drawdown provision work in the real world? How will the bill's exclusions work?

Let me bring one out. Would the Freedom of Access to Clinic Entrances Act that Congress passed last year have been exempted under the civil rights exclusion? No one has been able to answer that question. If it would not meet the exclusion, would we have to then have a vote on whether or not to provide the States with all the funds they might need?

Will the CBO analysis be an obstacle to efforts to protect the health and safety of our people? For example, will it put a dead stop to the Safe Drinking Water Act? To worker safety, earthquake safety? Will it put a dead stop to things that people need? The Governors may like it, but what abut the people we represent?

The bill says direct savings to a State or local government from a mandate will offset the mandate cost amount. I applaud that. But the bill does not define ''direct savings.'' What about the costs of not enacting health and safety protections? Do the savings that accrue to the American people from such protections offset direct costs from the bill? For example, if a child's lung capacity is lower because of air pollution and that child is chronically ill, what are the savings associated with cleaning up the air? I want Senators to know, my friends here in the Senate, that a child living in Los Angeles has a significantly lower lung capacity than a child born in a clean air area. That is wrong. We cannot put ourselves in a bureaucratic nightmare when we want to protect kids' health. Or retrofit bridges so they do not collapse in the next earthquake.

Now, I plan to offer an amendment to prevent the bill from weakening our ability to protect the most vulnerable members of our society. There are many who say the measure of a society is the way it treats its most vulnerable. Not its powerful. Not the healthy. Not the vigorous. That is easy. Because those of us who are healthy, we do not need much help. We will make it through. But the most vulnerable, the children, pregnant women and the frail elderly—this amendment would add bills that protect children and others to the list of mandates not subjected to the procedural hurdles that are created by S. 1 right here. It would be a statement.

It would say when we say we are for the children, and we are for the elderly, and we want healthy pregnant women so they have healthy babies, that we mean it. And the Boxer amendment will give a chance to everyone, Republicans and Democrats, to go on the record in that regard.

Look, there are exceptions in this bill. And they are very important. I submit that if there were no exceptions put into this bill then I would take that as a signal that the bill really is easy to administer.

But the bill is difficult to administer. By the way, I think that is part of the idea, you make it tough, make it tough to spend money in the future. But it is so tough, this new version of this bill—very different from last year's version—that there is an exception section, and I am suggesting we add some things to it, among them the protection of our most vulnerable populations.

All it says is:

> Any bill which provides for the protection of the health of children under the age of 5, pregnant women or the frail elderly would not be subject to S. 1's point of order and other requirements.

As I said, there are exceptions to S. 1, and I support them. S. 1 currently shields bills that help secure our constitutional rights, that prevent discrimination, that ensure national security and implement international agreements, such as NAFTA, from its requirements.

The bill makes exemptions, and let me quote:

> To ensure Congress' and the executive branch's hands are not tied with procedural requirements in times of national emergencies.

That is a direct quote from the Governmental Affairs Committee chairman's report on S. 1. So there are exceptions ''to ensure that Congress' and the executive branch's hands are not tied with procedural requirements in times of national emergencies.''

I submit to my colleagues that there are other things that are worthy of not tying the hands of this U.S. Senate with this kind of procedural nightmare, and that ought to be protecting our most vulnerable citizens.

Why should we deny our children, pregnant women and the elderly protections? Our most vulnerable people should not be treated like guinea pigs. We must ensure they will not be put at risk, and they should be exempted from S. 1.

Environmental science shows us that children, pregnant women and the elderly are uniquely vulnerable to environmental hazards. And by the way, one of the things that people are saying since this election, ''environment'' is a bad word, it is no longer in vogue, people do not care. I do not believe that. People continue to want clean water and clean air. People continue to want a clean and safe working environment and living environment for themselves and their families.

The overall incidence of childhood cancer has increased, and I want to say to my colleagues—listen to this—the overall incidence of childhood cancer increased 10.8 percent between 1973 and 1990. That is a huge increase. Cancer is now the No. 1 disease killer of children from late infancy through early adulthood.

Mr. FORD. Mr. President, will the distinguished Senator from California allow me to make a unanimous-consent request, that I might be recognized without the Senator losing her right to the floor?

Mrs. BOXER. I fully support that as long as I retain the right to the floor.

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

AMENDMENT NO. 206

(Purpose: To strike a provision relating to the House of Representatives)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 206.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> On page 26, strike beginning with line 11 through line 8 on page 27.

Mr. FORD. Mr. President, S. 1 contains an entire section, section 102, on enforcement of this legislation under the House rules which create specific points of order under the House rules. This section directly amends also rule XXIII of House rules. Therefore, my amendment strikes the balance of section 102, and that relieves the Senate of the responsibility of directing the House as to what they should or should not do.

It is my understanding that the distinguished manager and ranking member have agreed to this amendment. I hope that it can be accepted.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we are more than willing to accept this

amendment as offered by the Senator from Kentucky. Also, I have discussed this with the leaders in the House of Representatives. They understand the rationale for this. Again, we are ready to accept this.

Mr. GLENN. Mr. President, I accept it on our side, also.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 206) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. FORD. I thank the Chair, I thank the Senator from California. I am very pleased to have this amendment accepted.

The PRESIDING OFFICER (Mr. KYL). The Senator from California.

AMENDMENTS NOS . 201–203

Mrs. BOXER. Mr. President, I want to congratulate my colleague from Kentucky on getting his amendment adopted. I hope that my amendments will have the same fate; that they would, in fact, be adopted because I believe that every Member in this Senate, at one point or another, has said they believe that our children must be protected, our pregnant women, our frail elderly, and we are giving our Senators a chance to say, yes, that is an important priority and should not have to go through this kind of procedural hassle should there be an important law that affects their health.

I was saying, and I will repeat it, that the overall incidence of childhood cancer has increased 10.8 percent between 1973 and 1990, almost an 11-percent increase in America of childhood cancers. Cancer is the No. 1 disease killer of children from late infancy through early adulthood. In 1993, a National Academy of Sciences report found that children are uniquely vulnerable to the harmful effects, for example, of pesticides. Young children are more susceptible to environmental health threats because of their behavior. They often play at ground level where pollutants can concentrate. Their biology makes them more susceptible because young children drink more water, breathe more air and eat more food as a percentage of their body weight than do adults.

It is common sense. It is common sense. And a lot of the standards that today we have for water and for food are based on a healthy male adult, a 170-pound healthy male adult. Mr. President, you probably fit that category. I do not know for sure, but a 170-pound healthy male adult is where we set the standard. A little baby is not considered sometimes, and it is not that we have been purposely trying to harm our children. Of course not. We are trying to be intelligent about how we set standards. But we are now learning more that we did not know before; that children are different, just as children who get AIDS react differently than adults.

We have to look at children, the frail elderly and pregnant women in a different category than 170-pound healthy male adults. And if we find out that they are being harmed—and we have had colleagues on the other side, right now I know of two, whose children have cancer, one a little baby, one a young adult. I bet all of us can think in our own lives of people we know who are young who are getting cancers.

Pregnant women and the frail elderly are particularly vulnerable. A recent American Lung Association study cited their increased susceptibility to air pollution. Again, I will raise the issue of Milwaukee, WI, a 1993 drinking water disaster. Cryptosporidium found its way past the Milwaukee water treatment plant and went into the city's drinking water. The parasite wreaked havoc with the people of Milwaukee causing over 400,000 serious illnesses, over 100 deaths and $54 million in damages.

So here we are talking about getting a bill to clean up the water from these parasites as having to go through this hurdle when, in fact, if we would just clean it up, we would save probably more than it costs to fix the problem. But it is unclear how those benefits would be accounted for under S. 1. Many benefits may not be counted at all.

I want to make a point about those deaths in Milwaukee, over 100 deaths. As I understand it, most of those deaths occurred in the most vulnerable populations: the children and the frail elderly.

Will the provisions of S. 1 give Congress the freedom to act with all needed speed to shield our most vulnerable populations? Obviously not, unless we add them to the exceptions, and I hope my Republican friends will agree to this amendment because there is new information that the standards that are set for drinking water, for air, for other safety issues have not been set for these populations.

My amendment will ensure that S. 1 does not hobble the ability of Congress to protect these populations.

Let me talk a little more about children because it gets to my second amendment, and I have three, so, Mr. President, mercifully, I am winding down.

The second amendment is one I think should have broad support. Senator DODD is my leading cosponsor, and I am very proud of that because he has been, in the Senate, a protector of children.

I plan to offer a second amendment that excludes this law from laws that protect our children from pornography, sexual assault and exploitative labor practices. My amendment says that any bill which is intended to study, control, deter, prevent, prohibit, or otherwise mitigate child pornography, child abuse and illegal child labor would be exempt from S. 1's point of order and other requirements.

As I said before, S. 1 currently shields bills that help secure constitutional rights, prevent discrimination, ensure national security, and implement international agreements from its requirements. I support that section, but it is not enough because if there is a bill that deals with child pornography, child abuse, and child labor which is intended to protect our children, it will have to go through these unbelievable hurdles as will every amendment. Even if the bill goes through all the way to here, if there is an amendment, the amendment has to go back to square one. And I think it is time this Senate stood up—we have before—and said we think child pornography is a problem, we think child sexual abuse is a problem, and we intend to protect our children from sexual assault and from child labor policies that may harm them.

Now, let me put some facts on the table. People might say, well, is this really a problem in America? The answer is yes. In 1992, 2.9 million children were reported abused or neglected, about triple the number reported in 1980. That same year there were over 300,000 reports of abuse or neglect in California. Let me repeat, in my home State 300,000 reports of abuse or neglect, nationwide 2.9 million.

Now, of those children, of that universe of 2.9 million children in America, 49 percent suffered neglect, 23 percent physical abuse, 14 percent sexual abuse, 5 percent emotional abuse, and 3 percent medical neglect.

Under the National Child Protection Act signed into law by the President in 1993, States are required to place child abuse crime information in the FBI's criminal records system so that others can do background checks. This, my friends, is a mandate to protect our children, and I daresay every single Senator supports it. The crime bill passed last year requires States to register the current addresses of sexually violent offenders with a State law enforcement agency upon their release from prison or risk loss of Federal funding. I support that. I daresay everyone I know in this Senate and many over in the House do. As I remember, Congresswoman MOLINARI, who was very active in this issue, supported this.

This, too, is a mandate to protect our children. There are mandates that also protect our children from exploitation in the workplace. Now, let me tell you about that. We thought that fight was over. But in 1994, the Department of Labor found over 8,000 illegally employed minors and assessed over $6 million in civil penalties to employers. By law, State and local government as well as private businesses are prohibited from hiring children younger than 14 years of age, and teens between 14 and 16 may work after school only in

nonhazardous jobs. This, too, is a mandate to protect our children, a mandate that I do not want to see taken away.

Now, will the provisions of S. 1 allow Congress to act quickly in the future to strengthen these mandates for the sake of our children? Let us look at some examples. According to studies conducted by the Institute of Occupational Safety and Health, over 64,000 teenagers sought treatment in hospital emergency rooms for job-related injuries in 1992.

Let me repeat that: In 1992, over 64,000 teenagers sought treatment in hospital emergency rooms for job-related injuries; 670 16- and 17-year-olds died from workplace injuries between 1980 to 1989. Let me repeat that to the mothers and fathers of this country and to the mothers and fathers in this Senate, of which I am one, soon to be a grandmother: 670 16- and 17-year-olds died from workplace injuries from 1980 to 1989.

Now, in response to these trends, Congress could decide to improve our child labor laws so that kids are not working in dangerous or life-threatening jobs. If so, we should be able to enact legislation quickly without going through this nightmare process that we have in this bill which we did not have in last year's bill.

Child labor violations are escalating. In 1990, the Department of Labor detected over 42,000 child labor violations, an increase of 340 percent since 1983. My friends, if we do not act, we are derelict. There is a 340-percent increase in child labor violations—38,000 illegally employed children. Congress could decide there needs to be more vigorous enforcement of this law, and we could not act fast unless we were in the exceptions clause.

That is why I am offering this amendment, to protect our children. We should not have to jump these hurdles. The crime bill passed last year contained a sense-of-the-Congress resolution suggesting that States which have not done so enact legislation ''prohibiting the production, distribution, receipt, or possession'' of child pornography. According to the National Center for Missing and Exploited Children, Kansas, Florida, and Georgia have no laws against child pornography. Mississippi and Michigan have no laws making it a crime to possess child pornography. Congress could well find that not enough States have enacted antichild pornography laws and require States to do so. If so, we should be able to act fast.

To make matters worse, those who traffic in child pornography have found a new method—the computer bulletin board. Pornographic images are transmitted by computer and some adults have used online communications to lure young children and abuse them. Let me explain. The following incident was reported in the April 18, 1994, issue of Newsweek.

A 27-year-old computer engineer in California used his computer to prey upon a 14-year-old boy. After many online conversations, he persuaded the boy to meet him in person. The boy was handcuffed, shackled, blindfolded, and taken to the man's apartment.

I do not want to go into everything that happened to this child because of the sensitivity of those things, but they were despicable. They were despicable. And then that 27-year-old forced the 14-year-old to write about the abuse. The man was arrested when the boy's father discovered this.

In response to stories like this one, Congress could require State and local law enforcement agencies to spend more on tracking and preventing such abuse. Could we act fast on such a bill under S. 1? No, we could not. No, we could not unless we exempt laws that deal with child abuse, child pornography, and child labor laws from these hurdles and put them into the exceptions along with the one on vulnerable populations. Otherwise, they are going to be caught up in a bureaucratic nightmare which, I add, was not part of last year's bill.

So I want to put my colleagues on record. Do they think the fight against child pornography ought to be bogged down in the bureaucracy of S. 1? Do they think the fight against child sex abuse should be bogged down in this? Or the fight to make sure that our kids are healthy, that our newborns are healthy, that our frail elderly are not killed because we have not acted quickly enough—for example, to clean up a water supply. We have documentation of what happened in Milwaukee. These are not horror stories or scare tactics. Mr. President, 120 people died in Milwaukee—120 people died in Milwaukee because cryptosporidium got into the water supply.

There are other dangers lurking out there. We should not be bogged down in S. 1, a bill that has the right thrust. As a former county local official, I do not want people telling me what to do on an ad hoc basis whenever they get the urge. But let us not walk away from our responsibility to protect people and realize that what we do has benefits and that S. 1 fails to adequately account for those benefits.

We must vote on these amendments. Let us see where my colleagues come down on these issues. I think it is going to be very interesting, because I have listened to many great speeches by politicians who are Democrats and Republicans and independents. I do not think I ever heard one politician who was loved, or elected, who did not talk about the importance of our children and protecting their health and their safety and making sure they can grow up and get a shot at the American dream. We may differ on how to get there, but I do not know of anyone who wants to expose our kids to abuse of any sort.

So my amendments are very straightforward in this. I think this cost issue is important. Senator WELLSTONE has the amendment I am supporting that will deal with that. How could you ever find out the benefits of making buildings and freeways and highways earthquake proof? Just ask the people of Los Angeles. The buildings that were strong withstood that earthquake. The freeways that were strong withstood that earthquake. Benefits? How can you put a number to the fact that we lost a law enforcement official because he was answering the call of the earthquake and he did not see that the freeway had collapsed, and he died? Can you measure what it would have been worth to his family, to society, if he had lived and provided guidance for his family, and paid taxes to the Government and all the things we do as good citizens?

This bill is deficient in that it fails to define direct savings. So there is an amendment offered by Senator WELLSTONE that will deal with that. The amendment would require CBO to take all such savings into account.

The last issue, and then I will yield the floor, that I deal with in my amendments which will be brought up at a later time is the issue of illegal immigration. I say to my friend in the chair, his State is beginning to feel a little of the problem. The border States right now are feeling a tremendous amount of the problem. I asked the GAO to do a study. It took Governor Wilson's numbers on the cost of serving illegal immigrants in our State, it looked at other cost estimates, and it subtracted the revenues that the illegal immigrants do in fact provide. We came up with a net cost of $1.4 billion a year to the State of California.

I know it is awfully difficult for people from other States to understand this, but half the illegal immigrants in the country wind up in my State; $1.4 billion is a conservative number of what it will cost. The Governor will tell you it is over $2 billion. I tried to be as fair as I could and subtracted some of the revenues. It is at least $1.4 billion.

We say this is the unfunded mandates bill. What could be a greater unfunded mandate than illegal immigration, where we in our State have to provide certain services because the Constitution says we must provide them. Of course we are going to provide health care to people if they are bleeding on the street or if they have a disease that could cause an epidemic.

Prop. 187 expressed the people's views on this subject. They are very upset. We have to control our border. I hope we will use this Mexico agreement to take steps in that regard. I have put it out there very strongly, that if Mexico is going to have us underwrite a $40 billion line of credit, that Mexico has to take steps to equal our effort at the border. I have worked in a bipartisan fashion with Congressman STEPHEN HORN in the House and with the administration. I am hopeful we will make progress.

Be that as it may, we have a problem and it is costing my State and other

States. This is an unfunded mandates bill. If we ignore repaying States for this biggest unfunded mandate of them all, then I think this bill has lost its meaning. We have 300,000 illegal immigrants enter and take up residence in the United States every year. Our illegal immigrant population is about 1.7 million. We are getting half of the illegal immigrants.

So my amendment is very simple. It basically says we are powerless to reduce these costs and we want to make sure there is a section of the bill which sets up a mechanism whereby States can be reimbursed for these costs. By the way, we do not leave it open. We do not say: Whatever Governor Wilson says; or other Governors. We say there is a commission set up under the bill called the Advisory Committee on Intergovernment Relations. That is in the bill—here it is. We are saying they should find out a way to reimburse the States and come in with the plan. I think it is a very reasonable amendment, and I am very hopeful it will pass.

So, in closing, I want to restate that I think this bill can be made into a good bill. But it cannot tie us in knots and still be a good bill. People do not want us to be tied up in knots. There are some who think they do. They want to make this United States irrelevant.

I read the Constitution, perhaps not as often as the Senator from West Virginia, who carries it in his breast pocket. I do carry it in my briefcase and I do read it. I know what our job is. We are supposed to provide for the common defense, promote the general welfare, ensure domestic tranquility, establish a system of justice. It does not say we are supposed to do one thing, provide for the common defense, and nothing else. Or one thing, establish a system of justice, and nothing else. It says we have to do it all, and we have to work with other levels of government.

According to the Wall Street Journal poll, a vast majority of citizens want us to act when it comes to the environment; they want us to act when it comes to crime; they want us to act when it comes to this economy. They do not want us to be tied up in knots. They want us to act, act wisely, act sensibly; do not waste money; do not put unfunded mandates on the States that really make no sense, that have no benefit. But they do not want to tie us in knots.

Last year's bill would not have tied us in knots. The reasons I am adding exceptions, and other Members are adding exceptions, is we want to make sure when this bill becomes law, there are enough exceptions so things that are really crucial to our people do not get tied up in knots. If we do not even need them and perhaps we will change our mind on them—that is fine. But if it is so important that the life and death of our children depends on it, or if our frail elderly depends on it, we ought to be able to move.

We ought to be able to reimburse States that have these terrible costs associated with the failure of Federal Government to enforce the laws at the border.

By the way, I have to say I have worked with the Bush administration and the Clinton administration on this. We are making some progress. We finally have some reimbursement for incarcerated illegals. I believe that President Clinton is going to announce, from what we see in the newspaper, a good initiative to get more Border Patrol. But we are so far from where we have to be to control the border and it is costing us so much money that we need to stop the promises and deliver to these States on that unfunded mandate.

So I like S. 993, which was authored by the Senator from Idaho last year. I think it was a better bill. With that bill we would not have had to amend so much. We would have just taken that bill. This bill creates a lot of hurdles, and, therefore, I think we need to get more exceptions. I do not think S. 993 went too far. This bill may go too far. If these amendments do not pass, we will just have another layer of gridlock on top of the gridlock we already face. There are legislative hurdles here that are worse than unnecessary. But we can fix them if we add some exceptions, if we move in these areas, if we listen to Senator LEVIN and to Senator GLENN and to others who have been, I think, so informed on this.

I do not want Congress paralyzed. I do not think that was the message of this election. It was to get on with our work and to do it right and to get it right.

If I am convinced, after we vote on these amendments, that this bill will be good for California and its people, I will be very proud to vote for it. I want to be able to vote for it. But if it really is not improved and it becomes a mask for another agenda, which is the dismantling of the protection and laws that help the people of my State or leads to paralysis in the U.S. Senate that already suffers from enough paralysis, I will not vote for it.

Again, I know the Governors love this. We do not work for the Governors. We work for the people. The Governors always hand down unfunded mandates to local government. As a matter of fact, it is one of the biggest complaints I get from boards of supervisors, that they are constantly being handed mandates from the State. So it is not as if the Governors have not done this themselves.

We all have to shape up. We all have to stop passing laws that cost so much money that do not have a benefit. But if they do have a benefit, we had better calculate that into our formula. We represent the people here, and I think, if we support some of these amendments, this is going to become a great bill, not just a good bill but a great bill. But if we vote lockstep against these amendments, I think history will show—and history will unfold as soon as this bill takes over—that this was just a mask for stopping the protections that our people deserve, hurting environmental laws that protect our citizens, and tying us up in knots.

So I want to thank both managers. They have been extremely patient. I withheld all my debate and all my amendments until I got to the floor at the request of the Budget Committee. I feel very pleased that I had a chance to lay out these issues. When my amendments are called up, I will not need an hour to go into all of them because I will have laid this out on the record and I will be able to summarize my charts and my feelings on my amendments.

I again thank the managers. I wish them well.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I want to commend the Senator from California, who, as always, has a thoughtful discussion as to her points. I know that she indicated that it may be her view that this bill goes too far. I must note that I have a number of Senators who think this bill does not go far enough.

So I think maybe we have found something here which is a bill that can accomplish what we need to have done. That is why both the public and private sectors are so supportive. I think everyone would say, yes, we can make some changes, what have you, but also what we think about all of the concerns of what these unfunded mandates have done for years to our cities, to our counties, to our States, and many times I think they have exacerbated the very problems that you have pointed out this morning. I appreciate that.

I appreciate, too, that the Senator from California stated she felt she had the opportunity now to lay out her case. When we call her amendments up for debate—there are some Senators who would like to discuss them, and I have comments I would like to make specific to them—at that point would she be willing to enter into a time agreement?

Mrs. BOXER. I reserve my right to agree or disagree depending on how many people on this side wish to speak on my amendments. I assure the manager that I will attempt to find that out and be very reasonable. I think the Senator has been most reasonable. I greatly appreciate it.

I am not here to slow down this bill. I am here to make it a better bill. I have to say to my friend that this is a different bill from last year's bill. The Senator knows that. I would say that is why the exceptions are so crucial because we have made it much more difficult to get legislation through. As I pointed out on the charts, the red, the yellow, and the green, if someone has an amendment, it has to go back through the process and this all happens. There is a difference.

In the original bill it stopped right here with CBO. The exceptions part of

the bill, which I commend the Senator for, really has to be looked at because we do not represent the Governors, we do not represent local government or the private sector. We represent all the people, people of all walks of life and people in local government, people in the private sector. To me what is crucial is that we look at how this is going to affect the average citizen of our Nation.

I have to tell you, I say to the managers, if you ask one of the families that lost its member because of cryptosporidium in the water—and the Senator and I are working on safe drinking water, we are on the Environment Committee together—if you ask one of those people, should the Government have acted to prevent cryptosporidium from getting into the water supply that their grandma, grandpa, a child died from, they would have said it would have been a real benefit.

I want to make sure, as a Senator from California, that we do not get some of these laws bogged down in such a way that we have more of those tragedies. I know the Senator from Idaho has no interest in having that outcome; absolutely none. He and I have been working hand in hand to make sure it does not happen. I am just pointing out that when we do this legislation in the name of preventing unfunded mandates, let us get to the real issues of the people, which is, are they going to live or die by this. In some cases there may be some legislation that gets caught up in this, such as child pornography, sexual abuse, clean water standards, that we may not want to have to get caught up in this. That is why I offered my amendments today.

I assure you I took a long time just zeroing in on those two areas. I could have had 10 amendments for other issues. I just picked the issues that I feel are so crucial to the health and safety of our people that we do not want to get tied up in this process if we can avoid it.

Mr. KEMPTHORNE. Mr. President, as we talk about this process, it was at the urging of the mayors and Governors that we took S. 993, which was last year's bill and is the core of this introduced bill. It was a great first step. But we have taken it another step, again at the urging of the mayors, the county commissioners, the school boards, the Governors, and the private sector. So I think as we take these steps forward, they are all forward.

I would also note that when we look at the legislative process—and Senate bill 1 is a process—that at any point, if you feel you have a compelling argument—and the Senator from California has a good knack for making compelling arguments—you can come to the floor and just seek a waiver at that point or at any point during the process. If a majority of the Senators agree with you, then you have waived that point of order.

Yesterday, I read a letter from Inge Stickney, who is the mayor of Kooskia, ID—she is 68 years young—a community of just a few hundred people. In addition to being the mayor, she and her husband have a small trailer court where they have, as I recall, about 15 spaces. They rent them for $50 per space. They are continually having problems with requirements of Government for further studies of the water which has served them for generations there. The water does not pose a health risk. They continue to have this escalating cost to the point that some bureaucrat has now suggested to them, ''Well, you should just sell the trailer court.'' That is what Government is saying: ''You ought to just sell.'' Well, if Inge and her husband sell, then new owners would have to increase the costs of the rental for those trailer spaces all because of the requirement to spend more on testing water that does not have a problem.

As she pointed out, a $5 increase to many of these people, who are retired farmers and retired loggers who have lived there for their entire lives, would pose a real hardship to the point that if she were just to sell, wash her hands of it, it could really put in peril many of those people who live in that trailer court because the costs would go up. They will not have the funds to cover it.

They then might have to look to government to provide for their livelihood, for their well-being. Thank goodness we have people like Inge Stickney and her husband, who, while being good business people, also have a heart and determined that, while they can make a profit, they would just as soon retain that trailer court because that is good for those people who are relying on them.

But that is part of what the Senator from California is talking about, the elderly. And Inge Stickney is a strong supporter of S. 1, as is virtually every mayor in the country.

I appreciate the arguments of the Senator from California.

I see the Senator from Texas is here, and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I would like to speak on the amendment that Senator BOXER from California has put forward.

I, like the main sponsor of this bill, am a former State official. He was a former mayor. I know what it is like to have to make those decisions on a State budget when you are getting mandates from the Federal Government and you have to say, ''Do I increase the elderly's light bill or the water bill of an elderly person because I have this mandate from the Federal Government?'' It is very difficult for elderly people to make ends meet.

So when we are talking about eliminating a category of the elderly or children and their effects, I wonder if we have considered the effects of raising a water bill because of an environmental mandate that perhaps does not meet a cost-benefit analysis. All of these things that we are trying to prevent the Federal Government from passing to the States are going to have an impact for the good on children and the elderly. In fact, I think we have to say what this amendment really is. It is an amendment that will gut the bill.

Now, I know that the Senator from California is sincerely interested in the elderly and the welfare of children. She has expressed that many times, and I have no doubt of her sincerity. But I do think this amendment is going to have the opposite effect from what she wants.

The purpose of this bill is to set up a process. The process has really two results. One is to give us the information that we need so that we can judge how much a bill we are going to pass will cost. If it is going to be passed to State and local governments, that will then be passed on to their constituents in the form of new taxes or increased fees. That is one part of the bill.

And then the second part of the bill is to determine what is that impact and to say, this Congress has a policy we are not going to pass these bills without sending the money. If it is over $50 million, we are just not going to do it because the State and local governments cannot absorb it. So it is finding out what the costs are and then saying we are not going to do this unless we pay for it.

Now, we have the option of paying for it. If we decide that something is very important and it fits within the budget priorities, I think the Federal Government should pay for it. I may vote against a point of order or vote to uphold a point of order and override the point of order later because it is important to me that we do what the bill before us would do that would be beneficial to the elderly or to children or to the working people of this country.

So we have the option of overriding the veto. We have the option of saying we think this is important and we are going to put a mandate on the States.

But the purpose of this bill is to say we are going to decide what the Federal priorities are within a budget and we are going to have the integrity to say, if we think something is important, that we will pay for it. Or we will not tell the States they have to do it; we will say to the States we suggest you do it but we will not mandate they do it. So we have a choice. If it is a good program, we can tell the States we are going to override all of the things we have said and require you to pay for it, or we can step up to the line, which is what we should do, and pay for it ourselves.

So I think it is very important that we not pass an amendment that will, in

effect, gut the bill. Because everything we do is going to affect the elderly and the children. And if we say anything that effects them is not going to be eligible for this bill, it means we can pass everything we have already passed which causes—let us take the clean drinking water bill. Let us just take that for an example.

We are talking about testing for certain carcinogens or certain elements that might be in water. Now, what we are saying in this bill is, we want to make sure that if we require the city of Plano to test for elements in their water, that it is something that is relevant to the water supply of the city of Plano. That is not the case today. The case today is that the city of Plano and the city of Columbus, OH, may be having to test for a solvent or something used to eradicate bugs in pineapples, and they do not have pineapple plants in Plano or Columbus, OH. So the people of Columbus, OH, and Plano, TX, are having to pay for a test that is not relevant to them.

Well, what happens? What happens when that occurs? It increases the water bill for that elderly person who is having a hard time making ends meet. That is what we are trying to prevent with this bill. That is what we are trying to change. The impact on the elderly is every bit as much, with a mandate on clean drinking water that does not make sense, as it is for a social program that would be a welfare check.

The bottom line is, we all want to make sure that we do the best for the people who cannot help themselves in this country; in many instances the elderly, in many instances the children. But I think we differ on the way to best come to the end of the line.

This amendment by the Senator from California will gut this bill, and it will allow the continuing increases of water bills and electricity bills, utility bills, rent, property taxes that hurt the elderly and hurt the children of this country, when what we are trying to do is say, ''No, we are not going to tell the local governments that they have to raise property taxes and water bills and electricity bills. We are going to have the integrity of the process.'' If my colleagues agree that we must keep the integrity of the process and the integrity of this bill, it is very important that we defeat this amendment. Thank you, Mr. President. I yield the floor.

Mr. KEMPTHORNE. Mr. President, I certainly thank the Senator from Texas for her statements and for her strong support. She was one of the original cosponsors, both of Senate bill 1 and the effort last year. From her experiences as the former State treasurer of the State of Texas she has just demonstrated time and again her total understanding of this issue and the fact that we need to curb these unfunded mandates. I thank the Senator from Texas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 207

(Purpose: To express the sense of the Congress that Federal agencies should evaluate planned regulations, to provide for the consideration of the costs of regulations implementing unfunded Federal mandates, and to direct the Director to conduct a study of the 5-year estimates of the costs of existing unfunded Federal mandates)

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. GRASSLEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 207.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) STATEMENT OF COST.—Not later than January 1, 1998, the Director shall submit a report to the Congress including—

(1) an estimate of the costs of regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall provide to the Director of the Congressional Budget Office data and cost estimates for regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

Mr. GRASSLEY. Mr. President, my amendment just read expresses the sense of Congress that Federal agencies should issue regulations with costs that are in keeping with the Congressional Budget Office's estimated cost.

In addition, my amendment just read will require that the CBO submit a report 2 years after this bill by Senator KEMPTHORNE, S. 1, goes into effect. That report should detail whether agency regulations are in line with the CBO's original estimates when the legislation is passed.

If I could engage in discussion with the Senator from Idaho, Mr. President, I would like to at this time also present another amendment that I would like to have before this body. It is my understanding that both of these amendments will be discussed after the midafternoon deadline.

Mr. KEMPTHORNE. Mr. President, I would yield, but that is correct.

AMENDMENT NO. 208

(Purpose: To require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates)

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment that I just presented be set aside so that I can offer another amendment.

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

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 208.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsection (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting ''408(c)(1)(A),'' after ''313,''.

Mr. GRASSLEY. Mr. President, this amendment will require 60 votes to waive the requirement in S. 1 of a published statement on the direct costs of the Federal mandates.

I want to make something clear to my amendment so that it does not get confused with a much stronger amendment, what is my understanding will be offered by Senator GRAMM. Because my amendment does not require 60 votes to waive the requirement in S. 1 to pay for unfunded Federal mandates, that is the goal of other amendments, I am sure, we will be discussing. My amendment might be confused because it does have a 60-vote requirement in it. That requirement is to the simple waiving of the requirements in S. 1 to obligate what is a much more simple approach, the original estimate from the Congressional Budget Office of the costs of the Federal mandates.

In other words, let me make clear: it is one thing to have an amendment before this body that we would have to have majority to waive the requirement of a mandate; but it is quite another thing to have a 60-vote requirement just to waive the CBO doing the estimate of what might be the cost of a mandate.

My amendment does the latter, not the former. I do not oppose the former. I understand that there is lots of opposition to going to the 60 votes. I presume that there is even opposition to have a have majority to even waive having CBO even do some estimating.

It seems to me, Mr. President, that it is one thing to have a supermajority that we are going to go ahead even though we do not fund the mandate. But it seems to me that we cannot intellectually and honestly approach the subject of public policy without knowing what that cost is.

My amendment would simply make it more difficult for this body to avoid even finding out what a particular mandate is going to cost. I would like to have that be a supermajority because it seems to me that there is no way we can defend passing mandates or maybe even any other public policy without knowing what that cost is.

I will have, Mr. President, further to say on each of these amendments at a future time this afternoon and particularly on the first amendment that I have sent to the desk. Senator SNOWE, the new Senator from the State of Maine, has been very helpful to me on this amendment and she would like to speak a few minutes on that amendment. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WELLSTONE. Mr. President, if there is no other Senator on the floor to offer an amendment, I ask unanimous consent to speak no more than 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? Without objection, it is so ordered.

CONVEYING SADNESS, SYMPATHY, AND OUTRAGE

Mr. WELLSTONE. I thank the Chair. Mr. President, sometimes we speak on the floor of the Senate—Democrats and Republicans—not because we have an amendment to offer, not because it is our legislative agenda, but because we just cannot be silent and we feel that it is important as Senators, given the honor of being Senators, to speak about those issues and those peoples that we feel very strongly about.

In today's New York Times, there is a picture that tells more than a thousand words:

A friend of Sgt. Maya Kopstein, a 19-year-old victim of a suicide bombing, mourned at her grave yesterday and held the flag from her coffin.

Mr. President, 19 Israelis were murdered in a Palestinian suicide bombing. All but one of these soldiers were barely old enough to vote.

This one young woman over here in this picture, as I talked with a very close friend of mine—we become close with the staff we work with—my legislative director, Mike Epstein, said: ''Just look at her face, this young woman, young girl. It looks as if she's saying, 'What kind of a world do I live in?' ''

Israelis murdered, ''* * * all but one of them soldiers barely old enough to vote.''

I have three children, and my youngest is now 22. These were children who were murdered. I do not know when all this violence will stop, but I want to speak on the floor of the Senate today—and I did have a chance to also talk to the Israeli Ambassador—to convey not only my sadness and sympathy but also my outrage. I believe that this is a sentiment that I express for all Senators, and I send this to the people of Israel. I want them to know that all of us care fiercely about what has happened, that all of us, on both sides of the aisle, condemn murder.

And, Mr. President, I today hope and pray—I use those words carefully but I think those words apply—I hope and pray that the Israelis, Palestinians, all of the peoples in the Middle East, find a way, first of all for security and protection, to stop this, and, second of all, a way to move forward—to move forward—with the peace process. There has to come a day when children are not murdering children. There has to come a day when this violence ends. There has to come a day of reconciliation.

The sad thing is that the extremists have figured out the most effective way of trying to destroy this process. The extremists have figured out perhaps the most effective way of trying to make sure that there never will be peace. But my hope and my prayer today is for all of the families of all of these young people that have been murdered. My hope and prayer today is for the Israelis and the Palestinians, and for all the people in the Middle East—that there will be reconciliation. And as an American Senator and as an American Jewish Senator, I want to speak on the floor to express these sentiments. I want my country to be as helpful as possible, our Government to be as helpful as possible at this time. I want us to extend our friendship and our support to Israel. I never want any of us to turn our gaze away from this kind of outrageous slaughter of young people, of children.

Murder, Mr. President, is never legitimate. Murder by anyone is never legitimate.

I yield the floor.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NOS. 209 AND 210, EN BLOC

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may send to the desk two amendments, which I will send en bloc. Discussion on these will occur at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes amendments numbered 209 and 210, en bloc.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 209

(Purpose: To provide an exemption for legislation that reauthorizes appropriations and does not cause a net increase in direct costs of mandates to State, local, and tribal governments)

On page 26, after line 5, insert the following new subsection:

''( ) LIMITATION ON APPLICATION.—This section shall not apply to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute if adoption of the bill, joint resolution, amendment, motion, or conference report—

''(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

''(2)(A) would not result in a net reduction or elimination of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

''(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by a corresponding amount.''

AMENDMENT NO. 210

(Purpose: To make technical corrections, and for other purposes)

(The text of the amendment is located in today's RECORD under ''Amendments Submitted.'')

Mr. KEMPTHORNE. Mr. President, we will discuss those two amendments or call them up at a later time.

AMENDMENT NO. 211

(Purpose: To make technical corrections, and for other purposes)

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent to send to the desk an amendment by Mr. KEMPTHORNE for Mr. DOLE.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. DOLE, proposes an amendment numbered 211.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is located in today's RECORD under ''Amendments Submitted.'')

Mr. KEMPTHORNE. Again, Mr. President, I ask unanimous consent that these now be laid aside and we bring the pending amendment back before us so we can discuss these at a later time.

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

Mr. KEMPTHORNE. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 212

(Purpose: To clarify the baseline for determining the direct costs of reauthorized or revised mandates, to clarify that laws and regulations that establish an enforceable duty may be considered mandates, and for other purposes)

Mr. GLENN. Mr. President, I am sending an amendment to the desk. Because the amendment makes changes at more than one place in the bill, I ask unanimous consent that consideration of this amendment shall be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Without objection, the pending amendment is set aside.

The clerk will report the amendment.

Mr. GLENN. I thank the Chair.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 212.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 5, line 19, strike ''impose'' and insert ''establish''.

On page 7, line 11, strike ''impose'' and insert ''establish''.

On page 8, line 5, before ''amounts'' insert ''new or additional''.

On page 8, line 15, before ''amounts'' insert ''new or additional''.

On page 9, line 7, strike ''or''.

On page 9, between lines 7 and 8, insert the following:

''(II) to comply with or carry out the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; or''.

On page 9, line 8, strike ''(II)'' and insert ''(III)''.

On page 9, line 22, strike ''or''.

On page 10, line 4, strike ''and'' and insert ''or''.

On page 10, between lines 4 and 5, insert the following:

''(III) any reduction in the duties or responsibilities of States, local governments, and tribal governments, or the private sector from levels that would be required under the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; and''

On page 10, between lines 14 and 15, insert the following:

''For purposes of determining amounts not included in direct costs pursuant to subparagraph (C)(i) and amounts of direct savings pursuant to subparagraph (C)(ii), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced before January 1, 1996, or by Federal regulations adopted before such date shall be calculated without regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements. Notwithstanding the provisions of subparagraphs (C)(i)(II) and (C)(ii)(III), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced on or after January 1, 1996, or by Federal regulations adopted on or after such date shall be calculated with regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements.

Mr. GLENN. Mr. President, this amendment clarifies how the provisions of S. 1 will treat reauthorizations of existing laws that contain mandates. Our understanding all along, with both myself and Senator KEMPTHORNE, is that S. 1, as did S. 993 last year, shall apply only to future mandates that add new costs, and this amendment clarifies that intent. There has been some confusion about that. Basically, the amendment does the following. It ensures that reauthorizations which do not change existing laws but merely extend them are not covered under S. 1. So if a law is simply extended for several years without any substantive change, it is not covered under the mandate legislation.

Second, if a reauthorization amends the mandate and imposes new costs on State and local governments and the private sector but in another part of that reauthorization bill the costs of existing requirements are reduced, then those savings are credited against the new costs imposed.

Third, this language makes clear that in reauthorization bills, it is new costs that will be scored and that the baseline of existing costs are not part of the CBO or Budget Committee calculations. So direct costs are net costs.

Finally, this amendment covers situations that may occur when an existing law expires and there may be a short gap in time before it is extended. I believe this amendment is noncontroversial and clarifies what has been our intent all along, that S. 1 apply to the new mandates imposing costs.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. I ask unanimous consent to speak on amendment No. 201 offered by the Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 201

Mr. KYL. Mr. President, I make this statement on behalf of the Senator from Wyoming, the chairman of the Immigration Subcommittee of the Judiciary Committee, relating to the Boxer amendment which would require an advisory commission report on immigration-related unfunded Federal mandates.

Mr. President, I have discussed this amendment No. 201 with Senator SIMPSON, who as I said is chairman of the Immigration Subcommittee. As he noted, the issue of the cost of illegal or legal immigrants to State and local governments is very complex. As a matter of fact, it is not the result of a mandate by the Federal Government but, rather, because the Federal Government has failed to carry out its obligations to secure our international borders.

The congressionally established Commission on Immigration Reform is examining this issue at the present time. The Subcommittee on Immigration will be looking at this issue in its oversight capacity. I strongly urge my colleagues to table amendment No. 201, and, if necessary, the Congress can deal with it later when some of these complexities are resolved.

Senator SIMPSON has assured me that the Subcommittee on Immigration will hold hearings on various immigration reform proposals, and it is clear that this issue will be raised and considered in these hearings.

I might add, Mr. President, that as a Senator from a border State, this is an issue of vital concern to me and to my State.

Senator SIMPSON has noted that the Congress has not ignored the costs to State and local governments resulting from immigration legislation. In the 1986 Immigration Reform and Control Act, Congress included $4 billion for assistance to States that were impacted by the legalization program in that

legislation. The Congress was responsive and provided assistance where immigration legislation was likely to create new costs for State and local governments then, and Senator SIMPSON assures me he would support similar assistance in the future.

To require the advisory commission to provide a report and a plan at the same time the Commission on Immigration Reform is examining and preparing to report on the same issue would be duplicative and unnecessary. So I suggest, Mr. President, that we wait for the findings and report of the Commission on Immigration Reform this spring and not require this advisory commission to go over the same ground as would be called for in amendment No. 201. I urge my colleagues when this amendment is considered by the Senate to table it. I would again indicate that this is a reflection of the Senator from Wyoming [Mr. SIMPSON].

AMENDMENT NO. 213

(Purpose: To provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I offer an amendment which I send to the desk. I ask unanimous consent that the reading of the amendment be dispensed with and that it merely remain at the desk to be called up at a later time, thus qualifying the amendment under the agreement previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment by number only.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 213.

Mr. BYRD. Mr. President, I thank the Chair.

The amendment is as follows:

On page 23, line 17, strike ''(IV)(aa);'' and insert ''(III)(aa); and''.

On page 23, strike line 18 through line 6 on page 25 and insert the following:

''(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not alter than 30 days after the recommendations are submitted to Congress; and

''(cc) provides that such mandate shall be ineffective until such time as Congress has completed action on the recommendations of the responsible Federal agency.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside and the Senate resume consideration of amendment No. 186, which I offered yesterday.

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

AMENDMENT NO. 186, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to modify amendment 186.

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

Mr. WELLSTONE. Mr. President, I send the modification to the desk.

The amendment (No. 186), as modified, is as follows:

Strike all after ''( ) It'' and insert the following: ''is the sense of the Congress that the Congress should continue its progress at reducing the annual federal deficit and, if the Congress proposes to the States a balanced-budget amendment, should accompany it with financial information on its impact on the budget of each of the States.''

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

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 201–203

Mr. BURNS. Mr. President, I would just like to comment on the amendments that have been sent to the desk by the Senator from California and the schematic she offered to the rest of the body to illustrate what would happen if this piece of legislation were to pass without her amendments.

I have often said, before we can attain success in what we are trying to do in bringing down the size of Government, in trying to make it more efficient, there are probably three areas of reform: Regulatory reform, budget reform, and spending reform.

There is a very simple bottom line to that. Regulatory reform—regulations have to be reviewed, as S. 1 does review those, for impact on not only the economy but upon the way we do our business with our State and local governments.

Budget reform—inasmuch as we have to get away from, I think, baseline budgeting. We have to go back to the old situation of starting at ground zero and building a budget, or at least based on previous years' expenditures, to bring some kind of honesty and integrity and accountability to the American people.

And in spending reform—I have a feeling inside me that maybe we should only spend money on those programs that have been authorized and not delve into some things that have not been authorized.

But let me talk about specifically S. 1. If you look real closely at that schematic, it is kind of scary because it has legislation going in many directions. To some it would seem very confusing. But basically we do all of those things that are on that schematic now—a vast amount of it. The problem is in our hearings we take testimony from Governors and from mayors and from county commissioners and people who have to administer local government, and we only choose that information that we agree with. So we vote sometimes not exactly taking into account some of the testimony. We only accept that which we agree with and what we do not agree with we cast aside when making a decision on unfunded mandates.

I am a former county commissioner. There were three of us. It is wonderful to be a county commissioner because there were three of us. You are the budgeteers, you are also the appropriators, and you are also the spenders. And you also have to make some pretty tough decisions because we have to operate in a balanced budget. In fact, we have to maintain reserves. Whether it is the bridge fund or the road fund or the county welfare or whatever—but we have to make some decisions every day when we appropriate and spend and develop programs, whether we can afford them and where the money is going to come from. And, yes, maintain the reserves for the carryover months that are in front of us.

Montana had an initiative called 105 that froze everything because taxpayers got a little cranky up there in 1986 and we could not raise the mill levy. We could not deal with it. So basically we go through everything that is on that schematic. The problem is we only accept that testimony from those Governors, those mayors, those county commissioners that we choose to accept.

Unfunded mandates: Of course, right now the news is the motor voter law that has been levied against some States. In Montana we have had a motor voter law for a long time. It is not as extensive as the one passed by this body. But nonetheless, that is a perfect example of an unfunded mandate.

So do not be scared of this schematic that shows where the whole works gets all balled up and nothing happens in Government. If I had my way, I would say that after we passed legislation, if you want to look at regulatory reform, getting way over here on this side of the world, maybe, before a final rule is issued on any law that is passed by Congress and signed by the President, that rule should come back to the committee of jurisdiction to make sure that rule does what the intent of the legislation was. We see a lot of legislation that is passed and then once it hits the street it looks nothing like the intent of the legislation.

So, yes. It is slower. There is nothing wrong with that. I would agree with

the Senator from California. If we are going to do it, let us do it right. I agree with that. If it takes a little longer, then so be it because I think this is a piece of landmark legislation that is going to maybe bond the relationship between the Federal Government and its duties, its requirements, and the actions that we take with those of local governments which have to administer most times that legislation that is passed by this Federal Government.

If it takes a little longer, do not let the schematic scare you. We understand that. If it slows the process down, then so be it.

Mr. President, I yield the floor. 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. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 214

Mr. SARBANES. Mr. President, I send an amendment to the desk in behalf of Mr. D'AMATO and myself, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for Mr. D'AMATO, for himself and Mr. SARBANES, proposes an amendment numbered 214.

On page 12, line 3, strike the period after ''Code'' and insert '', or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.''.

Mr. SARBANES. Mr. President, I rise to offer this amendment on behalf of Senator D'AMATO and myself. The amendment makes what we consider to be a technical but important change to S. 1.

Section 3 of S. 1 exempts independent regulatory agencies as defined in the United States Code from the regulatory impact analysis and reporting requirements of title II of the bill. The effect of this provision already in the bill is to exempt from title II three of the five Federal agencies which regulate federally insured deposit institutions, in effect the Federal Reserve, the FDIC, and the National Credit Union Administration. However, the provision does not, as currently written, exempt two of the other Federal agencies which regulate Federal deposit insurance institutions, the Comptroller of the Currency, the OCC, and the Office of Thrift Supervision, the OTS. The OCC regulates nationally chartered banks and the OTC regulates savings and loan institutions.

The concern is that imposing requirements of title II of section I on Federal financial institution regulatory agencies could delay the prompt issuance of safety and soundness rules that affect federally insured financial institutions.

It is my understanding it was not the intent of the sponsors of the legislation to draw a distinction among the Federal agencies which supervise federally insured deposit institutions. In fact, it is not logical since these agencies carry out essentially similar functions and should be treated similarly for the purposes of this legislation.

Furthermore, distinguishing amongst the agencies could create problems for their operations. For example, the agencies issue many regulations jointly in order to assure consistent regulatory standards for federally insured institutions.

The bill, as now written, would interfere and possibly delay the issuance of these rulemakings for two of the agencies, while the other three are exempt.

This amendment will simply provide that all five of the regulatory agencies which have supervisory responsibilities for federally insured depository institutions be treated in the same way by this legislation. It would therefore ensure, this amendment would ensure that the agencies can act jointly and expeditiously in the public interests to ensure the safety and soundness of the federally insured institutions.

Mr. D'AMATO. Mr. President, I rise today in support of a Banking Committee amendment to S. 1, the Unfunded Mandate Reform Act of 1995. This amendment is supported by both myself, the chairman, and the distinguished ranking minority member, Senator PAUL SARBANES.

This amendment, Mr. President, would protect the safety and soundness of insured depository institutions. Specifically, the amendment would amend section 4 of the bill to provide that this bill does not apply to any proposed or final Federal regulation that ensures the safe and sound operation of an insured bank or thrift or that protects the deposit insurance funds.

S. 1, as introduced, would have an anomalous effect of exempting three of the five Federal financial institution regulatory agencies—the Federal Reserve, the Federal Deposit Insurance Corporation, and the National Credit Union Administration. Two others, the Comptroller of the Currency and the Office of Thrift Supervision, are not exempted. There is no justification for this different treatment. Because the FDIC, Federal Reserve, and NCUA are not covered by this legislation, this exemption would apply only to regulations issued by the OCC and OTS.

All of these agencies have the same supervisory responsibilities and need the same ability to act expeditiously in the public interest. The Office of the Comptroller of the Currency and the Office of Thrift Supervision, the two agencies that are subject to the bill, supervise the institutions that hold most of the assets of the U.S. financial system. These two agencies exceed the assets held by the other three combined. Treating two of the agencies differently from the others will hinder congressional intent to reduce regulatory burden.

Mr. President, I am concerned that imposing the requirements of S. 1 on these Federal financial institution regulatory agencies could delay the prompt issuance of safety and soundness rules that effect federally insured financial institutions and credit unions and their deposit insurance funds.

I strongly urge the adoption of this amendment.

Mr. ROTH. Mr. President, I rise in support of the amendment of the Senator from Maryland to clarify that this legislation is not intended to address the role of our banking regulatory agencies. I do so because the major purpose of S. 1 is to focus on Federal unfunded intergovernmental mandates and to establish a process for treating them. In contrast, the banking regulators regulate banks, not governments. They impose no direct costs—a defined term under S. 1—on State, local, or tribal governments.

The problem the banking regulators have brought to our attention arises from the somewhat indefinite scope of title II of S. 1. Originally intended to focus only on agency regulations involving the public sector, the title has been extended in certain respects to the private sector as well. The result might very well leave banking regulators in a situation where they are required to perform analyses producing little benefit to either the public or the private sector. In fact, the provisions of title II may need to be revisited in the near future as a general matter to make sure that its provisions are cost effective.

The banking regulators have requested exemptions from the legislation arguing that the Treasury regulators should be accorded the same status as independent regulators that are exempt. In my analysis I never need reach the question of equal treatment since it appears to me that there is little, if any, overlap between the scope of this legislation and the domain of any of the banking regulators.

It is my intention, as chairman of the Committee on Governmental Affairs, to move regulatory reform legislation later in this Congress. It may be that such legislation, even though general in its scope, would more directly address the responsibilities of banking regulators to the American people and the institutions they regulate. It seems to me entirely appropriate to wait until such legislation is fashioned and understood in order to resolve questions how regulatory reform might impact banking regulators.

Mr. SARBANES. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 214) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

Mr. BAUCUS. 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.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

Mr. PRESSLER. Madam President, I ask unanimous consent to speak as if in morning business for 5 minutes.

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

CORPORATION FOR PUBLIC BROADCASTING

Mr. PRESSLER. Madam President and Members of the Senate, I was concerned this morning to see in the Washington Post a story that was critical, essentially, of companies that might be interested in purchasing, acquiring, or partnering with the Corporation for Public Broadcasting and other public broadcasting entities. In fact, the story highlighted or used as a headline, referring to these companies as ''vultures moving in,'' and quoting one public broadcasting executive as referring to them in that way.

I think it is most unfortunate that fine, honest, telecommunications companies or other companies who might be interested in purchasing or running or managing the Corporation for Public Broadcasting and other public broadcasting entities or contributing the same amount of money the Federal Government now contributes in exchange for certain program and commercial rights with conditions of children's programming and conditions of rural radio and rural TV, to refer to them as ''vultures'' indicates the mentality of the insider group at the Corporation for Public Broadcasting and the so-called public broadcasting family.

This family consists of inside-the-beltway crowd at the Corporation for Public Broadcasting, the Public Broadcasting Service, National Public Radio, the Association of Public Television Stations, et cetera. It includes groups and certain foundations that surround the Corporation for Public Broadcasting such as the Children's Television Workshop. It includes some of the stations that get the lion's share of the funds such as WNET, which gets at least 20 times as much Federal money as my huge geographic State gets. This group is very defensive to any change.

Madam President, I am chairman of the committee that has oversight over the Corporation for Public Broadcasting and related agencies. We are supposed to think of some new ideas. There has been a telecommunications revolution since 1967. I think it was good that public radio and TV were created. It is now up and running.

There are several other privately funded areas that are producing the same kind of programming at a great profit, including Nickelodeon in children's television, including the Learning Channel, including the History Channel, and so forth. Granted these are on cable. Some say that they do not reach everybody.

We are also in an age when we have the computer Internet and many other exciting telecommunications and information technologies which did not exist in 1967.

We have VCR's, we have a number of additional new telecommunications and information technologies that will be coming if my Telecommunications Competition and Deregulation Act of 1995 is enacted. We will have an explosion of new telecommunications and information technologies. It is time that the Corporation for Public Broadcasting and other public broadcasting entities in this country be reformed and reinvented.

So I put these suggestions forward in the most sincere of fashions, but every time I make a suggestion, somebody in the public broadcasting family comes back with a very critical comment, discrediting it without any discussion of the facts.

The facts are that the American taxpayer is now providing a free public platform for many performers who make great profits, and I have nothing against profits, but the taxpayer is left out.

So I want the quality programming. It could be sold with conditions. Telecommunications in this country is privately owned, but they have conditions for universal service and certain rules on telephones and telecommunications devices. Railroads in this country are sometimes sold with public conditions, such as the Conrail sale a few years ago. Airlines have public conditions under which they operate.

We have reached a time when the Corporation for Public Broadcasting must rethink its role, it must rethink its relationship to some of the other communications technologies. It can profit from them. It can get along without a Federal subsidy, and it would be operated much better if it were privatized.

I have spoken to several privatization experts in the last week. I find the only people opposed to this are those inside the beltway, the people in that public broadcasting family who get salaries of between $200,000 and $600,000 a year, in some cases, whose salaries exceed the Members of this body. But these people cloak themselves in the public robe, saying that they are public servants. Well, if they want to be public servants then they should be paid like public servants, I suppose, in the opinion of some, if they do not want to be private.

They want to have their cake and eat it, too. They now have advertising on public radio and television. They get all sorts of grants. They have private-sector salaries, but yet they want the taxpayers' money.

So I say decide what you are or who you are, but get caught up with the telecommunications revolution, in any event. And the fact that several telecommunications companies are interested in buying, acquiring, or partnering with the Corporation for Public Broadcasting and other public broadcasting entities indicates a synergistic relationship in this day and age. How wonderful it would be if public broadcasting would synergistically interact with the other new telecommunications, with computer Internet, with VCR's, cable TV, and with lots of other technologies. For example, Nickelodeon, which produces so much good children's programming that it is being sold in France.

PRIVATIZING PUBLIC BROADCASTING

If one message is clear from November's elections, it is that Americans want deep cuts in Federal spending, without gimmicks or special pleading. As chairman of the Committee on Commerce, Science, and Transportation, I expect to propose cuts of tens of billions of dollars from current levels of spending—and to privatize wherever possible. The Clinton administration as well is calling increasingly for spending cuts and for privatizing government agencies and subsidized enterprises.

A prime candidate for privatizing is the America's public broadcasting system. I want to wean public broadcasting from the $300 million annual subsidy it gets from Federal taxpayers. I am convinced that the service public broadcasting is intended to provide could be better offered without costly Federal spending on posh Washington headquarters and legions of high-salaried bureaucratic personnel.

As the Senate is well aware, we in America continue to face a severe fiscal crisis. With an annual budget deficit projected at $175 billion and a national debt of over $4.6 trillion—with a ''T''—we simply cannot afford to pay for all the good and worthy sounding projects which vie for American's tax dollars.

This past Sunday on the CBS news program ''Face The Nation,'' I announced that several telecommunications companies, including Regional Bell Operating Company Bell Atlantic, had expressed an interest in helping to fund public broadcasting in a partnership or acquisition of assets arrangement. Under such an arrangement, the private company would step into the role now played by the Federal Government. As I have indicated a number of other telecommunications companies have expressed interest. In particular, since that time Glen Jones of Jones Intercable and Brian Roberts of Comcast have publicly expressed interest.

As in past efforts to privatize, such as the privatization of Conrail, such a deal could be approved with public service conditions. For instance legislation to privatize public broadcasting could include conditions that children's programming and rural broadcasting would be continued. As Bell Atlantic's President James Cullen stated in the Wall Street Journal yesterday, Bell Atlantic, under such an arrangement, would be ''looking for ways to keep public broadcasting whole, and maybe even enhance the quality'' by crafting better licensing arrangements.

As the Wall Street Journal also pointed out, public broadcasting is not unfamiliar with making deals with big business. On the contrary, it is a regular occurrence. Last month, Liberty Media Corp., a subsidiary of TCI, the Nation's largest cable operator, agreed to purchase a two-thirds stake in MacNeil-Lehrer Productions, the producer of PBS' nightly news program, MacNeil/Lehrer NewsHour.

Yet to hear the smug and sanctimonious executives of public broadcasting tell it, a privatization proposal is ''not necessarily in touch with reality.'' Another of the pious managers of the current system declared that the system would be ''sold off for scrap to the highest commercial bidder.'' Alarmists who profit from the current scheme under which America's hard working taxpayers provide a subsidized platform for commercial entities hysterically point to the ''vultures * * * circling over the endangered species of public television.'' Still another suggests an even more horrifying and devious explanation: a desire by these unworthy and dirty commercial entities to curry favor with me so as to influence the telecommunications legislation. As one of the profiteers stated: ''It would seem to me that the commercial interests would be looking at the telecom legislation and want to be cooperative.''

Such flashes of rhetorical excess are quite extreme even by the standards set by the always pompous beltway operatives and high-priced producers of public broadcasting. No one should be surprised to see those who profit the most from the current taxpayer supported system whining and wailing the loudest.

Given these trying budgetary times I am wondering what CPB and leaders of public broadcasting propose for the future. I am anxious to hear CPB's, PBS', NPR's, Pacifica's, and APTS' plans for dealing with this problem. I want to see public broadcasting devise a privatization plan of its own. Technologies, markets, and Federal budgetary realities have changed drastically since CPB was created in 1967. In today's budget climate, the $300 million annual subsidy simply cannot be justified. CPB officials must face this reality and reinvent their system. Let's see a serious restructuring plan from CPB and the leaders of public broadcasting.

Federal Government funding represents only 14 percent of the total public broadcasting budget. The other 86 percent comes from private contributions, grants, sponsorship, and State government funding.

Public broadcasting subsidies are frills we can longer afford. It is impossible to argue that America does not have enough TV or radio or that it is a basic function of Government to satisfy every programming taste underserved by commercial stations. It is also hard to imagine that public broadcasting's most popular programs, ''MacNeil/Lehrer,'' ''Wall Street Week,'' ''Sesame Street,'' or ''All Things Considered,'' would disappear without taxpayer subsidies. Indeed, these programs today already feature advertising—also known by the code word ''underwriting'' by the public broadcasting crowd. The audiences for this advertising are among the wealthiest in America, and much of this advertising is highly sophisticated.

The very size of the deficit and national debt has now become an excuse for irresponsibility, because no single step is sufficient to make a major difference. If every single program is sacrosanct, then the cause is hopeless. Typically, public broadcasting officials claim that the taxpayer subsidy for public broadcasting is so small that it does not matter. We can simply no longer tolerate this casual cynicism.

Public broadcasting can best be described as one of Government's ornamental activities—pleasant but not essential. It clearly does not have as strong a claim on some of Government's and taxpayer's scarce resources as the National Institutes of Health, child immunization, national defense, and a thousand other competing causes.

Public broadcasting is mired in waste and duplication. A Twentieth Century Fund study found that 75 cents out of every dollar spent on public television is spent on overhead. In 1983 an FCC staff study estimated that 40 percent of all public TV stations had signals that overlapped with another public TV station. CPB itself estimates that over one quarter of the PBS stations are duplicative.

Another very troubling development is the illegal use of taxpayer funds to lobby for yet more taxpayer funds. Since the 1870's there has been a prohibition against any federally appropriated funds being utilized for lobbying for more taxpayer dollars. Yet there are numerous reports of on-air ''call your Congressman'' lobbying. Additionally, how do we segregate taxpayer funds from private donations or advertising dollars when it all goes into the same pot of money?

When CPB was created during the heyday of the Great Society over 25 years ago, market failure was the fundamental, underlying premise for Federal funding of the public broadcasting system.

Most Americans in 1967 had access to only a handful of broadcast stations. Since that time there has been an absolute explosion in the number of media outlets and sources of information for the American people. For instance:

Broadcast TV stations increased from 769 to 1,688.

Broadcast radio more than doubled from 5,249 to 11,725.

The percentage of TV homes subscribing to cable TV grew from 3 percent to 65 percent—cable is available to 96 percent of TV homes.

CNN, C–SPAN, Arts & Entertainment, Discovery, The Learning Channel, Bravo, The History Channel, and many other cable channels have programming that's a substitute for public broadcasting without Government subsidy.

Direct Broadcast Satellite is now available everywhere in the 48 contiguous States with over 150 channels of digital video and audio programming.

Wireless Cable has several million subscribers.

Over 85 percent of American homes have a VCR—VCR's were not available in 1967.

Close to 40 percent of American homes have a PC—a product which was not available until the early 1980s.

Multimedia CD–ROM sales are flourishing with educational titles particularly popular.

The Internet and computer on-line services such as Prodigy, American On-Line, Compuserve are reaching over 6 million homes.

Most important, this is just the beginning of a new era of information plenty. With the passage of the new Telecommunications Competition and De-Regulation Act of 1995 which we will introduce and pass early in the 104th Congress, an explosion of still more media and information outlets will be unleashed.

Telephone companies, electric utilities and other new players will enter the media programming field. And with digital compression technology, broadcasters, cable companies, satellite, and other traditional media outlets will significantly expand their channel and program offerings.

As a result, the days when Americans watched the same TV shows day in and day out, as they did in 1967, is history. As a result, the original justification

for taxpayer funding of public broadcasting due to market failure no longer holds water.

At a minimum there should be a rational discussion as to the appropriate role, if any, for public broadcasting in the digital, multimedia age—to determine how best to reinvent and liberate public broadcasting given the age of information plenty.

Equally troubling is the fact that public broadcasting provides a free, publicly subsidized platform for the promotion of related products and paraphernalia. Yet the American taxpayer who makes it all possible does not participate in this windfall.

Forbes magazine recently listed Barney, the loveable purple dinosaur, as the third richest entertainer in America after Stephen Spielberg and Oprah Winfrey. Barney is estimated to gross almost $1 billion a year. Sesame Street is close behind with $800 million.

How much of those hundreds of millions of dollars are paid as dividends to America's taxpayers? The answer is: scarcely a penny.

There is in many respects a shopping channel mentality for public broadcasting including Bill Moyer's books, Ken Burns' ''Civil War'' and ''Baseball'' videos, Louis Rukeyser newsletters, and Frugal Gourmet cookbooks.

Millions of dollars which could be returned to the taxpayer are diverted to private parties, with nonprofit entities fronting for profit making enterprises.

Since 1968, actual appropriations to the Corporation for Public Broadcasting have totaled almost $3 billion. This Federal support has produced a system of 340 public TV stations and more than 1,000 noncommercial radio stations—about two-thirds of which are CPB-qualified and get Federal money.

But Federal appropriations, large as they have been, are only a fraction of the total Federal support package. Under the FCC's channel set aside program, adopted in 1952, many extremely valuable TV channels were allocated to public broadcasting. Included are VHF—channels 2 to 13—stations in several major markets like WNET-Channel 13 in New York, WTTW-Channel 11 to Chicago, KETC-Channel 9 in St. Louis, and WYES-Channel 12 in New Orleans.

These stations and many others are worth literally hundreds of millions of dollars. There is a similar set aside allocation scheme for public broadcasting in the FM radio spectrum band as well.

Non-Federal support of public broadcasting totals about $15.5 billion to date. A good portion of that total comes from State college and university funds which, in turn, derives it money from Federal sources in some cases. Much of it is also tax deductible gifts and grants. Under current budget accounting, these would be counted as tax expenditures.

The Commerce Department's NTIA administers the Public Telecommunications Facilities Program [PTFP]. Over the decades, PTFP has distributed more than $½ billion in equipment and facilities grants. That is an enormous amount of money for a business like broadcasting which is not considered very capitial intensive.

In addition, Congress has largely funded the development of a nationwide satellite interconnection system for public broadcasting. More recently, NTIA has been given funds to help stimulate the development of children's programming.

The question is this: How much seed money is enough. Tens of billions of dollars have been spent to date to help get public broadcasting started. But are we now locked into a long run Federal dependency situation?

Alternatives are available. Let us not forget that from 1981 to 1984 there was a congressionally authorized Temporary Commission on Alternative Financing for Public Telecommunications [TCAF]. It included the Republican and Democratic members of the House and Senate Communications Subcommittees, the FCC, the Reagan administration, and the industry. TCAF authorized a test of advertising on public TV stations. Public radio was also authorized to participate but they boycotted the experiment.

As part of the 18-month experiment with advertising on public broadcasting, TCAF was required to conduct viewer polls—10,000 interviews were conducted. There was virtually no negative viewer response to advertising. The majority of the respondents were of the opinion that public broadcasting should have advertising and the majority disagreed that advertising would hurt the programs or that people would stop watching public broadcasting that ran advertising.

One of the viewers in Chicago, for example, when asked before and after the experiment, replied, ''Well, I am not sure I liked the commercials—but I sure liked them more than the old kind.'' She was, of course, referring to ''Pledge Week'', also known as Beg-A-Thons.

The public broadcasting audience and contributor lists are an extremely attractive group for many, many advertisers. According to the viewer magazine of WETA in Washington, its viewers have an average household net worth of $627,000 plus an average investment portfolio of $249,000. One out of eight contributors is a millionaire, one out of seven has a wine cellar, and one out of three spent time in Europe in the past 3 years. This is the target audience for PBS' prime time programming.

As a WETA fundraiser told Washingtonian magazine, the corporate giants that underwrite the most popular shows ''know that during prime time, public television can deliver the demographic they want: affluent, highly educated, the movers and shakers, the socially conscious and well informed.''

Moreoever, the wealthy donors to public broadcasting could rather easily make up the 14-percent funding. For instance, if the 5.2 million PBS members were to contribute only $55 more a year it would equal the Federal share for CPB. It is clear that those donors are the very people who can afford to contribute an additional $55 a year.

Today, the American public clearly agrees that something should be done. A Louis Harris poll conducted for Business Week this month put CPB third on the list of Federal agencies Americans want abolished. Only the National Endowment for the Arts and the Department of Housing and Urban Development ranked higher among the public's priorities for elimination. Meanwhile the PBS taxpayer funded poll has been completely discredited by the leading polling firm in America—Times Mirror. Moreover, the CNN/Gallop poll found support for funding only at some level. What none of these polls has asked yet is ''do you favor continuation of public broadcasting as a privatized enterprise''? The overwhelming majority of Americans would answer with a resounding yes.

Faced with this sort of sentiment, defenders of taxpayer spending for CPB have put up two heat shields they hope will preserve the subsidy—rural service and children's programming.

As a Senator from South Dakota, a State with smaller cities and many farms, I have heard all the scare tactics about rural and smaller city broadcasting service before. But rural service can be sustained—even improved—through measures that actually save money to the taxpayers.

The key is leaner management. As I mentioned earlier, in Washington and throughout the system, reports the Twentieth Century Fund, 75 percent of public broadcasting funds go to overhead. CPB requires rural stations to hire full-time paid staff in many instances where students and volunteers are willing and available. This needlessly drives up the cost of rural community broadcasting.

Let us not also forget for a moment that current funding formulas favor the large urban, elite stations which get the lion's share of the funds because CPB matches private donations. In addition, as of 1992, of the 340 local TV stations in the public broadcasting network, only 7 get part of the $100 million programming fund to produce programs for the PBS network. Of those seven, only two stations, New York and Boston, produce by far the lion's share.

One TV station in New York, WNET, for example, gets eight times as much from CPB as the entire State of South Dakota for all TV and radio—South Dakota: $1.7 million; WNET: $9.3 million. This does not include the additional millions received by WNET and other elite stations through the $100 million programming fund.

In addition, private sector-like salaries are paid to personnel in public broadcasting. While I have no problem

with people in the private sector making large salaries, I do have a problem with private sector salaries being paid to those who cloak themselves in public service, especially when my State gets so little of the Federal money. While CPB and PBS salaries do generally follow congressional caps, the highest salaries in the system are routed through stations, producers, and performers.

For instance, as Senator DOLE pointed out in 1992, WNET of New York reported paying Executive Director Lester Crystal $309,375 in compensation plus a package of $92,000 plus in benefits; George Page a director gets $184,000 plus $55,000 in benefits; Robert Lipsyte a host gets $184,000 plus $54,000 in benefits. KCET of Los Angeles had a salary package of over $250,000 per year in 1992. According to the Wall Street Journal, the president of Pittsburgh's WQED resigned in disgrace in 1993 when it was revealed he was receiving a second salary of $300,000 from a station contractor. Other stations still permit other sources of income. Station perks often include cars, travel, service on other boards etc.

Children's Television Workshop, the producer of Sesame Street, reported a top salary plus benefits package totalling some $625,000 in 1992.

The biggest unknown is payments to PBS stars—since stations contract with private companies to pay the talent. As a result, we do not currently know what MacNeil, Lehrer, Ken Burns, Bill Moyers, or the Frugal Gourmet make. It has been reported that Norm Abrams, the carpenter on ''This Old House'', makes over $250,000 a year.

CPB's campaign on children's television is even more alarmist. At a public relations event this month in Washington, CPB trotted out the president of the local PBS station from New Orleans, who gave his dire prediction of what would happen at his station without Federal taxpayers' funds.

''Early morning broadcasts of Barney and Lamb Chop's Play-Along would go away,'' the station president said emotionally. ''It would be a huge step backward for America.''

That's what I call a ''close the Washington Monument'' strategy: Threaten to shut down the most popular and visible attraction when threatened with a marginal loss of tax dollars. And for public broadcasting, the end of Federal subsidies would be but a marginal loss. To reiterate a point made earlier, only 14 percent of public broadcasting's revenues comes from Federal taxpayers. The other 86 percent comes from private contributions, corporate underwriting and State government grants.

Any decently managed organization should be able to sustain a loss of one source accounting for 14 percent of revenues—especially when its horizons are wide open for revenues from other sources.

High quality children's programming is available now through free market media that did not even exist when CPB was chartered and its taxpayer spending began to grow. The Learning Channel, the Discovery Channel, the Disney Channel are but a few. Another, Nickelodeon, has fared so well both critically and commercially that it has sold programming to television in France—an exceedingly hard market for U.S. cultural offerings to penetrate.

Profit and commercialization are treated as obscenities by sanctimonious public broadcasting executives. These prim people remind me of the ''sportin' house'' piano player who swore he had no idea what was going on upstairs.

As I mentioned before, profit certainly isn't a dirty word to the creators and licensees of such successful shows as Barney and Sesame Street. While hundreds of millions of dollars were being made, thanks to the contracts negotiated by CPB's pious managers, CPB failed to reap a penny in return.

Restructured and truly privatized, CPB could be a clearinghouse for quality programming from our highly creative competitive marketplace. And it would have the right incentives to prevent squandering opportunities and resources.

The American people are right on target in making it a priority to halt taxpayer spending for the CPB bureaucracy, to privatize the public broadcasting industry and bring it up to date with today's markets and technologies. This is one of my top goals as the new chairman of the Senate Commerce Committee.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent to proceed as in morning business.

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

OSHA RULES GOVERNING LOGGING OPERATIONS

Mr. BAUCUS. Madam President, Washington bureaucrats are at it again. On February 9, the Occupational Safety and Health Administration, otherwise known as OSHA, will impose rules governing logging operations out in the woods. Now, logging can be hazardous and there are certain rules that do make sense and should be enforced to ensure that folks are not subjected to unnecessary risks. But people who work in the woods are not dummies. They know they do dangerous work, and they know which rules make sense and which ones do not.

Unfortunately, the OSHA folks back here in Washington, DC, got carried away with their rulemaking because they issued a host of logging regulations that, I must tell you, simply defy common sense and they hurt the people who are trying to make a living rather than helping them. You can tell whoever wrote them works at a desk, probably in Washington, DC, and not with a chain saw.

For example, these new regulations require loggers to wear foot protection that prevents penetration by chain saws. That means steel-toed kevlar boots. While requiring loggers to wear these boots sounds like a good, sensible rule, the fact is, it is not. As Montana loggers will tell you, steel-toed boots are impractical when it comes to steep terrain—and I can tell you, we have a lot of that—and in cold weather. We have some of that, too. Since they reduce comfort and significantly reduce flexibility, they make it easier to slip and to fall, not a good thing when you are carrying a chain saw. Uncomfortable and inflexible boots might make the job more dangerous, not less dangerous. We have to, I think, let the logger make that call.

Furthermore, chain-saw resistant work boots would have to be made out of exotic material like kevlar. These boots are not readily available from manufacturers. It seems impractical to me then to ask loggers to take a vacation while their new up-to-standard boots are on back order.

Another provision requires loggers to wear both eyeglasses and face protection. Eye protection does make common sense. It is a regulation that loggers have strictly followed for many years. The additional requirement of face shields, however, will only cut down on loggers' peripheral vision; here, again, a regulation that creates more of a hazard than it alleviates.

A third provision requires health care providers to review and approve logger first aid kits on a yearly basis; a doctor's appointment for a first aid kit. OSHA has to be kidding. I would think that OSHA could perhaps list the required contents for an aid kit and just leave it at that.

These, Madam President, are but three examples that demonstrate just how bad these regulations are going. They are tough and violators are subjected to stiff penalties. They also make no sense and will needlessly put hardworking men and women out of business come February 9 when they go into effect.

Sometimes it seems to me the Feds have it in for people who work in the woods, or just like to go camping. For example, last year, I persuaded the Forest Service to withdraw a set of regulations that told folks what they could and could not do in the woods. These were the rules that outlawed people from carrying firearms, picking up rocks, or shouting out loud in our national forests.

The Forest Service finally came to their senses and withdrew those regulations, and I hope that the Department of Labor will do the same here. I have asked the Secretary of Labor to suspend implementation of these regulations for 180 days.

Madam President, during this time, OSHA should go back to the drawing board and talk to the people with actual logging experience. These folks can help OSHA create rules that are specifically tailored to the region, compatible to the nature of the work and help, rather than hinder, the logger.

I urge my colleagues to support my call for a halt to the implementation of these regulations as they are currently written.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Madam President, I applaud the Senator from Montana, and I hope that OSHA will pay attention to his letter. I own a small tree farm in Vermont. In fact, I live on it. We harvest mixed types of trees, mostly hard wood, some soft woods, doing probably 25 to 35 acres a year. The man who does the harvesting was named a couple years in a row as the best forester in Vermont.

He did not get that way by taking unnecessary risks. He has a very good logging business, hires a number of people, logs primarily in the wintertime when the ground is frozen, and moves things out.

Frankly, I would trust him to make some of these judgments, some of the things the Senator is describing. They make no sense in our State, either.

I remember one day walking down the road last winter. It was between 30 and 35 degrees below zero. He was standing with his truck. He really loved it because the roads were frozen and he could move. And he had the roads to himself. But I can see him trying to walk with the type of boots the Senator is talking about. I can see him just breathing into any kind of face mask the Senator is talking about, where it is 30 to 35 degrees below zero. You are going to have nothing but sheer ice on the inside of that face mask. I wonder what kind of safety factor that is going to be.

So, Madam President, I would ask the distinguished senior Senator from Montana, one who has paid more attention to these issues than just about anybody I know in this body, if he would share with me the response to his letter because I think he raises a valid point.

Mr. BAUCUS. Madam President, I very much would like to and will share the response I get.

I am curious whether they are going to apply windshield wipers on the face shield.

Mr. LEAHY. Defrosters.

Mr. BAUCUS. Defrosters. I wonder whether, if they are battery powered, the logger will have to carry a battery pack for the windshield wiper on the face mask or the defroster on the face mask because, as the Senator said, and as you know, Madam President, in your State of Maine—our States are northern States—snow falls in the winter. It gets a little cold when we are out in the woods. They could easily fog up. So I am not sure whether the OSHA people are thinking only about dead of summer logging or whether they are also thinking about logging operations the time of the year when it sometimes gets a little cooler.

But I thank the Senator for his observations and I will give him a copy of the letter I get.

HOLDING THE COURSE TOWARD MIDDLE EAST PEACE

Mr. LEAHY. Madam President, we all know that making peace has never been easy. It is hard to forget the pain of having lost loved ones. It is hard to abandon the image of an enemy as fundamentally evil and begin to recognize that same enemy as a fellow human being. It is hard all of a sudden to forget the vocabulary of hatred and recrimination and start using words like ''goodwill'' and ''trust'' and ''cooperation.''

It is even harder to lead others to do these things. The risks are enormous. The enemy leader may doublecross you, or his followers may try to do that. You may be branded as weak and gullible. In fact, extremists on each side may try to undermine the process. And then, if you are the peacemaker, extremists on your side may prevent you from keeping your promises or, worse yet, attack you. The chances are great that you will end up being blamed for any bloodshed rather than being praised for the bloodshed you prevented.

Madam President, I wish to take a moment today to recognize one who, despite all the risks, embarked on the road to peace and who, despite all the efforts to derail him, remains on it. I am speaking of the Prime Minister of Israel, Yitzhak Rabin.

Sunday, Israel was shaken by yet another bomb attack: 19 Israelis were killed and dozens injured. And once more, understandably, families are grieving. Once more, they are wondering what peace with the Palestinians means. And once more, the voices of those who oppose peace are raised high, many calling for Prime Minister Rabin's resignation.

I hope he does not resign. Israel needs him. The Palestinians need him. We Americans need him. In fact, we all need leaders who are willing to take risks for peace wherever that might be in the world.

We grieve, obviously, for the most recent victims of terrorism. A victim of terrorism is a victim of terrorism no matter who initiated it. How tragic that even now, a year after President Clinton brought Prime Minister Rabin and Chairman Arafat to the White House to shake hands, there are still people who cannot put the pain of past losses behind them, people who still fail to see that continuation of confrontation only brings more pain, people who are still not ready to work together for a better future for their children.

Madam President, as we here in America grieve, I hope we do not lose our bearings. I hope we keep sharply focused on what is the goal, which is peace in the Middle East.

Madam President, I say this because over the past several months, we have seen some interesting activity here on Capitol Hill. I know in my case, and in others, we have had a group of Israelis coming to our offices informing us what American national interests are. Not Israeli interests they would like us to support—in fact, no reference to Israel or the interests of the Israeli Government. They say they are doing us the service of helping us figure out what American interests are.

Frankly, Madam President, I think that is what I was elected for; that is what I am paid for. And I will try to make that determination without someone from another country coming in and telling me what our interests are. I am referring here to those Israelis who are waging a campaign to have Congress in advance forbid American participation in any eventual peace monitoring force in the Golan Heights between Israel and Syria. Why are they doing this? Is there a peace agreement between Israel and Syria? No. Has the Israeli Government asked us to commit ourselves to participate? No. In fact, on the contrary, Madam President, Prime Minister Rabin and Israeli Ambassador to the United States Itaman Rabinovich have made clear that their Government is very anxious to have United States participation in a Golan Heights peace-monitoring force, assuming that at some point possibly one is created, just as the United States has participated and continues to participate effectively in the Sinai force monitoring the peace between Israel and Egypt, something that we have done for years, since the time of the Camp David Accords.

So, why, Madam President, would anyone want the U.S. Government to forbid American participation in a venture even before we know what the venture is? There will be time enough to make that determination once and if there is a peace agreement and we are asked to help. In fact, I ask why would Israelis be working in Washington to persuade the United States Government to act against the wishes of their own Government?

I assume they are here to oppose their own Government, and they would like Americans to help bring down their Government. I am opposed to that. And I am opposed to those who come here who really want to stop the peace process.

Madam President, I do not envy Prime Minister Rabin having to negotiate with Syrian President Assad. He is not a person to whom I take very kindly, President Assad, the same President Assad who has been responsible for terrorist attacks against the Israeli people for decades. This is the

same President Assad who aided the attack on the barracks in Beirut almost 15 years ago, when dozens and dozens and dozens and dozens of brave U.S. marines died needlessly. I am a father of a former marine myself. When I remember that, I have great difficulty in contemplating reaching engagement with such a person. I am sure, because of his own personal experiences, Prime Minister Rabin has even more difficulty.

But Prime Minister Rabin has gone forward. He knows that continued confrontation with Syria will just bring more attacks, more deaths, more suffering. He knows that. In order to create a world in which Israeli children can grow up without guns all around them, without the prospect of new attacks, he swallows his anger.

Madam President, as angry as I feel towards President Assad, I know that my anger is mild compared to that of Prime Minister Rabin. But in order to have peace, you do not negotiate with your friends, you negotiate with your enemies. It has always been that way. We Americans have always yearned for peace in the Middle East. Prime Minister Rabin is working for peace, and I for one applaud him.

Madam President, I see others in the Chamber seeking recognition, so I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 215 AND 216

Mr. GRAMM. Madam President, under the previous unanimous consent request, all amendments have to be submitted before 3 o'clock, so I ask unanimous consent that I might send two amendments to the desk for immediate consideration.

The PRESIDING OFFICER. If there are no objections, the Senate may set aside the pending amendment. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes amendments numbered 215 and 216.

Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 215

(Purpose: To require that each conference report that includes any Federal mandate, be accompanied by a report by the Director of the Congressional Budget Office on the cost of the Federal mandate)

On page, 21, between lines 13 and 14, insert the following:

''(2) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form.''

AMENDMENT NO. 216

(Purpose: To require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct cost of Federal mandates)

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting ''408(c),'' after ''313,''.

Mr. GRAMM. Madam President, let me just make a couple of points. First of all, one of these amendments is technical, one is substantive. One is trying to strengthen the mandate bill. Under the mandate bill we are now considering, if someone wanted to impose an unfunded mandate on local government, county government, or State government, there would have to be an estimate of the amount of cost. And if that cost exceeds $50 million, the unfunded mandate would be subject to a point of order and a 50-vote margin—50 votes plus 1, a majority, would have to be achieved in order to waive that point of order.

I have gone back and looked at what 50-vote points of order have done under the Budget Act. In fact, you have to go back to 1988 to actually find 50-vote points of order that anyone raises. In 1987–88 we had five 50-vote points of order raised. This was under the Budget Act, for busting the budget.

Four of them were waived, and no one has raised one since that time, the reason being if you only have to get 50 votes to waive the point of order, since it takes 50 votes to pass the bill, almost anything that is going to pass will get the votes to waive the Budget Act. That is why we went to a 60-vote point of order, to make the point of order have some meaning and substance.

I have offered an amendment that would change the bill in one fundamental respect, and that is it would require 60 votes to waive the point of order in the Senate to allow us to impose an unfunded mandate on local government.

Madam President, I want to make one observation about this bill. I understand obstruction. I have engaged in it myself. It is an important part of the American system and, while those who are being obstructed are unhappy about it, in fact it is the guaranteed right of those who serve in the Senate to obstruct.

I would like to note one observation that I think is relevant to this process. I engaged in obstructing the passage of the President's health care bill. For 7 months I was engaged, with other Members of the Senate, in relentlessly trying to prevent the President's health care bill from being passed. I would say, however, that I had no qualms about standing up and saying I oppose the President's health care bill and it is going to pass over my cold, dead political body, which fortunately, such as it is, is alive today. The President's health care bill is deader than Elvis. And unlike Elvis, it would not be welcomed if it came back.

But I would note it is very strange to me that, though we are in our second week of deliberation on this bill, we have been unable to get cloture to go on and pass the bill when we have 63 cosponsors. My question is this: If so many people are for this bill, why do we have so much trouble in passing it?

So I think obstructing is an important part of the process. I think it allows us to analyze, to discuss, to reason. And I think ultimately if you have a determined minority that is opposed to a bill, that you ought to be able to show voter strength in the Senate in order to override that minority. But I do continue to be puzzled by the fact that so many people say they are for this bill, and yet we cannot seem to get on with the job of passing it.

I think that is an important point to make and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

AMENDMENT NO. 217

(Purpose: To exclude the application of a Federal intergovernmental mandate point of order to employer-related legislation, and for other purposes)

Mr. BYRD. Madam President, I send to the desk an amendment for the purpose of qualifying under the original unanimous-consent order. I have a spot on the list. I ask the number only be stated at this time and that it lie at the desk for call-up during the debate later.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

The clerk will state the amendment by number.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 217.

The amendment is as follows:

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

''(I) a condition of Federal assistance;

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty that establishes or enforces any statutory right of employees in both the public and private sectors with respect to their employment; or

AMENDMENT NO. 213, AS MODIFIED

Mr. BYRD. Madam President, I now have three amendments that have been entered in accordance with the order that was previously entered. One of those amendments I wish to modify.

I ask unanimous consent I may be permitted to modify amendment No. 213.

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

Mr. BYRD. Madam President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BYRD. Madam President, I ask unanimous consent the modification not be read.

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

The amendment (No. 213), as modified, is as follows:

On page 23, strike line 18 through line 6 on page 25 and insert the following:

''(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress; and

''(cc) provides that the mandate shall cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa) unless Congress has completed action on the recommendations during the 60 day period.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Madam President, parliamentary inquiry, is it necessary to ask unanimous consent to set aside the pending amendment in order to send up an amendment under the UC?

The PRESIDING OFFICER. Yes, that is correct.

Mr. LEVIN. Madam President, I ask unanimous consent the pending amendment be set aside temporarily so it would be in order for me to offer two amendments under the unanimous-consent agreement that is now in effect.

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

AMENDMENT NO. 218

(Purpose: To propose a substitute amendment)

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:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 218.

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 ''Amendments Submitted.'')

Mr. LEVIN. Madam President, I now ask unanimous consent that the amendment be temporarily laid aside.

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

AMENDMENT NO. 219

Mr. LEVIN. Madam President, I send another amendment to the desk pursuant to the pending unanimous-consent agreement, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 219.

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 amendment is as follows:

On page 18, line 25, insert before ''and'' the following: ''but no more than ten years beyond the effective date of the mandate''.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. BROWN. Madam President, I ask unanimous consent the pending amendment be set aside so I may offer some amendments under our unanimous-consent agreement.

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

AMENDMENT NO. 220

(Purpose: To express the sense of the Senate that the appropriate committees should review the implementation of the act, and for other purposes)

Mr. BROWN. Madam President, I send to the desk an amendment dealing with a sense of the Senate regarding a review of this process, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 220.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 13, insert between lines 13 and 14 the following new section:

SEC. 6. REVIEW OF IMPLEMENTATION.

It is the sense of the Senate that before the adjournment of the 106th Congress, the appropriate committees of the Senate should review the implementation of the provisions of this Act with respect to the conduct of the business of the Senate and report thereon to the Senate.

AMENDMENT NO. 221

(Purpose: To limit the restriction on judicial review)

Mr. BROWN. Madam President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. HATCH, proposes an amendment numbered 221.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike title IV of the bill and insert the following:

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under title I or III of this Act, and any compliance or noncompliance with the provisions of title I or III of this Act, and any determination concerning the applicability of the provisions of title I or III of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of title I or III of this Act or amendment made by title I or III of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of title I or III of this Act or amendments made by title I or III of this Act shall be considered by any court in determining the intent of Congress.

Mr. BROWN. Madam President, the first amendment deals with a sense-of-the-Senate, suggesting that by the 106th Congress, this legislation be reviewed. I think it is important that, while we are not able to bind future Congresses, and while I think it would be a mistake to set an automatic sunset on this legislation, it is important that future Congresses review that. My hope is that the body will want to go on record as urging future Congresses to provide the right kind of overview that will enable us to perfect the legislation.

The second amendment is an important one. I recognize, as I think most Senators do, it is important not to have a judicial review of things that are internal within the Congress. But it is also important, I think, to provide that outside regulatory agencies that are assigned responsibilities under this act be subject to judicial review just as they are in all the other things they do.

So what my amendment does is make it clear that title I and title III are not subject to judicial review, in that the regulatory agencies under title II are treated, in this act, the same way as they are in all other acts that apply.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 222

Mr. ROTH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 222.

Mr. ROTH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 33, strike all on lines 10 through 12, and insert the following:

This title shall take effect on January 1, 1996, and shall apply to—

(1) bills and joint resolutions reported, and to amendments and motions offered, on and after such date, and

(2) conference reports on such legislation.

Mr. ROTH. Madam President, I ask unanimous consent to temporarily lay this amendment aside.

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

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

ORDER OF PROCEDURE

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that at 3:15 today there be 30 minutes for debate on the Grassley amendment No. 207 to be equally divided in the usual form, and that no second-degree amendments be in order to the Grassley amendment No. 207, and that the vote occur on the amendment following the stacked votes already ordered to begin at 4 p.m..

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the consent agreement governing the Hollings amendment No. 182 be postponed to now occur immediately following the stacked rollcall votes at 4 p.m..

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

Mr. KEMPTHORNE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. 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. KEMPTHORNE. Madam President, I ask unanimous consent that the 3:15 time for the debate and vote on the Grassley amendment be postponed, to occur at a later time.

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

Mr. KEMPTHORNE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Madam President, before we start five rollcall votes I thought I would just review for those who have been involved in this, and others who may have an interest, just sort of what has happened.

First of all, we started on this bill on Thursday, January 12, at 10:30 a.m.. We have had 10 full days of debate on this one. I do not want anybody suggesting this bill has been rushed. It should have been passed probably in a couple of days. We have had 21 rollcall votes taken on this bill. Of those, 5 were unanimous. Of those 21 votes, 9 were taken on committee amendments that had been adopted unanimously in committee.

We have had just about 41 hours and 48 minutes on the bill. Colleagues on the other side have used 26 hours and 41 minutes. On this side, we have used 15 hours and 7 minutes. We reached an agreement last Thursday to limit the number of first-degree amendments to 62 amendments. But then 50 amendments have been offered. I am not certain we gained anything. We probably could have disposed of 12 on Friday. So we really did not gain anything with the consent agreement.

So, of the 50 amendments which are pending, 37 amendments were offered by our colleagues on the other side and 13 were offered by my colleagues on this side of the aisle. We have accepted three by a voice vote, which means that after 10 days of debate and entering into these unanimous consent agreements, we still have 47 amendments left.

I just say to my colleagues that we hope to finish action on this bill this week. So I can say definitely tomorrow night will be a late, late night. Thursday night will be a late, late night, and I assume Friday night will be a late, late night because at the rate we are going we have only disposed of—I do not know how many amendments in the last 10 days—not very many. We have had 21 rollcall votes. So that is an average of two rollcall votes a day.

We obviously have the right to file cloture, in effect, because there is no time agreement on any of these amendments. Even though there are 47 amendments left, there is no time agreement on any of the amendments. They could take 1 hour apiece or 1 day apiece. So it may be necessary to file cloture. If not, it may be necessary to start tabling the amendments because we need to complete action on this bill.

I do not believe anybody can say that this bill has been rushed. I have read statements where people say it has been rushed, that they are not going to be rushed and we are going to take our time. And I do not quarrel with that, except it would be a stretch by anyone to suggest we have not taken enough time on this bill. The bill has broad support on both sides of the aisle.

I hope that the President tonight in his State of the Union Message will just urge my colleagues on the other side of the aisle to speed up action on this bill. He is for it and indicates he is for it. There will be no action on Mexico until this bill is disposed of, and maybe—we have wasted so much time—maybe not until a balanced budget amendment is disposed of. We will have to make that decision later. This has been a priority, and we would like to dispose of it as quickly as possible. That would mean no later than the end of this week.

I want to thank both managers of the bill. I know that they have been working diligently. But it seems to me we have about reached the place where we should agree on some of the key amendments, offer the amendments, have the debate, and then have the vote.

I ask unanimous consent that all the votes except the first vote be limited to 10 minutes in duration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. So the first vote will be a 20-minute rollcall vote, 15 plus 5; the remaining votes will be 10 minutes, plus 5. We hope we can complete many amendments in 10 minutes. But the first will be 20 minutes, then the others will be 15-minute rollcall votes.

VOTE ON AMENDMENT NO. 178

The PRESIDING OFFICER. Under the previous order, the question recurs on the motion to table amendment No. 178, offered by the Senator from North Dakota [Mr. DORGAN]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—63

Abraham	Frist	Mack
Ashcroft	Glenn	McCain
Bennett	Gorton	McConnell
Bond	Graham	Moseley-Braun
Bradley	Gramm	Moynihan
Brown	Grams	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Nunn
Coats	Hatch	Packwood
Cochran	Hatfield	Pressler
Cohen	Helms	Roth
Coverdell	Hutchison	Santorum
Craig	Inhofe	Shelby
D'Amato	Jeffords	Smith
DeWine	Kassebaum	Snowe
Dodd	Kempthorne	Specter
Dole	Kerrey	Stevens
Domenici	Kyl	Thomas
Faircloth	Lautenberg	Thompson
Feinstein	Lott	Thurmond
Ford	Lugar	Warner

NAYS—34

Akaka	Dorgan	Mikulski
Baucus	Exon	Murray
Biden	Feingold	Pell
Bingaman	Harkin	Pryor
Boxer	Hollings	Reid
Breaux	Inouye	Robb
Bryan	Johnston	Rockefeller
Bumpers	Kerry	Sarbanes
Byrd	Kohl	Simon
Campbell	Leahy	Wellstone
Conrad	Levin	
Daschle	Lieberman	

NOT VOTING—3

Heflin	Kennedy	Simpson

So the motion to lay on the table the amendment (No. 178) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 179

Mr. DODD. Mr. President, I rise in support of this amendment and commend my colleague from North Dakota for his work on this issue.

We are still in the first weeks of the 104th Congress, and already it appears that some Members of the Republican leadership are going back on their promises to our seniors and our middle-class taxpayers. They promised not to touch Social Security and they promised to cut taxes. Now they are strongarming bureaucrats to approve a technical change that would reduce Social Security benefits to millions of seniors and raise taxes to millions of others.

Mr. President, may I suggest that this is no way to fulfill the meaning of the words that formed the backdrop at the Republican National Committee meeting this weekend? The banner read: ''Republicans: Keeping Our Promises: Building Your Trust.''

I support this sense-of-the-Senate resolution because I believe fine tuning our calculation of inflation is too important an issue to be exploited or politicized. Any adjustments to the consumer price index must be left—not to the whims of political leaders—but to the thoughtful analysis of our Nation's leading economists.

Federal Reserve Chairman Alan Greenspan and others have raised a concern that the consumer price index may overestimate inflation by inaccurately measuring consumer spending habits. No consensus has emerged, however, on how to remedy this problem. None.

The calculation of the CPI has significant policy ramifications, principally for senior citizens who rely on Social Security cost-of-living adjustments.

Before we cut their benefits, we owe our Nation's seniors the benefit of consulting with the experts.

Speaker GINGRICH disagrees. He has threatened to cut off funding for the Bureau of Labor Statistics if the agency ''can't get it right'' within 30 days. What does ''getting it right'' mean? If the agency does not adjust the CPI calculations to fit the Speaker's political ends, are economists going to lose their jobs?

One thing is for sure—browbeating bureaucrats will not create a more reasoned analysis of this issue.

There is simply too much at stake for Congress to rush to judgment on this matter without the thoughtful review and recommendations of our economic experts.

A PATTERN OF GIMMICKS

I am concerned that this latest flap over the CPI is part of a disturbing pattern. Some of my Republican colleagues are seizing upon any gimmick they can to justify their tax cuts for the wealthy. It does not seem to matter who they run over in the process.

Dynamic scoring—otherwise known as dynamic dreaming—was the last flavor of the week. CPI changes are the newest flavor.

A balanced budget amendment will be the next. The Republicans' attempt to politicize the CPI shows that even with a constitutional amendment, Congress will use gimmicks to pass a budget that balances on paper, but bounces in the real world.

We have seen this before.

For 12 years, Ronald Reagan and George Bush advocated a balanced budget amendment while submitting budgets with rosy economic scenarios, inaccurate assumptions, and magic asterisks in the place of specified spending cuts.

These actions have left a legacy of large deficits and a quadrupling of the national debt. Today every American man, women, and child owes almost $13,500 on the publicly held debt. In inflation-adjusted terms, that's about 2½ times what they owed in 1980.

Time after time we have seen gimmicks used to support economic theories for political reasons. We are in serious jeopardy of returning to these dangerous tricks.

We all know—and experience has taught—who bears the greatest cost of this gimmickry—the middle-class. At the end of the day, it's middle-class Americans who are called upon to clean up the effects of mistaken economic theories.

If we misjudge this theory, and err in recalculating the CPI—it's middle-class Americans and vulnerable seniors who will lose the most.

I urge my colleagues to reject these quick fixes and gimmicks and act cautiously and conservatively. The American public deserves no less.

VOTE ON AMENDMENT NO. 179

Mr. KEMPTHORNE. Mr. President, I move to table the Dorgan amendment and 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 amendment No. 179 of the Senator from North Dakota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BRADLEY (after having voted in the negative). On this vote, I have a pair with Senator SIMPSON, of Wyoming. I have voted ''no.'' Senator SIMPSON would have voted ''aye.'' I withdraw my vote.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

On this vote, the Senator from New Jersey [Mr. BRADLEY] is paired with the Senator from Wyoming [Mr. SIMPSON].

If present and voting, the Senator from Wyoming would vote ''yea'' and the Senator from New Jersey would vote ''nay.''

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—52

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—44

Akaka	Boxer	Byrd
Baucus	Breaux	Campbell
Biden	Bryan	Conrad
Bingaman	Bumpers	Daschle

Dodd	Johnston	Murray
Dorgan	Kerrey	Nunn
Exon	Kerry	Pell
Feingold	Kohl	Pryor
Feinstein	Lautenberg	Reid
Ford	Leahy	Robb
Glenn	Levin	Rockefeller
Graham	Lieberman	Sarbanes
Harkin	Mikulski	Simon
Hollings	Moseley-Braun	Wellstone
Inouye	Moynihan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bradley, against

NOT VOTING—3

Heflin	Kennedy	Simpson

So the motion to lay on the table the amendment (No. 179) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 191

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table amendment No. 191 offered by the Senator from New Mexico [Mr. BINGAMAN].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—58

Abraham	Frist	McCain
Ashcroft	Glenn	McConnell
Baucus	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Nunn
Brown	Grassley	Packwood
Burns	Gregg	Pressler
Chafee	Hatch	Roth
Coats	Hatfield	Santorum
Cochran	Helms	Shelby
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Dole	Kohl	Thompson
Domenici	Kyl	Thurmond
Exon	Lott	Warner
Faircloth	Lugar	
Feingold	Mack	

NAYS—39

Akaka	Breaux	Conrad
Biden	Bryan	Daschle
Bingaman	Bumpers	Dodd
Boxer	Byrd	Dorgan
Bradley	Campbell	Feinstein
Ford	Lautenberg	Pell
Graham	Leahy	Pryor
Harkin	Levin	Reid
Hollings	Lieberman	Robb
Inouye	Mikulski	Rockefeller
Johnston	Moseley-Braun	Sarbanes
Kerrey	Moynihan	Simon
Kerry	Murray	Wellstone

NOT VOTING—3

Heflin	Kennedy	Simpson

So the motion to table the amendment (No. 191) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table the amendment No. 192 offered by the Senator from New Mexico [Mr. BINGAMAN]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—57

Abraham	Frist	Mack
Ashcroft	Glenn	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Bryan	Grassley	Nunn
Burns	Gregg	Packwood
Chafee	Hatch	Pressler
Coats	Hatfield	Roth
Cochran	Helms	Santorum
Cohen	Hutchison	Shelby
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Kassebaum	Specter
DeWine	Kempthorne	Stevens
Dole	Kohl	Thomas
Domenici	Kyl	Thompson
Exon	Lott	Thurmond
Faircloth	Lugar	Warner

NAYS—40

Akaka	Daschle	Kerrey
Baucus	Dodd	Kerry
Biden	Dorgan	Lautenberg
Bingaman	Feingold	Leahy
Boxer	Feinstein	Levin
Bradley	Ford	Lieberman
Breaux	Graham	Mikulski
Bumpers	Harkin	Moseley-Braun
Byrd	Hollings	Moynihan
Campbell	Inouye	Murray
Conrad	Johnston	Pell
Pryor	Rockefeller	Wellstone
Reid	Sarbanes	
Robb	Simon	

NOT VOTING—3

Heflin	Kennedy	Simpson

So, the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 182

Mr. GLENN. Mr. President, what is the next order of business before the Senate?

The PRESIDING OFFICER. Amendment No. 182, offered by the Senator from South Carolina [Mr. HOLLINGS] with 30 minutes, equally divided.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President it is my hope that in this amendment we can sort of burst the bubble of false hope that permeates the Government in Washington with so-called contracts. All around town we seem to hear ''The Government is the problem; let's get rid of the Government.'' Unfortunately, both sides participate in this charade. We will be fighting all year to bring reality into the picture. Specifically, let me refer, to an amendment that I introduced on the Senate floor in 1990, an amendment that is now the solemn law of the land. It says:

> ''Notwithstanding any other provision of law receipts, disbursements and Federal aid, survivors' insurance trust fund, and the Federal disability insurance trust fund shall not be counted as new budget authority outlays, receipts, deficit, surplus, for the purpose of the budget of the U.S. Government as submitted by the President or the congressional budget or the Balanced Budget and Emergency Deficit Control Act.

In reality, the administration and the other side continue to use surplus funds when they refer to the size of the deficit. When Vaclav Havel was inaugurated as President of Czechoslovakia, he said:

> For 40 years we have been lied to, and for 40 years we have grown sicker because we have been saying one thing and believing another. I assume that you did not elect me President to continue this 40 years of lying. We have to deal with our problems. Nobody else can solve our problems but us.

That goes double for the problems that confront this Government at this hour.

We have, as the President speaks tonight, some 10 million Americans laying on the streets homeless, 12 million children hungry, and 40 million in poverty.

Mr. President, we need to be candid with the American people. All this resolution asks Congress to do, is to tell the American people up front the truth about our fiscal situation. Specifically, the deficit right now is not $176 billion;

it is $283 billion. We can look at the $253 billion that we spend on domestic discretionary programs against the $283 billion projected deficit and readily see that we could eliminate Government and still be in the red. My point is that in addition to spending cuts we will need to increase revenues.

I ask unanimous consent at this point to include in the RECORD a chart outlining one possible path to balancing the budget along with a list of approximately $37 billion in nondefense discretionary spending cuts.

There being no objection, the table is ordered to be printed in the RECORD, as follows:

HOLLINGS RELEASES REALITIES ON TRUTH IN BUDGETING

Reality No. 1: $1.2 trillion in spending cuts is necessary.

Reality No. 2: There aren't enough savings in entitlements. Have welfare reform, but a jobs program will cost; savings are questionable; health reform can and should save some, but slowing growth from 10 to 5 percent doesn't offer enough savings; social security won't be cut and will be off-budget again.

Reality No. 3: We should hold the line on the budget on Defense; that would be no savings.

Reality No. 4: Savings must come from freezes and cuts in domestic discretionary spending but that's not enough to stop hemorrhaging interest costs.

Reality No. 5: Taxes are necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 1995 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	−19	−38	−58	−78
Spending cuts	−37	−74	−111	−128	−146	−163	−180
Interest savings	−1	−5	−11	−20	−32	−46	−64
Total savings ($1.2 trillion)	−38	−79	−122	−167	−216	−267	−322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note—Figures are in billions. Figures don't include the billions necessary for a middle-class tax cut.

Non-defense discretionary spending cuts	1996	1997
Space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	1.0
Eliminate EDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Department funding and end miscellaneous activities	0.1	0.2
End Public Law 480 title I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the Bureau of Mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate USTTA	0.012	0.16
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate Untargeted funds for math and science	0.1	0.2
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for energy technology development	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1
Eliminate postal subsidies for non-profits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice, State, local assistance grants	0.1	0.2
Reduce export-import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate small business development centers	0.056	0.074
Eliminate minority assistance score, Small Business Institute and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate International Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South Center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the United Nations	0.873	0.873
Eliminate participation in U.N. peacekeeping	0.533	0.533
Eliminate Byrne grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.028	0.140
Reduce Coast Guard 10 percent	0.208	0.260
Eliminate Manufacturing Extension Program	0.03	0.06
Eliminate coastal zone management	0.03	0.06
Eliminate national marine sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate State weather modification grant	0.002	0.003
Cut Weather Service operations 10 percent	0.031	0.051
Eliminate regional climate centers	0.002	0.003
Eliminate Minority Business Development Agency	0.022	0.044
Eliminate public telecommunications facilities program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate national information infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Reduce chapter 1 20 percent	0.173	1.16
Reduce special education 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345
Eliminate Tuberculosis Program	0.042	0.087
Eliminate Agricultural Research Service	0.546	0.656
Reduce WIC 50 percent	1.579	1.735
Eliminate TEFAP:		
Administrative	0.024	0.040
Commodities	0.025	0.025
Reduce Cooperative State Research Service 20 percent	0.044	0.070
Reduce Animal Plant Health Inspection Service 10 percent	0.036	0.044
Reduce Food Safety Inspection Service 10 percent	0.047	0.052
Total	36.941	58.402

Mr. HOLLINGS. Mr. President, the path that I have outlined would include $406 billion in spending cuts over a 4-year period. In reality, I doubt that the Congress could cut $406 billion. I doubt that you could cut $37 billion in the first year to put us on schedule. But as my list of cuts shows, even if that were done, we would have to make additional cuts in the second year, and the third year, and so on. Moreover, after all these cuts we will still need a 5 percent value-added tax to bring us into the black by 1999. But wait, there's more. Having gotten into the black, we will still be spending $368 billion in interest costs on the gross debt. In short, we will be on automatic pilot for increased spending of $1 billion a day. The only way I know to get off of this binge is to start talking honestly about the budget.

Some of the elected officials in this town act like they are not part of the Government. It is like going to the Super Bowl and watching the Forty-Niners and the Chargers run into the stands hollering, ''We want a touchdown. We want a touchdown.'' But to do that, they've got to get out of the bleachers and onto the field. Let us get down on the field and balance the budget.

Mr. President, David Stockman, the Republican Director of the Office of Management and Budget, said 10 years ago:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it ever since. Instead they have incessantly poisoned the political debate with a mindless stream of anti-tax venom while pretending that economic growth and spending cuts alone could cure the deficit. That ought to be obvious now that we cannot grow our way out of it.

That is what we are getting here, 1995. It is time to stop this charade today. I retain the balance of my time.

Mr. DOMENICI. Mr. President, how much time does Senator HOLLINGS have remaining?

The PRESIDING OFFICER. Six minutes and 18 seconds remaining. The Senator from New Mexico has a full 15.

Mr. DOMENICI. Do you want to proceed with some of that, Senator? Do you want him to go now?

Mr. HOLLINGS. Go right ahead and then I will yield to Senator DODD.

Mr. DOMENICI. I have 15 minutes and would like to yield up to 5 minutes for Senator SIMON from Illinois. I would use the balance.

Mr. SIMON. Mr. President, I thank you.

I am going to oppose this amendment. I have great respect for Senator

HOLLINGS. Frankly, if we had more FRITZ HOLLINGS in the U.S. Senate we would not need a balanced budget amendment. FRITZ HOLLINGS has shown more courage in the Budget Committee—and I have served there along with Senator DODD and others—in talking about revenue, talking about cuts, talking about the needs of our country and that is essential.

I think there will be a lot of votes on this side supporting it in part because there is some resentment to the Contract With America and it is pie-in-the-sky we can cut taxes and spend more on defense, and it is just unrealistic.

I, however, oppose it for this reason, and that is, if it were popular to balance the budget, we would have done it a long time ago, the FRITZ HOLLINGS votes in the Budget Committee would have passed. The reality is we need a straitjacket to force us to do the right thing, and that is why it is essential for the country that we have a balanced budget.

The principle has to be established, and once we establish the principle, then we can argue among ourselves how to go about it. But we have not established the principle. I will just give you one quick illustration.

Back about 3 years ago, I introduced a bill for long-term care with a ½ percent increase in Social Security to pay for it. Two of my colleagues in the Senate, one of whom is still serving here now, came to me and said they thought it was a great bill, they would like to cosponsor it if I would just drop the ½ percent tax to pay for it. We can do that now. We can spend money, not pay any attention to whether it balances or not.

The reality is, if we want long-term care, we have to have the revenue. Senator HOLLINGS is correct—and I know I differ with some of my colleagues on the other side on this—he is absolutely correct when he says this is going to have to be a combination of spending cuts and revenue increases. I do not think there is any way to do it without that. And I do not favor just putting this thing off. If this passes, and I believe it will, if this passes in a few weeks, then I want to move on that glidepath right away, and I will join Senator HOLLINGS and any other Senator. We cannot wait until the States act; we have to move immediately.

But, frankly, we do not need to spell out how many toes we are going to step on when we have a balanced budget amendment. It is not going to be easy. It is going to be tough, but not to do it is going to be infinitely tougher on the future of this country.

So I, with great respect for the sponsor, am going to be voting on the other side on this particular motion.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I thank the distinguished Senator from Illinois for his statement, but I also thank him for his strong support for a constitutional amendment for a balanced budget. It is obvious some Democrats support this. It is obvious the President of the United States does not. Very few Republicans do not support it.

Having said that, the issue tonight is not whether we favor a constitutional amendment for a balanced budget, but rather after all these years of saying in order to balance the budget you need a constitutional amendment to force a total change of attitude on the part of the American people, the Congress, Democrats, Republicans and, yes, Presidents, that is why we need the amendment, so nobody in the position of leadership can any longer be for an unbalanced budget. The Presidents in the future are going to have to tell us how they get there.

I can guarantee you that when this constitutional amendment passes the U.S. Senate and House, the implementing legislation that will be part of it will not permit the executive branch of Government to say, ''I don't want to do it, I don't like it.''

Do you not think the first sentence in that implementing language will say: ''The next budget that the President of the United States sends to us, be he Democrat or Republican, will be in balance?'' We do not have that luxury today.

We have my very good friend and distinguished budgeteer and one who has proposed many healthy things to get the deficit under control, Senator HOLLINGS—and I thank him for his complimentary statements this morning—we have him suggesting that somebody, presumably the Republicans, ought to produce the details of a balanced budget before the sovereign States tell us we have to have it. Or it is some kind of gimmick, somebody says, if we do not.

Why is that? We are all suggesting and the American people have finally agreed that until the substantive, relevant, basic, underlying law of the land is changed, we will not get to a balanced budget.

Mr. President, let me tell you, I am not one who 14, 15 years ago was for a constitutional amendment. In fact, you might find something in the RECORD of this institution where I was not. But I have come full circle, and the very reason that I have is the reason we cannot do what Senator HOLLINGS is recommending in this amendment, because we have never been able to produce a balanced budget, and until we have a constitutional amendment, we will not. When we do, I say to Senator SIMON, everything will change.

Now, you say to me, ''What are you going to tax? What are you going to cut?'' Everything will be changed because the entire attitude of Congressmen will constantly be saying, ''How do we get a balanced budget?'' The entire demeanor of the fiscal policy and U.S. Congress is to solve every problem with a $20 million, $30 million or $50 million program, or a new entitlement.

I say to the Senator from South Carolina, Senator HOLLINGS, we pass in reconciliation bills—not the Senator, not me—but in reconciliation bills in which we are supposed to save money, we spent $150 billion because somebody found a loophole. They cut in the first year and then they pass 12 new programs in the second, third, fourth, and fifth. That happens to be how social services block grants, for those who are wondering, how the price went up. We never passed a free-standing bill. Believe it or not, we increased that spending by putting it in a budget-cutting bill.

We cannot stop all of that, but we will stop it all when we have a constitutional amendment.

Incidentally, we will not have a President of the United States giving a speech tonight on the State of the Union without including in it how we are going to get to a balanced budget, or I have sent you a balanced budget, or saying to the people of the United States, ''I sent it last year and they did not follow it because they still think they have 5 more years to play games.''

We are not going to have that now, I say to my friend from Connecticut, the new chairman of the Democratic Party, because this President is not obligated to. As a matter of fact, I believe sooner or later we ought to vote here and we probably ought to vote that the President should submit a balanced budget next year. That might be a good way to handle this. Maybe he ought to. He is the primary developer of budgets—the executive branch, not Congress, not Republicans because they are in the majority by a few votes.

So I want to close tonight by saying we do not need anybody telling us we have to produce a balanced budget in advance of a constitutional amendment. I say to the Senator from South Carolina, he is going to be there. He is the second ranking on the Budget Committee. I am the chairman. He is free to offer any amendments he wants in that timeframe, and he knows that.

I am going to offer plenty, and I am going to offer a budget that dramatically reduces the deficit. I welcome every Democrat who is pushing this issue. I welcome them to vote for all the cuts we are going to propose. That is the first start. That is the downpayment. If you are looking for an analogy in a football game, what we are going to have in 3 or 4 weeks is the game that just precedes the playoff. The Senator from South Carolina referred to the Chargers and San Francisco 49'ers. We are not at that game yet in the budget resolution this year. We are two games before the playoff because we still have to build the foundation for getting the deficit down with a big downpayment.

I say to the American people, just wait, in 4 or 5 weeks we will give you that downpayment and we will start that trend line down so that in the

fifth year, the budget will not be going up, it will be coming down.

Now, is this the way to do business? Let me close. I want to quote from Laurence Tribe, a liberal constitutional lawyer, on what kind of games we are playing with our children when we do not tie our own hands with a constitutional amendment. Listen carefully:

> Given the centrality in our revolutionary origins of the precept that there should be no taxation without representation, it seems especially fitting in principle that we seek somehow to tie our own hands so we cannot spend our children's legacy.

That is why we need the constitutional amendment. It will tie our hands. Until then, we can only say to the American people for the first time in 40 years, there is a Republican House and a Republican Senate, and I do not believe you are going to have to be worried about whether we will cut enough. What we have to be worried about is how many Democrats will help us as we propose very significant cuts in entitlements, in every discretionary program, in all kinds of expenditures of the Federal Government and privatization. We welcome your help.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

Mr. HOLLINGS. Mr. President, I understand I have 6 minutes left. I want to divide it between the distinguished Senator from North Dakota and the distinguished Senator from Connecticut, unless they can yield some time to our distinguished friend from Wisconsin.

Let me just make a few brief points. One, we are on the unfunded mandates bill which argues that the Federal Government should consider the costs imposed on State and local governments up front. The Senator from New Mexico in his opposition seems to say, ''Do not consider the cost up front on the biggest unfunded mandate,'' namely the Federal budget.

Two, I am not so sanguine about the balanced budget amendment to the Constitution. I remember the 18th amendment was passed and people kept on drinking. I think this crowd in Washington could delay and cook up plenty of ways to avoid the discipline of a balanced budget amendment.

Three, President Bill Clinton has already given us the downpayment by offering a plan that will reduce the deficit over $500 billion in 5 years. It's time now to finish the job.

I yield 3 minutes to the Senator from North Dakota and 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. CONRAD. I thank the Chair and I thank the Senator from South Carolina as well.

Let me just say that talk is cheap in this body. We have heard a lot of examples of this as we talk about a balanced budget. I think perhaps the American people deserve to know the gap between Republican rhetoric and Republican reality with respect to a balanced budget.

Mr. President, I brought this chart to show what is required to balance the budget over the next 7 years. The blue line shows what is needed if we do not do anything to make the problem worse before we start solving it—1 trillion 35 billion. That is not million, that is not billion. That is 1 trillion—1,000 billion —in cuts that are necessary if we do not do anything to make it worse.

But the Republican Contract With America says the first thing to do is cut taxes $364 billion. That makes it a $1.4 trillion problem. And then they say spend another $82 billion on defense. That makes it a $1.48 trillion hole to fill.

Mr. President, the Republican credibility gap, as I calculate it, is shown by the difference between what is necessary to balance the budget over 7 years—nearly $1.5 trillion—and the paltry $277 billion of spending cuts they have come up with in their Contract With America. They are $1.2 trillion short.

Mr. President, let me just end with this chart that talks about famous gaps. Famous gaps. We have the Grand Canyon. That is a mile deep. That is a big gap. But the biggest gap we have in America today is the Republican credibility gap. It is $1.2 trillion, the difference between what is needed to balance the budget and what they have identified by way of cuts. That is one of the most famous gaps in America today, the Republican credibility gap. They need to fill it in.

I thank the Chair.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could I yield myself 30 seconds?

I forgot in my remarks to indicate to the Senator from South Carolina, he would agree that the famous Stockman quote that he read into the RECORD——

Mr. HOLLINGS. Right.

Mr. DOMENICI. That in that book he excludes Senator DOMENICI from that definition, is that not right?

Mr. HOLLINGS. I am sure he did.

Mr. DOMENICI. Yes, indeed, he did. By definition he did. He said, ''I exclude,'' and he gave about three people. I was one of them.

Mr. HOLLINGS. Well, he said Republicans.

Mr. DOMENICI. I am a Republican.

Mr. HOLLINGS. The Senator is not leaving the party, is he? Is he going to join me?

Mr. DOMENICI. No. We have been wondering when the Senator is coming over here.

I wish to make one last point and save my time and yield a minute or so to the new Senator from Pennsylvania.

First, Mr. President, let me say to the Senator from North Dakota, let us wait around for a couple months and see what the gap is. Let us see how many of the Senators on the other side vote to help with that gap. That really is not the Republican gap. That is the spending gap. And we are going to try to fix it. Instead of it being the Grand Canyon, it is going to be some little gap in New Mexico that in a couple years we can pole-vault over.

I also want to tell you, with the big cuts we are talking about, the budget this year will spend $1.5 trillion, and the budget when we are through making all the cuts will spend $1.950 trillion. So we are really not cutting very much. I mean if you look at these trend lines, we are still going to be at a $1.950 trillion, which is about $400 billion more than now, even after all the cuts.

Mr. President, I will yield to the Senator from Pennsylvania in just a moment. Let us let them finish so the Senator can kind of wrap up.

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

The PRESIDING OFFICER. The Senator from South Carolina has 3 minutes 5 seconds.

Mr. HOLLINGS. I yield 1 minute to the distinguished Senator from Wisconsin and the remaining 2 minutes and 5 seconds to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I will see if I can do 22 years in 1 minute.

First, there were 12 years of Republican Presidents who said they were going to provide a balanced budget. Instead, they brought us up to the biggest deficit and debt in the history of this country. Then there was a 4-year period which we are in the middle of now where a Democratic President provided the kind of glidepath and direction that the Senator from South Carolina is talking about.

What happened? The deficit, for the first time since Harry Truman, went down for 3 years in a row. Those are the facts. Not a single Republican in either House of this institution voted to help us on these specifics.

Now we go to the third stage, a 7-year period when the States will get to decide whether or not they want to have a balanced budget amendment, as the majority party in both Houses here increases taxes for everybody in the country to the tune of hundreds of billions of dollars and increases the defense budget and tries to tell you that is going to balance the Federal budget.

The fact is that the President is going to give his speech tonight. He is the only President who has provided a true, specific path and true progress in the direction of deficit reduction, and no matter how much the Republicans say that is not the case, it is a fact.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. DODD. Mr. President, I just want to commend again the Senator from South Carolina for this proposal. Again, I will emphasize what I said the other day. This is a radical idea that the Senator from South Carolina is suggesting, the radical idea that we might try to lay out for our constituents and taxpayers how we are going to achieve this ''straitjacket'' as it has been called.

Frankly, I never thought of the Constitution of the United States as becoming a straitjacket, particularly when it comes to the economy of the country. But to suggest somehow that this is a dreadful notion to try to spell out, not in the details the Senator from New Mexico has described, but at least in some broad picture—I will take any numbers you can give me. Give me some general idea here so that my elderly, my young people, my defense contractors, my businesses will have some notion of how we are going to achieve the Holy Grail of a balanced budget when they look at the bridges that have to be crossed, the gaps that have to be breached. How do you get there? And the fact that we are just saying lay that out for us in some detail here for us, and again not for us so much as it is for the people we represent, I do not think is asking too much.

Frankly, until we do that, I think this amendment proposal is going to be in serious question. I say to my friend from Illinois, the Constitution should never be a straitjacket. That is not what the Founding Fathers had in mind. They specifically left out economic policy because they knew that future generations would have to confront problems that they could not imagine.

And so I hope that before we decide to get to this balanced budget debate, our friends on the other side will lay out at least in some detail for us where we are going to go with that, and again not to fall prey to the idea suggested by the distinguished majority leader of the other body that we cannot do this because, if we do, the ''knees will buckle'' of Members of Congress.

Well, as I said the other day, it is not the Members of Congress whose knees I worry about buckling; it is those out there who look to us to see to it that we do a job that makes sense, is rational and thoughtful. Asking for some details on this proposal I do not think is radical, and it certainly ought to be done if we are going to succeed with this proposal.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 1½ minutes to the junior Senator from Pennsylvania and 30 seconds for wrap-up to Senator GORTON.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I thank the Senator for yielding.

I wanted to pick up on the analysis of this amendment by my distinguished colleague from South Carolina, relating it to a football game, a Super Bowl, because I thought it was a keen analogy. I am not too sure he got it quite right.

What he suggested is that members of the football team be up in the stands rooting for different ideas instead of being on the field fighting it out and putting those cuts into place.

Let me tell you what the constitutional amendment is to balance the budget. It is the clock. You see, the game will not start unless the clock starts, and that makes the teams get on the field. It makes them get on the field and start fighting it out. Otherwise, they would spend all their time sitting in the stands enjoying life, running around with the cheerleaders. They are going to be on the field now because the clock starts; the game has begun.

Now, the Senator from Connecticut said, well, we need the game plan. I know George Seifert would love to have Bobby Ross's game plan, and I know Bobby Ross would like to have Mr. Seifert's, but they are not going to give it to each other.

You see, that is what the game is all about and it has to be played. But you have to start the clock. That is what the balanced budget amendment does, it starts the clock. It gets us on the field and makes us perform before the people of the United States of America. That is what this game is all about. And all this other stuff is just hype. All these gaps and canyons and where is it coming from, where do you tax it—it is all hype. Just pick up a paper and look at the hype.

When the clock starts the game begins. I yield.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, one fact is crystal clear as a result of this debate. Our friends and colleagues on the other side of the aisle, with a few notable and courageous exceptions, do not want a balanced budget. They want an outline which will make it more difficult to get a balanced budget. Their President has never proposed one. They have not proposed one. They do not plan to propose one. They fear the constitutional amendment because it will require them to be in that game as well.

The difference is this side may not know every detail of how it is going to get to a balanced budget, but it wants to get there and will try to do so. The other side does not even want to start the journey.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

The Chair reminds the Senator all time has expired.

Mr. DOMENICI. Mr. President, I move the Hollings amendment be tabled. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. DOLE. Mr. President, have the yeas and nays been ordered on the pending motion?

The PRESIDING OFFICER. They have.

Mr. DOLE. Mr. President, following this vote, there will be a resolution condemning terrorist attacks in Israel. I will have that resolution read after this vote so we can accommodate the Members.

I ask for the yeas and nays on that resolution. It has been agreed to by leaders on both sides, and many others.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. That will be the last vote. There will be one more vote. The vote on the resolution will be the last vote.

I remind my colleagues that we have a little dinner over here in S–211, if they would like to partake.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table the amendment numbered 182 offered by the Senator from South Carolina [Mr. HOLLINGS]. 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 Indiana [Mr. COATS] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Indiana [Mr. COATS] and the Senator from Wyoming [Mr. SIMPSON] would each vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—55

Abraham	Grams	Murkowski
Ashcroft	Grassley	Nickles
Bennett	Gregg	Packwood
Bond	Hatch	Pressler
Brown	Hatfield	Roth
Burns	Helms	Santorum
Chafee	Hutchison	Shelby
Cochran	Inhofe	Simon
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
D'Amato	Kohl	Stevens
DeWine	Kyl	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Frist	McCain	Wellstone
Gorton	McConnell	
Gramm	Moseley-Braun	

NAYS—41

Akaka	Dorgan	Leahy
Baucus	Exon	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Mikulski
Boxer	Ford	Moynihan
Bradley	Glenn	Murray
Breaux	Graham	Nunn
Bryan	Harkin	Pell
Bumpers	Hollings	Pryor
Byrd	Inouye	Reid
Campbell	Johnston	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Lautenberg	

NOT VOTING—4

Coats	Kennedy
Heflin	Simpson

So the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONDEMNING TERRORIST ATTACKS IN ISRAEL

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Resolution 69.

The legislative clerk read as follows:

A resolution (S. Res. 69) condemning terrorist attacks in Israel.

Thereupon, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Indiana [Mr. COATS] and the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber deserving to vote?

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—96

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Hutchison	Robb
Chafee	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simon
D'Amato	Kerrey	Smith
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone

NOT VOTING—4

Coats	Kennedy
Heflin	Simpson

So the resolution (S. Res. 69) was agreed to as follows:

S. RES. 69

Whereas on January 22, 1995 a brutal and cowardly terrorist attack near Netanya, Israel killed 19 Israelis and wounded dozens more;

Whereas the terrorist group ''Islamic Jihad'' claimed credit for the January 22, 1995 attack in a statement issued in Damascus, Syria;

Whereas on December 25, 1994, a ''Hamas'' terrorist attack in Jerusalem wounded 13 civilians, including 1 American citizen;

Whereas on October 19, 1994, a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 48 more;

Whereas 110 Israeli citizens have been killed and hundreds more have been wounded in terrorist attacks since the Declaration of Principles was signed on September 13, 1993;

Whereas the Declaration of Principles obligates the Palestinian Authority to publicly condemn terrorist attacks, and to bring to justice perpetrators of such acts in territories under their control;

Whereas no perpetrators of these terrorist attacks have been brought to justice for their acts of violence by the Palestinian Authority;

Whereas the governments of Syria and Iran continue to provide safe haven and support for terrorist groups, including Islamic Jihad and Hamas, among others;

Whereas continued acts of terrorism threaten the peace process in the Middle East; Therefore, be it

Resolved by the Senate that—

(1) the terrorist attacks in Israel are condemned in the strongest possible terms;

(2) condolences are extended to the families of all those killed, and hopes are expressed for the rapid and complete recovery of all wounded in the January 22, 1995 attack;

(3) Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis, take immediate steps to bring to justice those responsible for such acts, and implement steps to prevent future acts of terrorism in all territory under his control;

(4) President Assad should immediately end all support for terrorist groups, including safe haven, material and financial support, in all territory under his control;

(5) The administration should undertake strong efforts to end the safe haven, training, and financial and other support granted terrorists by Iran, Syria and other states.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 181

Mr. HATFIELD. Mr. President, I would like to withdraw my amendment No. 181.

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

So the amendment (No. 181) was withdrawn.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 193

Mr. KOHL. Mr. President, I ask unanimous consent that it be in order to consider the Kohl amendment No. 193.

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

Mr. KOHL. Mr. President, I am offering this amendment to address an unintended consequence in the bill before us.

I am concerned that in the process of trying to end the practice of placing onerous unfunded mandates on States and countries, we are actually discouraging States and counties from passing necessary laws. Some States may decide to delay action in the hope that Congress passes a Federal law to do the same thing and then provides the money to do it.

Health care reform is a good example. How many States put off health car reforms last year anticipating action here in Washington? We do not want States saying, ''Why should we take action today, when the Federal

Government may be taking action tomorrow and paying us in the process?''

If we do not address this problem, we may actually be creating a new kind of gridlock at the State and local level, with State and local officials trying to second guess where Congress is going on a whole variety of issues, so as not to miss out on their share of Federal funds.

Although I am confident that State and local leaders will take the necessary steps to address crime, health, poverty, environmental, or other problems within their own borders, I do not want them to fear that they are doing their constituents a disservice by missing out on Federal dollars to address these same problems. We must ensure that their proactive efforts are not necessarily held against them in the future when the Federal Government catches up.

What of States that decide to begin the implementation of Federal mandates before they are passed into law, sensibly trying to spread the costs out over several years because they are unsure as to whether Congress will decide to waive the funding requirement under this bill? Do we want to penalize them for trying to ease the burden on the taxpayers?

No, and this amendment sends them an important signal to proceed.

Furthermore, this legislation should not discourage innovation at the State and local level. Many interesting ideas and creative solutions to public problems emerge from the State and local level. We must be careful not to put a damper on these true laboratories for public policy innovation.

An example is the issue of welfare reform. There have been proposals offered here in Congress suggesting that States should be required to track the paternity of children on the welfare rolls so that the fathers can be forced to pay child support. If States are contemplating similar actions, they ought to be encouraged, rather than discouraged, from taking these actions prior to Federal action.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate so much the sensitivity of the Senator from Wisconsin to the issue of the amendment which he has offered. It was a pleasure to work with the Senator on the language of that amendment.

With regard to this side of the aisle, we are happy to accept the amendment.

Mr. GLENN. Mr. President, I, too, would like to congratulate the Senator from Wisconsin. I think he has done an excellent job on this. We talked about this earlier. We worked back and forth across the aisle. He was willing to compromise and put in the language. I think it is excellent. I compliment him on what he has done. We are glad to accept it on our side of the aisle and urge we move to a vote.

Mr. KOHL. I thank Senator KEMPTHORNE and Senator GLENN.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 193) was agreed to.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask there be a period for morning business not to extend beyond 7:05 p.m. and Members be permitted to speak for 5 minutes, with the exception of the Senator from New Hampshire permitted to speak for 7 minutes.

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

Mr. DOLE. And the Senator from Pennsylvania 7 minutes. That makes it a little beyond 5 after 7.

SALUTE TO LORNA SIMPSON

Mr. DOLE. Mr. President, on Sunday, we lost an American Treasure, with the death of Rose Kennedy. This morning, we have lost another, with the passing of Lorna Simpson, the mother of our colleague from Wyoming.

Married to Milward Simpson in Sheridan, WY in 1929, Mrs. Simpson devoted the next 65 years of her life to her family, her community, and the entire State of Wyoming.

Even before her husband's election as Governor of Wyoming in 1954, Lorna Simpson was always reaching out to help others. She volunteered at the local hospital, served as president of the Cody Red Cross, and was appointed to the local planning commission.

During this time, she also was raising two sons, and serving as a full partner in her husband's many business ventures, which included a newspaper, a radio station, and a dairy.

Mrs. Simpson served as the first lady of Wyoming from 1954–58, where she was personally responsible for remodeling and restoring some of the beauty and historical value of the old governor's mansion. Thanks to her leadership, a building that was once closed to the public, now stands as a monument to Wyoming's history.

When her husband was elected to the U.S. Senate in 1962, Lorna continued her tireless devotion to others by serving as the Representative of the Women of the United States to the Organization of American States, and as a delegate to the interparliamentarian union in Australia.

When Milward retired from the Senate in 1966, he and Lorna returned to Cody, where they dedicated themselves to their community and to each other. They had been married 64 years when Milward passed away in 1993.

Senator SIMPSON has told me of a Wyoming chapel that was remodeled under the leadership of Milward and Lorna. For the inscription on the stained glass window in the chapel, they chose the words ''I am with you always.''

Milward and Lorna Simpson will now be ''together always'' in the hearts of their family, and the many others who loved them.

I know the Senate joins with me in extending our sympathies to Senator SIMPSON, to Ann, and to their entire family.

Mr. President, I ask unanimous consent that a biography—''On the Passing of Lorna Kooi Simpson''—be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ON THE PASSING OF LORNA KOOI SIMPSON

Lorna Kooi Simpson was born on August 19, 1900 in Chicago, IL to Mary Helen Kooi and Peter Kooi. Mr. Kooi was a Dutch immigrant who came to the United States from Holland. He was orphaned at an early age and went to work as an employee of the Burlington Northern Railroad. After working for many years as a railroad clerk in Chicago, he then ''went West'' with the railroad, and later became a very successful businessman and eventually the founder of the town of Kooi, Wyoming—a coal mining community near Sheridan.

After attending schools in the Chicago area and the Lewis Academy, Lorna was a student at Miss Mason's Castle School in Tarrytown, NY for 2 years. At the school, Lorna was a classmate of Clare Boothe Luce and Better Greene Bond, the mother of former governor and now U.S. Senator Kit Bond. At the Castle School, Lorna studied art, music, history and sculpture. Lorna went on to attend the University of Illinois.

As a young girl, Lorna traveled extensively with her parents. In 1919 and the early 1920's she visited Egypt, France, England, the British Isles, Europe, Turkey, Greece, Algiers, South America, the Andes, Brazil, Chile, Argentina and Peru. She even flew in a single-engine aircraft over Sugar Loaf Mountain in Rio de Janeiro in those early days—such extensive travels were rather uncommon in those years for either an adult or a child! She loved to travel and visited many historical and archaeological sites over the years.

On June 29, 1929, in Sheridan, Wyoming, Lorna married a young lawyer from Cody, Wyoming, Milward L. Simpson. Milward had been a member of the Wyoming Legislature from Hot Springs County in 1927. They began their life together in Cody, Wyoming, where Milward went into private practice with his father, William L. Simpson. In Sheridan, on July 31, 1930, a son, Peter Kooi, was born and on September 2, 1931, a son, Alan Kooi was born.

Kooi was a marvelous homemaker, a creative and inspirational mother who was strong and talented, fair and firm. In her home she had a Hammond organ and a piano—and she played both beautifully. Early in her marriage, there was a contest conducted throughout the state to determine an original University of Wyoming ''pep song.'' Lorna's sister, Doris Kooi Reynolds, urged her to enter, but Lorna was reluctant to do so. Finally at Doris' urging, she went forward to finish the work and sent it on to the contest officials. As she said later, to her

absolute astonishment, she won! The winning song was called ''Come on Wyoming.'' The band director of the University of Wyoming at the time, urged her to play the song and he set it to a band arrangement. The cover of the sheet music of the piece was illustrated by the great western artist Bill Gollings, at the request of Lorna's father, who was a personal friend of Mr. Gollings.

Lorna instructed her son, Peter, on the violin. She had a beautiful singing voice and she conducted the choir at the Christ Episcopal Church in Cody. She also served as the assistant organist for a very dear lady, Mrs. Henry Pool, who served for many years as organist in that church. Among her many talents, Lorna was also a talented amateur artist and sculptor, and a member of the Cody Country Art League.

With her great humanitarian spirit, Lorna served as a Gray Lady at the W.R. Coe Hospital, which later became the West Park Hospital. Lorna was a charter member of that organization. During the war, she was one of the Presidents of the Red Cross Chapter in Cody, in charge of Civil Defense. Lorna was the chairman of the ''Blackout Committee'' which ensured that all lights within the city were properly out of view during ''air raid alert'' activities during World War II. She was also the chairman of the scrap metal drive and always met every quota set. Lorna was asked to hold a position on the National Board of the Red Cross, but rejected that to travel with her husband to Israel on behalf of the Husky Oil Company, while Milward served as a member of the Board of Directors of that company.

In Israel, Lorna assisted her husband, Milward, in his official capacity as a representative for the Board of Husky during the creation of ISRAM, a joint venture oil company between the United States and Israel. She was instrumental in assisting Milward in negotiations with the new state of Israel in establishing new laws and regulations on oil and gas development.

In 1940, Mrs. Simpson campaigned vigorously with her husband in an unsuccessful race against a very popular Senator Joseph C. O'Mahoney for the United States Senate. Senator O'Mahoney served 26 years for Wyoming.

Lorna was active in all aspects of community life. In 1940, she was appointed by Mayor Hugh Smith to the Cody Planning and Zoning Commission. The commission originally submitted to the city council and mayor the final bond issue for all of the streets, curbs and gutters of Cody. The city then presented that to the citizens on a ballot. The people of Cody twice rejected the bond issue, until Lorna, along with others, immediately activated a ''person-to-person'' campaign in order to raise community awareness on the bond issue. Under her urging, leadership and participation, instead of just simply ''paving the streets of Cody,'' it was determined to proceed with curbs, sidewalks and gutters. She was instrumental in seeing the bond issue pass in 1950. Even today, Cody remains one of the most beautiful cities in Wyoming.

Lorna helped obtain the first national network association (ABC) while she and Milward were co-owners of the local radio station, KODI. She often did some of the programming and radio work. She was also the acting editor for a time during the war, of the local paper, the Cody Enterprise. Milward and Lorna were also co-owners of the Cody Inn—the old Burlington Inn—with Les Carter of Billings and Joe Fitzstephens of Cody. Together they helped to restore the Inn to its former grandeur.

Lorna was also involved in other business activities. She encouraged the first pasteurization of milk in Cody through investment in the Sani-dairy (a local dairy). Later, she became involved in the support of a local cheese making industry.

In 1954, Lorna once again vigorously campaigned with her husband in a successful race for the governorship of Wyoming. She graciously served as the First Lady of Wyoming from 1954 to 1958. She was known for her many projects and assistance to various youth groups and organizations in Cheyenne and through the entire State of Wyoming.

Mrs. Simpson was personally responsible for remodeling and restoring some of the beauty and historical value of the old Governor's Mansion. The Mansion had been closed to the public for many years—the heating system, the carpets and the furniture had seriously deteriorated and portions of the ceilings and the floors had fallen. It stands today as a State and National historical site and also as a tribute to her creativity. The State Legislature responded generously to the request to ensure that the residence would serve as a remarkable showcase of Wyoming's history.

While serving as First Lady, Lorna worked extensively to assist and entertain various Wyoming groups and organizations, such as Girls' State and Boys' State. She hosted many state functions, teas and receptions for the citizens of the State of Wyoming. After returning to Cody in 1959, Milward continued his law practice with his son, Alan, and later with partner, Charles G. Kepler.

Milward was one of the founding fathers and trustees of the Gottsche Foundation Board in Thermopolis. With Board approval, she asked permission to remodel an old abandoned storeroom on the Foundations' property and constructed a Chapel for the patients. It is a functional non-denominational chapel with a beautiful stained glass window. Milward and Lorna selected the quotation for the window—''I am with you always''—a most appropriate biblical reference with reference to the sorrows and joys of illness and healing.

Milward and Lorna also began a small endowment fund which they used to restore the old Episcopal Church in Cody and its original pipe organ in the old ''Poker Church.'' The citizens of Cody, in the early years of the city, felt there were far too many gambling establishments and bars and not enough churches! The citizens spread the word to the ''city fathers'' of that day. At this time, a rather remarkable poker game took place, and the pot increased to a rather staggering sum. Those gathering around the table that night stated that the one who ''wins that pot'' (about $2,200) would agree to start a new church of the denomination of their choice in Cody. A remarkable pioneer of the community, a man known as ''Governor'' George T. Beck won it all and saw to the building of the ''Poker Church''—Christ Episcopal Church.

Through the years, the marvelous pipe organ suffered vandalism and decay and eventually became inoperable. Milward and Lorna restored the organ to its original luster. They later donated 27 town lots to the Episcopal Church, which erected a new church upon the site. The old ''Poker Church'' was also moved to this site. The two churches are gloriously compatible on the beautifully landscaped property.

In the small chapel of the ''Poker Church''—or the ''little Church''—many of the windows were donated by Milward and Lorna. The original window, ''the Dr. Francis Lane window,''—the ''Lady Doc''—is over the altar. It was donated by many loving friends at the urging of Margery Ross, who came from the East with Dr. Lane. It replaced the oldest window, now behind the choir—bearing the inscription ''God is love.'' The third window to the far right portrays the healing of the blind. It was given by a Denver attorney and his wife, George and Sally Hopper. Arch Hopper, George's father, was the rector of the church at one time.

In 1962, it was back on the campaign trail as Milward ran a successful United States Senate race for the unexpired term of Keith Thomson, who tragically died in late 1960 after his election to the U.S. Senate in November of that year.

Lorna and Milward lived in Washington, D.C. from 1962 to 1966 and greatly enjoyed entertaining Wyoming people who were in the capital city. In 1962, Milward was diagnosed as being afflicted with Parkinson's Disease. Lorna's care, nurturing and support encouraged him through the Senate experience. He retired from the Senate in 1966. He died June 13, 1993.

Lorna was designated by the Senate to be the Representative of the Women of the United States to the Organization of American States, which met at the former Pan American Building. President Lyndon Baines Johnson appointed Lorna as a delegate to represent the U.S. women participating in the Interparliamentarian Union in Australia. Mrs. Simpson was also instrumental in the refurbishment and extended use of the Senate Chapel in the United States Capitol.

Throughout this remarkable career of service, love and the nurturing of others, Lorna always emphasized the importance of home. It was here there was a haven of support, love and nurturing for her two sons, Peter and Alan.

During the time the two were in high school, four different boys from the Cody community often lived with the Simpson family in their home. Those boys were practically ''raised up'' by them, all having gone on to great things in their own lives—all receiving a college education, having families, children and grandchildren and being very productive citizens. They all think of Milward and Lorna as their ''Second Mom and Pop.''

Pete married Lynne Livingston of Cody on June 18, 1960. They have three children, Milward Allen and his wife Amy, Margaret Ann and her husband Chris Pinto, and Peter Kooi. Al Married the former Ann Schroll of Greybull on June 21, 1954. They also have three children: William Lloyd and his wife Debbie, Colin Mackenzie and Susan Lorna and her husband John Gallagher Lorna is also survived by five great-grandchildren, Sara, Elizabeth, Alexander, Daniel, and Eric.

Peter Presently serves as the University of Wyoming's Vice President for Development and Alumni and University Relations. Al is in his third term as a United States Senator from Wyoming.

Upon Milward's voluntary retirement from the Senate because of ill health in 1966, they retired to Cody. Lorna remained active in Gray Lady community work and above all else, the nurturing and care of Milward. For many years, when the winter winds were kicking up in Wyoming, Milward and Lorna joined many Wyoming citizens—the ''Snow Birds''—in Sun City, Arizona. The last few years they spent between Cody and the South Fork of the Shoshone River at their beloved Bobcat Ranch. Milward and Lorna lived in a seamless bond of affection, love and support sewn with strong sinews of faith and belief in God. they were truly an extraordinary pair. They are now joined anew.

These were the things that brought great pride and inspiration to Lorna Simpson. She was a very special woman who did not seek the limelight and did not wish to boast of her activities. On once being nominated for ''Wyoming Woman of the Year'' she said, ''When I received notification they had nominated me for 'Woman of the Year', I felt so completely inadequate and unworthy of ever being mentioned as a possibility for the

award, that I did not reply. But I must say when I saw the rather sparse account of my accomplishments in a booklet sent to me explaining the qualifications of candidates, I felt I owed it to those who organizing the entire project to detail some of the these activities that they might have it for their records. ''I was always taught one should never 'boast' of any charitable activities, but on the other hand,'' she smiled, ''the Bible does say, 'Let your light so shine before men that they may see your good works, and glorify your Father which is in Heaven.' So, as a small justification for the honor bestowed upon me, I shall then ''boast'' a bit about some of the fine things that have touched my life.'' That life ended peacefully at 7:45 a.m. on January 24, 1995.

TRIBUTE TO GREGORY CARDOTT AND TOMMY DAVIS

Mr. DOLE. Mr. President, this past week, Americans lined up outside the Library of Congress for the chance to view an original copy of one of the great documents of our time—the Gettysburg Address.

In that famous speech, Lincoln said that when brave men die, ''It is their deeds, not our words,'' that should be remembered.

Today, Mr. President, I ask all Senators and all Americans to not remember my words—but to remember the deeds of Sfc. Gregory Cardott, who was killed January 12 in Haiti.

To the family and friends of Sergeant Cardott, including his wife, Darlene, whom I spoke with recently, and their two children, I say that America shares your sorrow.

And America also knows that with your sorrow, you can take great pride.

Pride in the fact that when his country called, Greg answered.

Pride in fact that although Greg knew full well his journey would be dangerous, he made it willingly, with courage and commitment, as so many others have throughout America's history.

As a nation, we also take pride in the courage and commitment of S. Sgt. Tommy Davis, who was wounded in the right arm during the same attack that killed Sergeant Cardott.

Mr. President, the bible says that ''greater love than this has no man, than to lay down his lives for his friends.''

Gregory Cardott laid down his life for his friends, and for his country. His deeds will always be remembered by this Senator, and by all those who love America.

(The remarks of Mr. SMITH pertaining to the introduction of S. 270 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

RESOLUTION CONDEMNING TERRORIST ATTACKS IN ISRAEL

Mr. SPECTER. Mr. President, a few moments ago the Senate unanimously passed a resolution by a vote of 96 to nothing, condemning the terrorist attacks 2 days ago which killed 19 Israeli soldiers and wounded dozens more.

There was not time prior to that vote to speak about that subject, which I would like to do briefly at this moment. I believe that it is very important the PLO, the Palestinian Liberation Organization, and its chairman, Yasser Arafat, act, and act promptly, to fulfill the obligations of the PLO under the Declaration of Principles, to see to it that the perpetrators of those terrorist acts are brought to justice and to immediately condemn those terrorist acts.

It is obviously not easy to find terrorists and to punish them. But in no uncertain terms, Yasser Arafat and the PLO ought to condemn those atrocious acts of terrorism, promptly and in the strongest terms. This resolution says in paragraph 3:

> Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis.

There is absolutely no excuse for that not to happen. Senator SHELBY and I introduced an amendment last year which became law, which requires the PLO to change its charter which up to the present time calls for the destruction of the State of Israel, and to take all steps to stop acts of terrorism as a condition for United States aid.

The United States has agreed to support the efforts of the PLO to govern certain territories, pursuant to the Declaration of Principles, and that was an historic meeting, back on September 13 of 1993, when President Clinton, in the Rose Garden, put his left arm around Arafat's shoulder and his right arm around Prime Minister Rabin's shoulder to bring those two men to shake hands. I found it a difficult moment, to see an international terrorist like Chairman Arafat honored at the White House, considering the fact he was personally implicated in the murder of the charge, the second of command in the United States Embassy in the Sudan in 1974, and considering his involvement in the murder of Leon Klinghoffer on the Achille Lauro.

But in those Declarations of Principles, and in the aid which the United States is giving to the PLO, there is that obligation for that firm condemnation. And Yasser Arafat and the PLO have an obligation to do that and they have not done it. There is no excuse for that. The second clause of paragraph 3 calls for taking ''immediate steps to bring to justice those responsible'' for those acts. That is more difficult. But that ought to be done as well. Then the third clause is to ''implement steps to prevent future acts of terrorism in all territory under * * *'' the control of Chairman Arafat and the PLO.

Mr. President, there is obviously a pattern of terrorism at work. On December 25th, not a month ago, a Hamas terrorist attack in Jerusalem wounded 13 civilians, including an American citizen. On the October 19th of last year a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 10 more. Mr. President, 110 Israeli citizens have been killed and hundreds more wounded in the last few months. It is just indispensable that Arafat and PLO live up to their obligations.

The resolution additionally calls for President Assad to immediately end all support for terrorist groups, including safe haven and material and financial support in all territory under his control.

As there have been efforts to try to improve relationships between the United States and Syria, that is an obligation which, or action which the Syrian government and its President, Hafez Assad, ought to undertake.

But at an absolute minimum, at an absolute minimum, Arafat and the PLO have an absolute obligation to condemn this act of terrorism 2 days ago in the killing of 19 Israeli soldiers, 18 of whom were barely old enough to vote.

The U.S. Senate has spoken unanimously in this resolution, and the PLO and Chairman Arafat ought to be on notice that when the foreign aid bill comes up this year—and this Senator sits on the Foreign Operations Subcommittee—that there will be a move to cancel U.S. aid unless the PLO lives up to its obligations and the mandates of U.S. law: To change their charter, which calls for the destruction of Israel, and their obligation to seek out the terrorists and at a minimum to make a forceful condemnation of this atrocious conduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

LORNA SIMPSON

Mr. KEMPTHORNE. Mr. President, I would like to add my voice to that of many others in expressing our heartfelt thoughts and prayers for Senator SIMPSON at the loss of his mother Lorna.

I know that Lorna Simpson had a wonderful life. I know how much pride ALAN SIMPSON brought to both his mother and his father.

So to Alan and Ann Simpson, and all of the family, again our thoughts on the passing of a remarkable woman.

IDAHO'S NATIONAL FORESTS

Mr. KEMPTHORNE. Mr. President, just 2 weeks ago—on January 9—a Federal judge issued a decision which threatens all approved and ongoing activities within six of Idaho's national forests. Working men and women in Idaho face losing their jobs in mines, lumber mills, and throughout the service industry by direct order of the U.S. Forest Service. Within a few days, many of these families may not be able to feed themselves or their children, or

even heat their homes in the middle of winter.

Mr. President, 18 of Idaho's 44 counties lie within the scope of this order. Twenty-eight million acres—more than half of the State of Idaho—are in danger of being shut down along with the natural resource jobs which provide the economic base of my State.

Do you know what this means to Idaho, Mr. President? This single court action was the equivalent of telling Detroit that they could no longer make cars. It was like telling Hollywood that they could no longer make movies. It was as if Iowa were no longer allowed to grow corn.

Absent a 1-week stay by the judge, issued late last Friday, the judge's order would have, and still may, immediately lay off hundreds of Idahoans from their jobs in mines and lumber mills. It will savage the economy of the State by removing any hope for thousands of Idahoans in the service industries that depend on the loggers, miners, and ranchers for their livelihood.

What could possibly bring on a disaster of this nature, Mr. President? Was it an earthquake? Was it a famine? Was it a flood? No, it was the Federal Government issuing pink slips to its citizens.

It was a disagreement between two agencies of the Federal Government on how to proceed in a timely manner on consultation issues under the Endangered Species Act. Consultation is sometimes referred to as the ''Interagency Cooperation'' provisions of the Endangered Species Act. What is wrong here is that the agencies have failed to cooperate, and the people of Idaho are the ones who suffer because of it.

The irony of all of this is that one agency of tax supported bureaucrats is locked in disagreements with another agency of tax supported bureaucrats while the very people who pay the taxes are being put out of work. The residents of these counties should not be getting pink slips from their Government.

The Idaho delegation and the Governor continue to work with the Federal agencies involved to reach a resolution that will not threaten the working men and women of Idaho. All of this points to the fact that we need to bring some balance into the Endangered Species Act. I am committed to that, Mr. President, because the one species the ESA ignores is the human species. And the people of my State are seeing and feeling that in a very real way.

ELECTING DR. LLOYD JOHN OGILVIE, OF CALIFORNIA, AS CHAPLAIN OF THE U.S. SENATE

Mr. KEMPTHORNE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 70) electing Dr. Lloyd John Ogilvie, of California, as Chaplain of the U.S. Senate.

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

The resolution (S. Res. 70) is as follows:

Resolved, That Doctor Lloyd John Ogilvie, of California, be, and he is hereby, elected Chaplain of the Senate as of March 11, 1995.

Mr. KEMPTHORNE. I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF CHAIRMEN OF CERTAIN SENATE COMMITTEES FOR THE 104TH CONGRESS

Mr. KEMPTHORNE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 71) designating the chairmen of certain Senate committees for the 104th Congress.

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

The resolution (S. Res. 71) is as follows:

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen:

Committee on the Budget: Mr. Domenici, Chairman.

Committee on Veterans' Affairs: Mr. Simpson, Chairman.

Committee on Indian Affairs: Mr. McCain, Chairman.

Committee on Intelligence: Mr. Specter, Chairman.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF 2 U.S.C. SEC. 61H–6

Mr. KEMPTHORNE. Mr. President, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 273) to amend 2 U.S.C. Section 61h-6.

The PRESIDING OFFICER. Without objection, the bill is considered read three times and passed.

So the bill (S. 273), was considered, deemed read for the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPORT OF THE STATE OF THE UNION ADDRESS—MESSAGE FROM THE PRESIDENT—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was ordered to lie on the table.

Mr. President. Mr. Speaker. Members of the 104th Congress. My fellow Americans:

Again we are here in the sanctuary of democracy, and once again our democracy has spoken. To all of you in the 104th Congress, to you, Mr. Speaker: Congratulations.

If we agree on nothing else, we must agree that the American people voted for change in 1992 and 1994. We didn't hear America singing—we heard America shouting. Now, we must say: We hear you. We will work together to earn your trust.

For we are the keepers of a sacred trust, and we must be faithful to it in this new era. Over two hundred years ago, our Founders changed the course of history by joining together to create a new country based on a powerful idea Declaration of Independence: We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are Life, Liberty and the Pursuit of Happiness. It has fallen to every generation since to preserve that idea—the American idea—and to expand its meaning in new and different times. To Lincoln and his Congress: To preserve the Union and end slavery. To Theodore Roosevelt and Woodrow Wilson: To restrain the abuses and excesses of the Industrial Revolution, and to assert America's leadership in the world. To Franklin Roosevelt: To fight the failure of the Great Depression and our century's great struggle against fascism. To all our Presidents since: To fight the Cold War. Especially to two, who struggled in partnership with Congresses of the opposite party. To Harry Truman, who summoned us to unparalleled prosperity at home and constructed the architecture of the Cold War world. And to Ronald Reagan, who exhorted us to carry on until the twilight struggle against Communism was won.

In another time of change and challenge, I became the first President to be elected in the post-Cold War era, an era marked by the global economy, the information revolution, unparalleled change and opportunity and insecurity for ordinary Americans.

I came to this hallowed chamber two years ago on a mission: To restore the American Dream for all our people and to ensure that we move into the 21st Century still the world's strongest force for freedom and democracy.

I was determined to tackle tough problems, too long ignored. In these efforts I have made my mistakes and learned again the importance of humility in all human endeavor. But I am proud to say that, tonight, our country is stronger than it was two years ago.

Record numbers of Americans are succeeding in the new global economy. We are at peace and a force for peace and freedom throughout the world. We have almost six million new jobs since I became President.

We have the lowest combined rate of unemployment and inflation in over 25 years. We have expanded trade, put more police on our streets, given our citizens more tools to get an education and rebuild their communities. But the rising tide is not lifting all boats.

While our nation is enjoying peace and prosperity, too many of our people are still working harder and harder for less and less. While our businesses are restructuring and growing more competitive, too many of our people can't be sure of even having a job next year or even next month. And far more than our material riches are threatened: Things far more precious—our children, our families, our values.

Our civil life is suffering. Citizens are working together less, shouting at each other more. The common bonds of community which have been the great strength of this country from its beginning are badly frayed.

What are we to do about it? More than 60 years ago, at the dawn of another new era, Franklin Roosevelt told the nation: ''New conditions impose new requirements on government and those who conduct government.'' From that simple proposition, he shaped the New Deal, which helped restore our nation to prosperity and defined the relationship between Americans and their government for half a century.

That approach worked in its time. But we today, we face a new time and different conditions.

We are moving from an Industrial Age built on gears and sweat, to an Information Age that will demand more skills and learning. Our government, once a champion of national purpose, is now seen as a captive of narrow interests, putting more burdens on our citizens, instead of equipping them to get ahead. The values that used to hold us together are coming apart.

So, tonight, we must forge a new social compact, to meet the challenges of our time. As we enter a new era, we need a new set of understandings, not just with our government, but more important, with one another.

That is what I want to talk to you about tonight. I call it a New Covenant, but it is grounded in a very old idea: That all Americans have not just a right, but a responsibility to rise as far as their God-given talents and determination can take them, and to give something back to their communities and their country in return.

Opportunity and responsibility go hand-in-hand. We can't have one without the other. And our national community can't hold together without both.

Our New Covenant is a new set of understandings for how we can equip our people to meet the challenges of the new economy, how we can change the way our government works to fit a different time and, above all, how we can repair the damaged bonds in our society and come together behind our common purpose. We must have dramatic change in our economy, in our government and in ourselves.

Let us rise to the occasion. Let us put aside partisanship, pettiness, and pride. As we embark on a new course, let us put our country first, remembering that regardless of our party labels, we are all Americans. Let the final test of any action we take be a simple one: is it good for the American people?

We cannot ask Americans to be better citizens if we are not better servants. We've made a start this week by enacting a law applying to Congress the laws you apply to the private sector. But we have a lot more to do.

Three times as many lobbyists roam the streets and corridors of Washington as did 20 years ago. The American people look at their nation's capital, and they see a city where the well-connected and the well-protected milk the system, and the interests of ordinary citizens are too often left out.

As this new Congress opened its doors, lobbyists were still at work. Free travel, expensive gifts . . . business as usual. Twice this month, you have voted not to stop these gifts. Well, there doesn't have to be a law for everything.

Tonight, I challenge you to just stop taking them—now, without waiting for legislation to pass. Then, send me the strongest possible lobby reform bill, and I'll sign it.

Require the lobbyists to tell the people who they work for, what they're spending and what they want. And let's curb the role of big money in our elections, by capping the cost of campaigns and limiting the influence of PACs, and opening the people's airwaves to be an instrument of democracy, by giving free TV time to candidates.

When Congress killed political reform last year, the lobbyists actually stood in the halls of this sacred building and cheered. This year, let's give the folks at home something to cheer about.

More important, let's change the government—let's make it smaller, less costly and smarter—leaner, not meaner.

The New Covenant is an approach to governing that is as different from the old bureaucratic way as the computer is from the manual typewriter. The old way protected the organized interests. The New Covenant looks out for the interests of ordinary people. The old way divided us by interests, constituency or class. The New Covenant unites us behind a common vision of what's best for our country.

The old way dispensed services through large, hierarchical, inflexible bureaucracies. The New Covenant shifts resources and decision-making from bureaucrats to citizens, injecting choice, competition and individual responsibility into national policy.

The old way seemed to reward failure. The New Covenant has built-in incentives to reward success. The old way was centralized in Washington. The New Covenant must take hold in communities across the country.

Our job here is to expand opportunity, not bureaucracy: To empower people to make the most of their own lives; to enhance our security at home and abroad.

We should not ask government to do for us what we should only do for ourselves. But we should use government to do those things that we can only do together.

We must go beyond the sterile debate between the illusion that there is a program for every problem and the illusion that government is the source of all our problems.

Our job is to get rid of yesterday's government so our people can meet today's and tomorrow's needs.

For years before I became President, others had been saying they would cut government, but not much happened. We did it. We cut over a quarter of a trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions from the federal bureaucracy in the last two years alone. Based on decisions we have already made, we will have cut a total of more than a quarter million positions, making the federal government the smallest it has been since John Kennedy was President.

Under the leadership of Vice President GORE, our initiatives have already saved taxpayers $63 billion. The age of the $500 hammer is gone.

Deadwood programs like mohair subsidies are gone. We have streamlined the Agriculture Department by more than 1,200 offices. Slashed the Small Business loan form from an inch-think to a single page and thrown away the government's 10,000 page personnel manual. FEMA—the federal disaster agency—has gone from being a disaster to helping people. Government workers—hand-in-hand with private business—rebuilt southern California's fractured freeways in record time and under budget. And because the federal government moved fast, all but one of the 650 schools damaged in the earthquake are back in business educating our children.

University administrators tell me that they are saving weeks of time on college loan applications because of our new college loan program that cut costs to the taxpayers, cuts costs to students, and gives people a better way to pay back their college loans, and cut out bureaucracy.

Previous government reform reports gathered dust. We are getting results. And we're not through. There is going

to be a second round of reinventing government. We propose to cut $130 billion in spending by shrinking departments, extending our freeze on domestic spending, cutting 60 public housing programs down to three. Getting rid of over 100 programs we don't need—like the Interstate Commerce Commission and the helium reserve program.

These programs have outlived their usefulness. We have to cut yesterday's government to help solve tomorrow's problems.

And we need to get government closer to the people it's meant to serve. Where states and communities, private citizens and the private sector can do a better job, we should get out of the way. We're taking power away from federal bureaucracies and giving it back to communities and individuals. And it's time for Congress to stop passing on to the states the cost of the decisions we make here in Washington.

For years, Congress has concealed in the budget scores of pet spending projects—and last year was no different: A million dollars to study stress in plants, $12 million for a tick-removal program that didn't even work. Give me the line item veto and I'll save the taxpayers money.

But when we cut, let's remember that government still has important responsibilities: Our young people hold our future in their hands; we owe a debt to our veterans who were willing to risk their lives for us; the elderly have made us what we are. My budget cuts a lot, but it protects education, veterans, Social Security, and Medicare and so should you.

And when we give more flexibility to the states, let's remember certain fundamental national needs that should be addressed in every state.

Immunization against childhood disease; school lunches; Head Start; medical care and nutrition for pregnant women and infants—they're in the national interest.

I applaud your desire to get rid of costly, unnecessary regulations. But when we deregulate, let's remember what national action in the national interest has given us: Safer food for our families; safer toys for our kids; safer nursing homes for our parents. Safer cars and highways. And safer workplaces. Clean water and clean air.

Do we need more common sense and fairness in our regulations? You bet we do. But we can have common sense and still provide for safe drinking water. We can have fairness and still clean up toxic waste dumps. And we ought to do it. Should we cut the deficit more? Of course, we should. We must bring down spending in a way that protects the economic recovery and does not punish the middle class or seniors.

I know many of you in this chamber support the balanced budget amendment. We all want to balance the budget. Our administration has done more to bring the budget closer to balance than any one in a long time. But if you're going to pass this amendment, you have to be straight with the American people. They have a right to know what you are going to cut and how it would affect them. And you should tell them before you change the Constitution. Everyone should know, for example, whether this proposal will endanger Social Security, which I would oppose.

In the New Covenant there are problems we have the responsibility to fact.

Nothing has done more to undermine our sense of responsibility than our failed welfare system. It rewards welfare over work. It undermines family values. It lets millions of parents get away without paying child support.

That is why I have worked so long to reform welfare. We have made a good start. In the last two years, my administration has given more states the chance to find their own ways to reform welfare than the past two administrations combined. Last year, I introduced the most sweeping welfare reform plan ever presented by an administration.

We have to make welfare what it was meant to be: a second chance, not a way of life. We'll help those on welfare move to work as quickly as possible, provide child care and teach skills if they need them for up to two years.

But after that, the rule will be simple: Anyone who can work must go to work.

If a parent isn't paying child support, we'll make them pay. We'll suspend their driver's licenses, track them across state lines and make them work off what they owe. Governments don't raise children. Parents do.

I want to work with you to pass welfare reform. But our goal must be to liberate people and lift them up—from dependence to independence, welfare to work, mere childbearing to responsible parenting—not punish them because they happen to be poor. We should require work and mutual responsibility, but we shouldn't cut people off because they are poor, young, unmarried.

We should promote responsibility by requiring young mothers to live at home with their parents or in other supervised settings and finish school, not by putting them and their children out on the street. We shouldn't punish poor children for the mistakes of their parents.

Let this be the year we end welfare as we know it. But let this also be the year we stop using this issue to divide America. No one is more eager to end welfare than the people that are trapped on it. Let's promote education, work, good parenting. Let's punish bad behavior and the refusal to be a student, a worker, a responsible parent. Let's not punish poverty and past mistakes. All of us have made mistakes. None of us can change our yesterday's, but all of us can change tomorrow's.

Just ask Lynn Woolsey, who worked her way off welfare and is now a congresswoman from California.

I know it has become fashionable to embrace Franklin D. Roosevelt. So let's remember exactly what he said: ''Human kindness has never weakened the stamina or softened the fiber of a free people. A nation does not have to be cruel in order to be tough.''

I know members of this Congress are concerned about crime. But I would remind you that last year we passed a very tough crime bill—longer sentences, three strikes and you're out, more prevention, more prisons, and 100,000 more police. And we paid for it all by reducing the size of the federal bureaucracy and giving money back to local communities to lower the crime rate.

There may be other things we can do to be tougher on crime and to help lower the crime rate, and let's do them. But let's not create a raucous political debate in an effort to take back the good things we've already done. That's what local community leaders think. And that's what the police who put their lives on the line every day think.

Secondly, the last Congress passed the Brady Bill and the ban on nineteen assault weapons. I think everybody in this room knows that several members of the last Congress who voted for the assault weapons ban and the Brady Bill lost their seats because of it. Neither the bill supporters or I believe anything should be done to infringe upon the legitimate right of our citizens to bear arms for hunting and sporting purposes.

Those people laid down their seats in Congress to try to keep more police and children from laying down their lives in our streets under a hail of assault weapons' bullets. And I will not see that ban repealed.

NATIONAL SERVICE

We shouldn't cut government programs that help to prepare us for the new economy, promote responsibility, and are organized from the grass roots up, not by federal bureaucracies. The best example of that is the national service program—Americorps—which today has 20,000 Americans, more than ever served in one year in the Peace Corps, working all over America, helping people—person to person—in local volunteer groups, solving problems and earning some money for their education. This is citizenship at its best.

It's good for the Americorps members and good for the rest of us. It's the essence of the New Covenant. And we shouldn't stop it.

ILLEGAL IMMIGRATION

All Americans are rightly disturbed by the large numbers of illegal immigrants entering this country. The jobs they hold might otherwise be held by our citizens or legal immigrants, and the public services they use impose burdens on our taxpayers. That's why our administration has moved aggressively to secure our borders by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal aliens who try to take American jobs, and by barring welfare benefits to illegal aliens.

In the budget I will present to you, we will do more to try to speed the deportation of illegal aliens who are arrested for crimes, and to better identify illegal aliens in the workplace, as recommended by the commission headed by former Congresswoman Barbara Jordan.

This is a nation of immigrants. But it is also a nation of law. And it is wrong, and ultimately self-defeating, for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years.

THE NEW ECONOMY

The most important job of government is to empower people to succeed in the new global economy. America has always been the land of opportunity, a land where if you work hard you can get ahead. We are a middle class country.

Middle class values sustain us. We must expand the middle class and shrink the underclass, while supporting the millions who are already successful in the new economy.

America is once again the world's strongest economy. Almost six million jobs in two years. Exports booming. Inflation down. High wage jobs coming back. A record number of American entrepreneurs living the American dream. If we want it to stay that way, those who work and lift our nation must have more of its benefits.

Today too many of those people are being left out. They are working harder for less security, less income, less certainty they can even afford a vacation, much less college for their children or retirement for themselves. We cannot let this continue.

If we don't act, our economy will probably do what it's done since 1978: Provide high income growth to those at the top, give very little to everyone in the middle, and leave the people at the bottom to fall even farther behind, no matter how hard they work.

We must have a government that can be a partner in making this new economy work for all Americans—a government that helps each and every one of us get an education and have the opportunity to renew our skills.

That's why we worked so hard to increase educational opportunity from Heard Start, to public schools, to apprenticeships, to job training, to making college loans available and more affordable for 20 million people. That's the first thing we have to do.

The second thing we can do to raise incomes is to lower taxes. In 1993, we took the first step with a working family tax cut for 15 million families with incomes of under $27,000 and a tax cut to most small and new businesses. Before we could do more than that, we first had to bring down the deficit we inherited. And we had to get economic growth up. We have done both.

Now we can cut taxes in a more comprehensive way. Tax cuts must promote and reinforce our first obligation, empowering citizens with education and training to make the most of their lives. The tax relief spotlight must shine on those who make the right choices for their families and communities.

I have proposed the Middle Class Bill of Rights—which should be called a Bill of Rights and Responsibilities, because its provisions only benefit those who are working to educate and raise their children or to improve their own lives. It will, therefore, give needed tax relief and raise incomes in the short and long runs in a way that benefits all of us.

There are four provisions: First, a tax deduction for all education and training after high school. Education is even more important now than ever to the economic well-being of America, and we should do everything we can to encourage it. If businesses can get a deduction for investing in factories, why shouldn't families for investment in their future?

Second, a $500 tax credit for all children under thirteen in middle class households.

Third, an individual retirement account with penalty-free withdrawal rights for the cost of education, health care, first time home buying, and care of a parent.

And fourth, a G.I. Bill for American workers. We propose to collapse nearly 70 Federal programs and offer vouchers directly to eligible American workers. If you are laid off, or make a low wage, you will get a voucher worth $2,600 a year for up to two years to go to your local community college or get private or public job training to raise your job skills.

Anyone can call for a tax cut, but I will not accept one that explodes the deficit and puts our economic recovery at risk. We must pay for any tax cuts, fully and honestly. Two years ago, it was an open question whether we would find the strength to cut the deficit.

Thanks to the courage of many people here, and many who did not return to take their seats in this House, we began to do what others said they would do for years.

We Democrats cut the deficit by over $600 billion—that's nearly $10,000 for every family of four in this country. The deficit is coming down three years in a row for the first time since president Truman was in office.

In the budget, I will send you, the Middle Class Bill of Rights is fully paid for by budget cuts, cuts in bureaucracy, cuts in programs, cuts in special interest subsidies. And the spending cuts will more than double the tax cuts. My budget pays for the Middle Class Bill of Rights without any cuts in Medicare. And I will oppose any attempt to pay for tax cuts with Medicare cuts.

I know a lot of you have your own ideas about tax relief. I want to work with you. My test for any proposal is: Will it create jobs and raise incomes? Will it strengthen families and support children? Will it build the middle class and shrink the underclass? Is it paid for? If it does, I will support it. If it doesn't, I will oppose it.

That's why I will ask you to support raising the minimum wage. It rewards work. Two and a half million Americans, often women with children, work for $4.25 an hour. In terms of real buying power, by next year, that minimum wage will be at a 40 year low.

I have studied the arguments and evidence for and against a minimum wage increase.

The weight of evidence is that a modest increase does not cost jobs, and may even lure people into the job market. But the plain fact is you can't make a living on $4.25 an hour, especially if you have kids to support.

In the past, the minimum wage has been a bipartisan issue. It should be again. I challenge you to get together and find a way to make the minimum wage a living wage.

Members of Congress have been on the job less than a month. But by the end of the week, 28 days into the new year, each Congressman has already earned as much in Congressional salary as people who work under minimum wage made in an entire year.

And everyone in this chamber has something else that too many Americans go without: health care. Last year, we almost came to blows over health care, but nothing was done. But the hard, cold fact is that, since we stared this debate, we know that more than 1.1 million Americans in working families have lost their coverage. The hard, cold fact is that millions more, mostly workers who are farmers, self-employed, and in small businesses, have seen their coverage erode with higher premium costs, higher deductibles, and higher co-payments.

I still believe we must move our nation towards providing health security for every American family. Last year, we bit off more than we could chew. This year, let's work together, step by step, and get something done.

Let's at least pass meaningful insurance reform so that no American risks losing coverage or facing skyrocketing prices when they change jobs, or lose a job, or a family member falls ill. We could start with the proposals Senator DOLE made last year. Let's make sure that self-employed people and small businesses can buy insurance at more affordable rates through voluntary purchasing pools. Let's help families provide long-term care for a sick parent or a disabled child. Let's help workers who lose their jobs keep health insurance coverage for a year while they look for work. And let's find a way to make sure our children have health care. Let's work together. This is too important for politics as usual.

NATIONAL SECURITY

Much of what is on the American people's mind is devoted to internal security concerns—the security of our jobs and incomes, our children, our streets, our health, our borders. Now that the Cold War is past, it is tempting to believe that all security issues,

with the possible exception of trade, reside within our borders. That is not so

Our security depends upon our continued world leadership for peace, freedom, and democracy. We cannot be strong at home without being strong abroad.

The financial crisis in Mexico is a powerful case in point. We have to act—for the sake of millions of Americans whose livelihoods are tied to Mexico's well-being.

If we want to secure America jobs, preserve American exports and safeguard America's borders, we must pass our stabilization program and help put Mexico back on track. And let me repeat—this is not a loan, this is not foreign aid, this is not a bail-out. We'll be giving a guarantee, like co-signing a note with good collateral that will cover our risk. This legislation is right for America, and together with the bipartisan leadership, I call on Congress to pass it quickly

Tonight, not a single Russian missile is aimed at our homes or our children. And we, with them, are on the way to destroying missiles and bombers that carry 9,000 nuclear warheads.

We've come so far so fast in the post-Cold War world that it is easy to take the decline of the nuclear threat for granted. But it is still there, and we are not finished yet.

This year, I am asking the Senate to approve START II—and eliminate weapons that carry 5,000 more warheads. The United States will lead the charge to extend indefinitely the Nuclear Non-Proliferation Treaty, to enact a comprehensive nuclear test ban, and to eliminate chemical weapons. To stop, and roll back, North Korea's potentially deadly nuclear program, we will continue to implement the agreement we have reached with that nation. It's a smart, tough deal based on continuing inspection, with safeguards for our allies and ourselves.

This year I will submit to Congress comprehensive legislation to strengthen our hand in combating terrorists, whether they strike at home or abroad.

As the cowards who bombed the World Trade Center can testify, the United States will hunt down terrorists and bring them to justice.

Just this week, another horrendous terrorist act in Israel killed 19 and injured scores more. On behalf of the American people I extend our deepest sympathy to the families of the victims. I know that in the face of such evil, it is hard to go forward. But the terrorists are the past, not the future. We must—and we will—persist in our pursuit of a comprehensive peace between Israel and all her neighbors in the Middle East. Accordingly, last night I signed an Executive Order that will block the assets in the United States of terrorist organizations that threaten to disrupt the Middle East peace process and prohibits financial transactions with these groups.

Tonight, I call on our allies, and peace-loving nations around the world, to join us with renewed fervor in the global effort to combat terrorism.

From my first day in office I have pledged that our nation would maintain the best equipped, best trained and best prepared fighting force on Earth. We have—and they are. They have managed the dramatic downsizing of our forces since the Cold War with remarkable skill and spirit. To make sure our military is ready for action—and to provide the pay and quality of life that the military and their families deserve—I am asking this Congress to add $25 billion more in defense spending over the next six years. Tonight I repeat that request. We ask much of our armed forces. They are called to service in many ways—and we must give them and their families what the times demand and they deserve.

Time after time, in the last year, our troops showed America at its best: helping to save hundreds of thousands of lives in Rwanda. Moving with lightning speed to head off another Iraqi threat to Kuwait. And giving freedom and democracy back to the people of Haiti.

The United States has proudly supported peace, prosperity, freedom and democracy, from South Africa to Northern Ireland, from Central and Eastern Europe to Asia, from Latin America to the Middle East. All these endeavors make America's future more confident and more secure.

This, then, my fellow Americans, is our agenda—expanding opportunity, not bureaucracy, enhancing security at home and abroad, empowering people to make the most of their own lives.

It is ambitious and achievable, but it is not enough. We need more than new ideas changing the world, or equipping all Americans to compete in the new economy. More than a government that is smaller, smarter and wiser. More than all the changes we can make from the outside in. Our fortunes and our posterity also depend upon our ability to answer questions from within, from the values and the voices that speak to our hearts, voices that tell us we must accept responsibility for ourselves, for our families, for our communities and, yes, for our fellow citizens.

We see our families and our communities coming apart. Our common ground is shifting out from under us.

The PTA, the town hall meeting, the ball park—it's hard for many overworked Americans to find the time and space for the things that strengthen the bonds of trust and cooperation among citizens. And too many of our children don't have the parents and grandparents who can give them the experiences they need to build character and strengthen identity.

We all know that while we here in this chamber can make a difference, the real differences in America must be made by our fellow citizens where they work and where they live. More than ever before, as we move to the twenty-first century, everyone matters and we don't have a person to waste.

That means the new covenant is for everybody. For our corporate and business leaders: We are working to bring down the deficit and expand markets and to support your success in every way. But you have an obligation when you are doing well to keep jobs in our communities and give American workers a fair share of the prosperity they generate.

For those in the entertainment industry: We applaud your creativity and your worldwide success, and we support your freedom of expression. But you have a responsibility to assess the impact of your work and to understand the damage that comes from the incessant, repetitive and mindless violence, and irresponsible conduct that permeates our media. Not because we will make you, but because you should.

For our community leaders: We've got to stop the epidemic of teen pregnancies and births where there is no marriage. I have sent Congress a plan to target schools all over the country with anti-pregnancy programs that work. But government can only do so much. Tonight, I am calling on parents and leaders across the country to join together in a National Campaign Against Teen Pregnancy—to make a difference.

For our religious leaders: You can ignite your congregations to carry their faith into action, reaching out to all our children, to those in distress, to those who have been savaged by the breakdown of all we hold dear. Because so much of what has to be done must come from the inside out. You can make all the difference.

Responsibility is for all our citizens. It takes a lot of people to help all the kids in trouble to stay off the streets and in school, to build the Habitat for Humanity houses, to provide the people power for all the civic organizations that make our communities grow. It takes every parent to teach their children the difference between right and wrong, and to encourage them to learn and grow, to say no to the wrong things in life and to believe they can become whatever they want to be.

I know it is hard when you are working harder for less money and you are under great stress to do these things.

I also know it's hard to do the work of citizenship when for years, politicians in both parties have treated you like consumers and spectators, promising you something for nothing and playing on your fears and frustrations. And more and more of the information you get comes in very negative ways, not conducive to real conversation. But the truth is, we have got to stop seeing each other as enemies, even when we have different views. If you go back to the very beginning of this country, the great strength of America has always been our ability to associate with people who were different from ourselves and to work together to find common ground. And in the present day, everybody has a responsibility to do more of that.

That is the first law of democracy, the oldest lesson of most of our faiths: That we are stronger together than alone. That we all gain when we give. That is why we must make citizenship matter again. Here are five shining examples of citizenship:

Cindy Perry teaches second graders to read in AmeriCorps, in rural Kentucky. She gains when she gives: She is a mother of four, and she says that her service ''inspired'' her to get her high-school equivalency last year. Now, like thousands of other members, she will use her scholarship from AmeriCorps to go to college to equip herself to compete and win in the new economy.

With so many forces pulling us apart, we cannot stop a force like AmeriCorps that's pulling us together.

Chief Stephen Bishop gains when he gives: He has worked with AmeriCorps to build community policing in Kansas City—and has seen crime go down because of it. He stood up for our Crime Bill and the Assault Weapons ban, and knows that the people he serves and the people he leads are all safer because of it.

Corporal Gregory Depestre gains when he gives: He went to Haiti as part of his adopted country's force to help secure democracy. And he saw the people of his native land—Haiti—are restoring democracy for themselves.

Reverend John Cherry * * *

And Jack Lucas gained when he gave. Fifty crowded years ago, in the sands of Iwo Jima, he taught and he learned the lessons of citizenship. February 20, 1945 was no ordinary day for a small-town boy. As he and his three buddies moved along a slope, they encountered the enemy—and two grenades at their feet. Jack Lucas threw himself on them both, and, in that moment, saved the lives of his companions. And what did he gain? In the next instant, a medic saved his life. He gained a foothold for freedom. And he gained this: Jack Lucas—at 17 years old, just a year older than his grandson is today—became the youngest Marine in our history, the youngest man in this century, to be awarded the Congressional Medal of Honor.

All these years later, here's what he says about that day: ''It didn't matter where you were from, who you were. You relied on one another. You did it for your country.''

We all gain when we give. We reap whatever we sow. That's at the heart of the New Covenant: Responsibility. Citizenship. Opportunity. They are more than stale chapter headings in some remote civics book. They are the virtues by which we can fulfill ourselves and our God-given potential—the virtues by which we can live out, the eternal promise of America, the enduring dream of that first and most sacred covenant: That we hold these truths to be self-evident, that all men are created equal. That they are endowed by their Creator with certain inalienable rights. And that among these are Life, Liberty and the Pursuit of Happiness.

This is a very great country. And our best days are yet to come. God bless you, and God bless the United States of America.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF EXECUTIVE ORDER RELATIVE TO THE MIDDLE EAST—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process and to issue an Executive order that:

—Blocks all property, including bank deposits, of foreign persons or organizations designated in the Executive order or pursuant thereto, which is in United States or in the control of United States persons, including their overseas branches; and

—Prohibits any transaction or dealing by United States persons in such property, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such designated persons.

I have designated in the Executive order 12 foreign organizations that threaten to use violence to disrupt the Middle East peace process. I have authorized the Secretary of State to designate additional foreign persons who have committed, or pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or who assist in, sponsor, or provide financial, material or technological support for, or services in support of, such acts of violence. Such designations are to be made in coordination with the Secretary of the Treasury and the Attorney General.

The Secretary of the Treasury is further authorized to designate persons or entities that he determines, in coordination with the Secretary of State and the Attorney General, are owned or controlled by, or acting for or on behalf of, any of the foreign persons designated under this order. The Secretary of the Treasury is also authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these measures in consultation with the Secretary of State and the Attorney General and to coordinate such implementation with the Federal Bureau of Investigation. All Federal agencies are directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order was effective at 12:01 a.m., eastern standard time on January 24, 1995.

I have authorized these measures in response to recurrent acts of international terrorism that threaten to disrupt the Middle East peace process. They include such acts as the bomb attacks in Israel this past weekend and other recent attacks in Israel, attacks on government authorities in Egypt, threats against Palestinian authorities in the autonomous regions, and the bombing of the Jewish Mutual Association building in Buenos Aires, as well as the car bomb at the Israeli Embassy in London.

Achieving peace between Israel and its neighbors has long been a principal goal of American foreign policy. Resolving this conflict would eliminate a major source of instability in a part of the world in which we have critical interests, contribute to the security and well-being of Israel, and strengthen important bilateral relationships in the Arab world.

Attempts to disrupt the Middle East peace process through terrorism by groups opposed to peace have threatened and continue to threaten vital interests of the United States, thus constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Terrorist groups engaging in such terrorist acts receive financial and material support for their efforts from persons in the Middle East and elsewhere who oppose that process. Individuals and groups in the United States, too, have been targets of fundraising efforts on behalf of terrorist organizations.

Fundraising for terrorism and use of the U.S. banking system for transfers on behalf of such organizations are inimical to American interests. Further, failure to take effective action against similar fundraising and transfers in foreign countries indicate the need for

leadership by the United States on this subject. Thus, it is necessary to provide the tools to combat any financial support from the United States for such terrorist activities. The United States will use these actions on our part to impress on our allies in Europe and elsewhere the seriousness of the danger of terrorist funding threatening the Middle East peace process, and to encourage them to adopt appropriate and effective measures to cut off terrorist fundraising and the harboring of terrorist assets in their territories and by their nationals.

The measures we are taking demonstrate our determination to thwart acts of terrorism that threaten to disrupt the Middle East peace process by attacking any material or financial support for such acts that may emanate from the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 23, 1995.*

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–2. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

''ASSEMBLY CONCURRENT RESOLUTION NO. 96

''Whereas, California is still, at best, in the early stages of recovery from our most serious economic downturn since the Great Depression of the 1930's; and

''Whereas, our generating a sustaining recovery depends upon our being visionary and smart and collaborative in preparing ourselves to be competitive in the ever changing world in which we live and operate and do business; and

''Whereas, our overall challenge is to realize the promise of our multicultural democracy in the emerging global economy in the age of technology and knowledge; and

''Whereas, it is especially incumbent upon each and all of us in the entire California public sector to become thoroughly informed regarding the latest developments that affect our economic competitiveness and prospects for our future well-being, so that we can operate collaboratively and smartly and effectively; and

''Whereas, the public and private sectors of California have been for far too long much too unfamiliar with and uninformed about each other's realities and challenges, and even more failing to collaborate smartly and effectively in all the ways required by the new world into which we are moving; and

''Whereas, as repeatedly heard by the Assembly Democratic Economic Prosperity Team in its rounds of 70 consultations with business and other leaders over the past 14 months, the California private sector consistently complains about the failure of the various levels and agencies of California's public sector to understand and appreciate the value and realities and problems and challenges of California's various private sector endeavors, including the public sector's failure to appropriately educate Californians for employment in those private sector endeavors in public sector operations; and

''Whereas, it is ever more essential that all the agencies of the public sector of California become and remain apprised of the latest developments regarding the foremost industries which will contribute to California's economic recovery and future economic prosperity and well-being; and

''Whereas, a creative and systematic vehicle for mutual dialogue and learning would prove of enormous value as we seek to prepare ourselves as a state to be competitive in this emerging global economy and age of technology; now, therefore, be it

''*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That California, as a state and especially throughout the various levels and agencies of its public sector, commit itself to becoming a learning enterprise, so as to prepare our public sector to act and respond more smartly and effectively in a timely fashion to the emerging problems and challenges of our times; and be it further

''*Resolved,* That the State of California, in particular, immediately initiate the designing and implementation of a systematic vehicle that will serve to further assure this learning, and particularly now in our time of economic crisis, assure this learning with respect to the causes and cures of our economic crisis; and be it further

''*Resolved,* That California create an ''Industry of the Month'' program, which will, every other month until June 30, 1996, feature one leading California industry for a day-long intensive dialogue in the State Capitol; and be it further

''*Resolved,* That the audience for each intensive day-long learning experience is to be comprised of the leadership of all the relevant agencies of California's public sector, including, but not limited to, the Governor of California, the Secretary of Trade and Commerce, both houses and both parties of the Legislature, the County Supervisors Association of California and the League of California Cities, the University of California and the California State University, the California Community Colleges, and the California public school system; and be it further

''*Resolved,* That the agenda for that day is to be determined and designed by the leaders of the particular featured industry, and to include other leaders with any concerns regarding the industry; and be it further

''*Resolved,* That the agenda include an assessment of at least each of, but not limited to, the following: the character of the industry and its value and potential to California's economic well-being, the current status and challenges and problems of the industry, and ways in which the various levels and agencies of California's public sector are failing to serve or utilize the industry, and ways in which they could better facilitate the healthy success of each industry; and be it further

''*Resolved,* That the convening of each day-long intensive learning experience shall be coordinated by a team of five leaders of the state government or the designee of each: the Governor of the State of California, the President pro Tempore of the Senate, the Speaker of the Assembly, and the minority leaders of both houses of the Legislature, with the Governor, or his or her designee, to serve as convener and chair of this coordinating team, and five leaders of the particular industry; and be it further

Resolved, That it is the intent of the Legislature, in initiating this program, to engage especially the principals in both the public and private sectors, whose knowledge, commitment, and action are essential to California's future economic well-being and therefore it is not to be deemed sufficient that staff persons from the public sector or advocates from the private sector be centrally involved in the actual conduct of each event itself; while they are necessarily to be involved in the planning of each event, it is the intention of the Legislature that they be involved as members of the presenting team and immediate audience; and be it further

Resolved, That the day shall be smartly designed, in consultation with the Californians who are experts in the design of group learning experiences, so as to most profoundly facilitate the mutual learning and trust and team building of all parties concerned, both public and private; and be it further

Resolved, That the coordinating team make every effort to broadly publicize the proceedings so that the California public can watch and listen and learn as well, including, but not limited to, presentation on Cal-Span; and be it further

Resolved, That the following key California industries shall especially be considered by the selection team, and chosen in an order to be determined by the design team: agriculture, apparel industry, biotechnology, defense and space, electronics, entertainment, international trade, petroleum, software, telecommunications, environmental technology, and tourism; and be it further

Resolved, That the design team create and operate a process, including explicit criteria, whereby other California industries can also compete for ''Industry of the Month'' slots in each two-year cycle; and be it further

Resolved, That the Secretary of Trade and Commerce shall disseminate copies of this resolution to at least the 100 foremost trade and industry associations in California, and shall, for the consideration of the coordinating team, seek its advice regarding how best to effectively conduct, and their active endorsement and support of this ''Industry of the Month'' program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California and the Secretary of Trade and Commerce.''

POM–3. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

''ASSEMBLY CONCURRENT RESOLUTION NO. 139

''Whereas, due to its convenience, adaptability, and low cost, plastic is a ubiquitous material in modern life, and a variety of plastic materials are used to make a vast array of products; and

''Whereas, according to the 1993 Annual Report of the California Integrated Waste Management Board, more than 2.6 million tons of plastics are disposed of annually in California, and less than 3 percent of this amount is recycled; and

''Whereas, many products made from plastics are designed to be disposed of after limited use, rather than being reused or recycled; and

''Whereas, despite the technical capability for some products containing plastics to be recycled, the vast majority of those products cannot be recycled conveniently by consumers; and

''Whereas, the improper disposal of plastics can damage the environment and pose life-threatening hazards to birds, fish, and other wildlife; and

''Whereas, plastic materials that are degradable by exposure to earth, water, or sunlight have been developed for a wide variety of commercial applications; and

''Whereas, state and local governments are the single largest purchasers in the state, accounting for approximately 8 percent of California's gross product; and

''Whereas, the state has established programs to increase state purchasing of products made with recycled materials, including plastic, but there is no specific program to encourage state purchasing of biodegradable plastics; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That state agencies act expeditiously to increase their purchase of biodegradable plastics to the maximum extent feasible; and be it further

''*Resolved,* That the California Integrated Waste Management Board and other appropriate state agencies analyze the efficacy of biodegradable plastics, including an analysis of potential impacts resulting from the mixing of biodegradable plastic resins with other plastic resins, as one means of reducing the state's solid waste stream and protecting public health and safety and the environment; and be it further

''*Resolved,* That the board adopt standards and specifications, as appropriate, for biodegradable plastics to ensure that the state continues to benefit from new technological development of those plastics; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the California Integrated Waste Management Board, and the Office of Procurement within the Department of General Services.''

POM–4. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

''ASSEMBLY CONCURRENT RESOLUTION NO. 138

''Whereas, the California Code Enforcement Council is celebrating Code Enforcement Week during the week of September 24 through September 30, 1994; and

''Whereas, it is the purpose of the California Code Enforcement Council:

''(1) To build and maintain a statewide organization of code enforcement officials who represent cities, counties, state government, and other related agencies;

''(2) To foster standards, both professional and educational, for all persons employed in or performing duties which relate to or depend upon knowledge of code enforcement procedures and regulations;

''(3) To administer periodic and regular training and educational opportunities for its members;

''(4) To promote certification of members who meet minimum educational, training and other requirements; and,

''(5) To foster mutual support among members and to promote and develop the code enforcement profession; and

''Whereas, the code enforcement profession plays an integral role in maintaining a high quality of life for Californians by increasing the public's safety, preventing deterioration and blight in neighborhoods, and protecting property values throughout the state; and

''Whereas, by calling attention to the purpose of the California Code Enforcement Council and the effects the code enforcement profession has on improving the quality of life in our communities, Californians will recognize the code enforcement profession's worthy commitment to the future of our state; now, therefore, be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature hereby proclaims the week of September 24 through September 30, 1994, as Code Enforcement Week and urges all Californians to recognize and support code enforcement officials statewide for their efforts to improve the quality of life in our state.''

POM–5. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

''ASSEMBLY CONCURRENT RESOLUTION NO. 127

''Whereas, during World War II, thousands of Italian American immigrants in California were arrested, and hundreds were interned for the duration of the war in military camps; and

''Whereas, during World War II, the freedom of more than 100,000 Italian-born immigrants in California and their families was restricted by government measures than included carrying identification cards, curfews, travel restrictions, and seizure of personal property; and

''Whereas, during World War II, more than 10,000 Italian citizens living in California were forced to leave their homes and were prohibited from entering California's coastal zones; and

''Whereas, thousands of Italian Americans performed exemplary service and sacrificed their lives in defense of the United States during World War II; and

''Whereas, at the time, Italians were the largest immigrant group in California and in the entire United States; and

''Whereas, Italian immigrants were among the earliest pioneers of California and have contributed greatly to the development of the state; and

''Whereas, Italian Americans today are the fifth largest ancestry group in the United States, numbering over 15 million people, and more than 1.5 million Italian Americans live in California; and

''Whereas, the impact of the wartime experience was devastating to the Italian communities in California, the effects of which are still being felt; and

''Whereas, these federal and state government actions were based on the Italian nationality and citizenship of these Californians; and

''Whereas, this story needs to be told and included in our state's history books to acknowledge that these events happened and to help repair the damage to the Italian community of California; now, therefore, be it

''*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature welcomes the exhibit ''Una Storia Segreta—The Secret Story'' to the Capitol Rotunda from April 16 to May 8, 1994: and be it further

''*Resolved,* That the Legislature encourages all Californians to view the exhibit to promote greater awareness of this painful period in the experience of California's Italian population; and be it further

''*Resolved,* That the Legislature recognizes these events of 1942 and the effects of those whose lives were unjustly disrupted and whose freedoms were violated; and be it further

''*Resolved,* That the Legislature encourages teachers and professors, school and university administrators, governing boards, and the State Department of Education to include the study of the Italian American experience in the public schools and universities of the state; and be it further

''*Resolved,* That the Legislature encourages the California Arts Council to promote Italian American historical, artistic, and cultural projects; and be it further

''*Resolved,* That the Legislature study the feasibility of establishing an Italian American Museum to give attention to the many contributions of Italian Americans to California's rich history; and be it further

''*Resolved,* That the Legislature join with the Governor to establish an Italian American Task Force to address the concerns of Italian Americans in California.''

POM–6. A petition from citizens of the District of Columbia relative to defense spending; to the Committee on Armed Services.

POM–7. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

''ASSEMBLY JOINT RESOLUTION NO. 92

''Whereas, the national security interests of the United States are constantly changing in response to changing world conditions and threats; and

''Whereas, the Armed Forces of the United States must adapt to these changing circumstances and be prepared to respond to them with resourcefulness and innovation; and

''Whereas, the Southwest Complex consists of China Lake and Point Mugu Naval Air Weapons Station, the Naval Air Warfare Center Weapons Division (China Lake and Point Mugu) (NAWCWPNS), the Naval Air Weapons Station, Point Mugu, Edwards Air Force Base, National Training, Center-Fort Irwin (Army), Marine Corps Air Ground Combat Center (MCAGCC) at Twentynine Palms, all in California plus Nellis Air Force Base and Fallon Air Naval Station in Nevada, and the Utah Test Training Center; and

''Whereas, the retention of these facilities that comprise the Southwest Complex is vital, not only to the State of California, but to national security; and

''Whereas, the Southwest Complex contains the largest protected military air corridor and flight zone in the United States. The climactic conditions of the complex permit more than 350 flight and test days annually; the corridor is not endangered by community encroachment, and the operations involve all military services in a cooperative effort; and

''Whereas, the National Aeronautic Space Agency (NASA) Dryden Flight Research Center at Edwards Air Force Base is the agency's premier installation for aeronautical flight research and also supports the space shuttle program as the primary and backup landing site; and

''Whereas, Edwards Air Force Base, with its Rogers and Rosamond Dry Lake Beds within 68 miles of runway, the largest being seven and one-half miles long, provides the longest emergency landing field in the world; and

''Whereas, Edwards Air Force Base, with over 20,000 square miles of uninterrupted air space for flight testing over numerous unpopulated areas cannot be duplicated in the United States; and

''Whereas, the Benefield Anechoic Facility at Edwards Air Force Base is the largest radar and electronic threat testing system in the world; and

''Whereas, Edwards Air Force Base is home to the Air Force Flight Test Center, NASA Dryden Flight Research Center, the Army Aviation Flight Test activity, and the Phillips Laboratory; and

''Whereas, the 21,000 plus employees provide a combined economic impact of approximately $2.2 billion per year to the Antelope Valley and southern California; and

''Whereas, Point Mugu controls and operates a 36,000 square mile sea test range for the purpose of testing weapons and targeting systems over a sea environment stimulating at-sea conditions; and

''Whereas, located within the sea test range are radar and communication facilities located on Santa Cruz and San Nicolas Islands and the Navy operates an outlying landing facility on the Navy-owned San Nicolas Island; and

''Whereas, these islands as well as a 1,457 foot nearby peak next to Point Mugu provide for a unique geographic location to conduct the highly instrumented tests and record the precise measurements necessary in the development and testing of new weapons; and

''Whereas, no other test site offers this unique geographic setting of island-sea-mountains with this kind of sophisticated measuring and tracking capabilities; and

''Whereas, the NAWCWPNS (Point Mugu and China Lake) mission is to be the premier facility for the development and testing of air warfare systems and missile weapons systems for the Fleet and Joint Department of Defense efforts; and

''Whereas, the Naval Air Warfare Center Weapons Division with principle sites at China Lake and Point Mugu, California provides the Department of Defense with product-focused full life cycle management; and

''Whereas, the China Lake R–2506 restricted and instrumented air space of 17,000 square miles and the sea range at Point Mugu of 36,000 square miles allow earth to infinity testing and evaluation of airborne weapons systems, missiles, and missile subsystems; and

''Whereas, the Naval Air Warfare Center Weapons Division at China Lake is the site of the Navy's largest research and development laboratory consisting of 38 percent of the Navy's land holdings; and

''Whereas, most of the airborne weapons used in the Gulf War had developmental or test and evaluation roots in China Lake, 75 percent of all weapons used in Vietnam were developed or tested at China Lake; and

''Whereas, the estimated worth of the China Lake physical plant is $2 billion including more than $50 million of construction now underway or scheduled for groundbreaking this fiscal year. The budget for the China Lake site in the 1993–94 fiscal year is between $1 and $2 billion and the total China Lake payroll is $242 million for the 1994–94 fiscal year; and

''Whereas, the National Training Center (NTC) was selected by the United States Army as the best of 11 possible sites and was activated at Fort Irwin, California in 1960, and became the Army's first combat training center. The NTC contains 400,000 acres for maneuver areas and favorable weather conditions; and

''Whereas, all of the units committed to combat in Iraq during the recent Persian Gulf War had been trained at the NTC. These units took only 100 hours to subdue the world's fourth most powerful Army while sustaining minimal American casualties thus making the Persian gulf War the best illustration of the importance of the NTC; and

''Whereas, NASA operates its Goldstone Deep Space Communication Center on 32,000 acres of property at Fort Irwin; and

''Whereas, the NTC with over six million square feet in real property and two complete fleets of armed battlefield equipment operates annually on a combined budget that approached $180 million, and with an average payroll of nearly $120 million responsible for approximately 20 percent of the greater Barstow area's economy; and

''Whereas, the NTC is home to 4,500 soldiers, nearly 6,000 Army family members with Department of the Army civilian workers and base operations contractors, making the NTC similar to a city of 12,000; and

''Whereas, the NTC of today prepares combat maneuver task forces, battalions, brigades, divisions, and corps for combat for an environment that permits individuals and units to sharpen their skills in the most realistic environment short of actual combat; and

''Whereas, the Marine Corps Training Center (MCTC) at Twentynine Palms, occupies 932 square miles of the Southern Mojave Desert and each year trains one-third of the Fleet Marine Reserve units; and

''Whereas, the MCTC's two major tenant commands are: the 7th Marines (Reinforced) whose mission is to prepare combat ready units and serve as a source of desert and mountain operations experience, as well as to provide the ground combat element for the Marine Air Ground Tax Force (MAGTF) and to maintain in amphibious readiness capability as part to the 1st Marine Division; and

''Whereas, there are more than 350 Marine and Navy officers and nearly 6,000 Marines and Sailors within the 7th Marines (Reinforced); and

''Whereas, the Marine Corps Communication-Electronics School (MCCES) which evaluates new communication and electronic systems trains Marines in electronic fundamentals, operational communication, air control, antiair warfare, and maintenance of communication-electronics equipment. The MCCES is the Marine Corps' largest formal school graduating 6,000 Marines a year; and

''Whereas, the Marine Corps Training Center is the site of the thousands of yearly aircraft operations associated with training exercises; and, now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature acknowledges and supports the southwest complex; and be it further

''*Resolved.* That the Legislature memoralizes the Base Realignment and closure Commission, the president, and the Congress of the United States to support the Southwest Complex; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to each member of the Base Realignment and Closure Commission, to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–8. A resolution adopted by the Bar Association of Puerto Rico relative to Cuba; to the Committee on Energy and Natural Resources.

POM–9. A resolution adopted by the Bar Association of Puerto Rico relative to the militarization of Puerto Rico; to the Committee on Energy and Natural Resources.

POM–10. A resolution adopted by the Bar Association of Puerto Rico relative to political prisoners; to the Committee on Energy and Natural Resources.

POM–11. A resolution adopted by the Bar Association of Puerto Rico relative to the death penalty; to the committee on energy and Natural Resources.

POM–12. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

''ASSEMBLY JOINT RESOLUTION NO. 90

''Whereas, the Presidio Army Base, which was originally founded in 1776, is a unique national resource that is rich in the history and beauty of the State of California; and

''Whereas, the entire 1,480 acres of the Presidio Army Base was declared a national historic landmark in 1962, in recognition of its Civil War architecture, its place in the history and development of the frontier that became the State of California, its subsequent use as the Army's Fort Scott which provided protection to the western United States, and its recent designation as the central part of the Golden Gate National Recreation Area which serves nearly 20,000,000 visitors a year; and

''Whereas, in 1972, the Congress of the United States designated the Presidio Army Base, if the site is determined to be nonessential to the Army's needs, to be designated a national park, and since 1989, with the announced closure of the Presidio Army Base, the National Park Service and the Army have worked together to facilitate the transition and improvement of the site for greater public use; and

''Whereas, in recent years California has been struggling, with the announcement of a number of United States military base closures, including three bases that are located in the City and County of San Francisco, thereby necessitating the development of close cooperation between the state, and local governments affected by the military base closures, and requiring that federal, state, and local officials work together to ensure that each site is used in a way that maximizes its potential; and

''Whereas, the National Park Service, after a long series of public discussions and debates, has been preparing for the conversion of the Presidio Army Base into a national park, and has proposed a plan for the Presidio National Park that will be a model for future national parks, and, using unique real estate management expertise, requires a federal public corporation to manage, lease, maintain, and finance capital improvements to the Presidio properties; and

''Whereas, legislation now pending before the Congress of the United States (H.R. 3433 and S. 1639) provide for the establishment of the federal public benefit corporation to reinvest lease income in the preservation, restoration, maintenance, repair, and improvement of the Presidio properties, and ensure a unique public/private partnership approach to the newest national park; and

''Whereas, the enactment of H.R. 3433 and S. 1639, and the development and implementation of the public benefit corporation, will require an operating budget consistent with the operating budgets of the nation's larger national parks: and

''Whereas, the State of California has a strong interest in the passage of that legislation, which, by designating the Presidio National Park, would create a tourist attraction for millions of visitors and ensure that an essential piece of California's history and an area of significant natural resources and environmental values will be preserved; and

''Whereas, Governor Wilson has called for bipartisan support for the designation of the Presidio National Park and the enactment of H.R. 3433 and S. 1639; now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California hereby supports the designation of the Presidio National Park as proposed in H.R. 3433 and S. 1639; and be it further

''*Resolved,* That the Legislature of the State of California memorializes the Congress of the United States to enact H.R. 3433 and S. 1639 and urges the Congress and the President of the United States to support the full implementation of these measures; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the National Park Service, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States.''

POM–13. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 94

''Whereas, in the decade of the Gold Rush, miners, farmers, and merchants of the Counties of Shasta and Siskiyou were unable to communicate with the outside world or bring their produce to market except over dangerous pack trails due to the rugged terrain in the Sacramento River Canyon; and

''Whereas, after other wagon road building efforts failed, Elias B. Stone and his sons secured a state franchise to build a wagon road; and

''Whereas, with brawn, black powder, mules, and oxen, the Stone family built nine bridges across the Sacramento River, 15 bridges across creeks and gulches, and a narrow road notched into the Sacramento River Canyon's walls, running 43 miles, from the Siskiyou-Shasta county line to the Stone family's ferry boat and landing on the Pit River, a few miles above that river's junction with the Sacramento River; and

''Whereas, the Stone family completed the Stone Turnpike in the Sacramento River Canyon in 1861; and

''Whereas, in 1861, after only a few months of collecting tolls on the Stone Turnpike, disaster, in the form of the worst winter storm known in the area to that time, destroyed most of their work; and

''Whereas, the Stone family mortgaged all of its property and rebuilt a better toll road despite several legal entanglements; and

''Whereas, other parties finally gained full control of the Stone family's company and the Stone Turnpike in 1868; and

''Whereas, in the 1870s, the Stone Turnpike became the major north to south stage route to Oregon; and

''Whereas, in 1887, the steel rails of the Central Pacific Railroad displaced the Stone Turnpike in some sections to complete the rail link into southern Oregon; and

''Whereas, in 1915, the dusty old stage road became Shasta County's part of the Pacific Highway, the predecessor of U.S. Highway 99, remaining sections of which have been recently recognized as ''Historic U.S. Highway 99''; and

''Whereas, it is fitting that the people of California recognize the persevering efforts and contributions of the Stone family in successfully completing their historic turnpike, whose route is the basic route of Interstate Route 5 through the Sacramento River Canyon; now, therefore be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the portion of Interstate Route 5 between the Pit River Bridge in Shasta County and the Shasta-Siskiyou County line is hereby officially designated the Stone Turnpike Memorial Freeway; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–14. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 92

''Whereas, it is appropriate that California recognize the sacrifices of those citizens who distinguished themselves in their community and in combat in the Vietnam War; now, therefore, be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the O'Neill Forebay Bridge on State Highway Route 152 is hereby officially designated the Celano-Norris Memorial Bridge; and be it further

''*Resolved,* That the bridge on State Highway Route 152 east of the intersection with Interstate Highway Route 5 is hereby officially designated the Sandvig-Scanlon Memorial Bridge; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–15. A Concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 62

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That, in honor of the Nisei Soldiers of World War II who served in units of the United States Armed Forces comprising the 100/442/MIS triad, the segments of State Highway Routes 23 and 99 described herein are hereby officially designated as follows:

''(a) State Highway Route 23, from Highway 101 to Highway 118, as the Military Intelligence Service Memorial Highway.

''(b) State highway Route 99, between the Cities of Fresno and Madera, as the 100th Infantry Battalion Memorial Highway.

''(c) State Highway Route 99, between the Cities of Salida and Manteca, as the 442nd Regimental Combat Team Memorial Highway; and be it further

''*Resolved,* That each of the signs carrying those designations also include, in the lower right-hand corner, the following notations:

''A unit of the 100/422/MIS traid; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designations and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–16. A concurrent resolution adopted by the Legislature of the State of California to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 79

''Whereas, H. Dana Bowers served with distinction as this state's first supervising landscape architect for the Division of Highways, having served in that capacity from 1936 until his retirement in 1964; and

''Whereas, in that capacity, Mr. Bowers was the creator of the highway beautification program as we know it today; and

''Whereas, during his tenure as the division's supervising landscape architect, H. Dana Bowers was responsible for developing and overseeing the Division of Highways' statewide roadside development and highway planting programs; and

''Whereas, H. Dana Bowers established a world standard for highway design with the landscaping and aesthetic enhancement of the Arroyo Seco Parkway in 1940 and subsequent work on the Four Level Interchange in Los Angeles; and

''Whereas, H. Dana Bowers personally directed the design of California's urban freeway landscaping, rural tree planting, and median planting installed in the 1940s, 1950s, and early 1960s, to mitigate the impacts of highway construction on the environment, thereby beautifying the State of California; and

''Whereas, the landscaping techniques and developments of Mr. Bowers have spread throughout the nation and have contributed significantly to making highway driving more pleasurable today; and

''Whereas, Mr. Bowers was instrumental in the design of many prominent highway landmarks, including the vista point located on United States Highway 101 at the north end of the Golden Gate Bridge; now, therefore, be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the highway vista point located immediately north of the end of the Golden Gate Bridge on United States Highway 101 be officially designated the H. Dana Bowers Memorial Vista point; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–17. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 54

''Whereas, the Honorable Frank P. Belotti, a Member of the Assembly from 1950 to 1972, was an effective advocate of preserving the unique scenic beauty of the redwood groves and was instrumental in securing the legislation that made possible the freeway bypass of the groves and the preservation of the existing state highway designated as the ''Avenue of the Giants''; and

''Whereas, the Assembly of the State of California resolved in 1961 to designate the portion of the State Highway Route 101 bypass from Sylvandale to Englewood, a distance of approximately 21 miles, as the Frank P. Belotti Freeway; and

''Whereas, the Senate of the State of California, the Assembly thereof concurring, resolved in 1972 to designate the bridge numbered 04–212, located on State Highway Route 101 over the South Fork of the Eel River as the Frank P. Belotti Bridge; and

''Whereas, the Frank P. Belotti Bridge is situated approximately 10 miles south of the southerly end of the Frank P. Belotti Freeway; and

''Whereas, the Honorable Frank P. Belotti passed away in 1972, and is survived by his wife, Delphine Moranda Belotti; and

''Whereas, the Honorable Frank P. Belotti worked side by side with various district engineers of District I of the California Department of Transportation to expedite the construction of the Redwood Freeway, including Mr. Sam Helwer, the District Engineer of District I from 1957 to 1967; and

''Whereas, Mr. Sam Helwer, who was born in Russell, Kansas, on August 23, 1913, passed away in 1991, and is survived by his wife, Cordy, and his children, Paul and Joan; and

''Whereas, Mr. Helwer served his country in the United States Army Air Corps, and was an active member of the Rotary Club of Eureka; and

''Whereas, his first engineering job was as chief of a construction survey party for the Civilian Conservation Corps in Sequoia National Park in 1933; and

''Whereas, his first job with the then California Division of Highways was as an Under Engineering Aide in District III at Marysville on a survey party in 1936; and

''Whereas, during his early career, he worked in District I in Eureka, District XI in San Diego, District X in Stockton, District VII in Los Angeles, and Headquarters Office, Sacramento, in the Bridge Department and the Design Department; and

''Whereas, during his tenure in the Headquarters Office in the Design Department from 1948 to 1952, Mr. Helwer served as the Division's acknowledged expert on freeway interchange design, and he lectured throughout the state, including the Institute of Transportation and Traffic Engineering at the University of California; and

''Whereas, he served as District Engineer in District I from 1957 to 1967, and during that period, all units of the nearly 30-mile long segment of the Redwood Freeway (State Highway Route 101) from north of Garberville to south of Scotia were completed or placed under construction; and

''Whereas, during Christmas week of 1964, the north coast of California was rocked by a record storm that caused unprecedented flooding, with a frequency of occurrence of once in 1,000 years, causing severe damage to 55 miles of state highway and 40 bridges, 18 of which were totally destroyed, including bridges across the Eel, Klamath, Salmon, Smith, Trinity, and Van Duzen Rivers; and

''Whereas, entire towns were destroyed, 11 lives were lost in the Eel River delta flooding alone, and nearly $8.5 million was spent on emergency openings and an additional $26 million was spent on restoration work; and

''Whereas, within one month after the beginning of the storms, all state highways, except for one, were opened to at least one-way traffic, under the dynamic leadership of District Engineer Sam Helwer; and

''Whereas, in 1967 Mr. Helwer returned to Headquarters Office, Sacramento, as a Deputy State Highway Engineer; in 1972 he transferred to District III in Marysville as a District Director, 36 years after starting there as an Under Engineering Aide; and

''Whereas, in 1975 he retired from the California Department of Transportation, and for a three-month period in 1976 and in 1977, he served as Executive Secretary of the California Highway Commission; and

''Whereas, it is proper that the late Sam Helwer be recognized for his contributions to the principles of good design, beauty, utility, and outstanding transportation leadership that are the hallmark of the streets and highways system of California; and

''Whereas, it is also proper that in order to memorialize the close friendship and working relationship between these two outstanding individuals, the Honorable Frank P. Belotti, a legislator, and Mr. Sam Helwer, an engineer, adjoining segments of the Redwood Freeway be dedicated to each; now, therefore, be it

''*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That the portion of State Highway Route 101 in the area known as the Redwood Freeway, from the Bridge numbered 04–241, over the South Fork of the Eel River at Smith Point, to Myers Flat, a distance of approximately 22 miles, which includes the Frank P. Belotti Bridge, is hereby officially designated as the Frank P. Belotti Memorial Freeway; and be it further

''*Resolved,* That the portion of State Highway Route 101 in the area known as the Redwood Freeway, from Myers Flat to Stafford, a distance of approximately 20 miles, is hereby officially designated the Sam Helwer Memorial Freeway; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of, and to erect, appropriate plaques and markers consistent with the signing requirements for the State Highway System, showing these official designations, upon receiving donations from nonstate sources to cover the cost of erecting those plaques and markers; and be it further

''*Resolved,* That the California Transportation Foundation, a nonprofit, public benefit organization, may serve as the recipient of funds from nonstate sources donated to cover the cost of purchasing and erecting the plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to Delphine Moranda Belotti and Cordy Helwer, and to the Director of Transportation, the Secretary of the Business, Transportation and Housing Agency, and the California Transportation Foundation.''

POM–18. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 137

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the portion of Interstate Highway Route 10 extending five miles to the east and five miles to the west of mile marker number 84 located east of the Chiriaco Summit is hereby officially designated the Veterans' Memorial Freeway; and be it further

''*Resolved,* That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–19. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

''ASSEMBLY RESOLUTION NO. 11

''Whereas, the federal Clean Air Act Amendments of 1990 require the State to achieve certain reductions in air pollution by 2005 through the implementation of complex and costly programs such as the enhanced inspection and maintenance program for automobiles; and

''Whereas, the provisions of the federal law and the rules and regulations adopted by the United States Environmental Protection Agency pursuant to the law allow very little flexibility in the implementation of these programs; and

''Whereas, the State is being asked to commit upwards of $1 billion over 10 years for the implementation of the enhanced inspection and maintenance program alone, and is attempting to develop ways to address the law's requirements in a timely, cost-effective and environmentally beneficial way but has been unable to implement the program rapidly while addressing these concerns; and

''Whereas, failure to implement the enhanced inspection and maintenance program by February 2, 1995 will result in the freezing of certain federal transportation funding, which promises to eliminate the 6,200 jobs anticipated to be generated by projects funded by those federal moneys; and

''Whereas, because the State has not been given the opportunity to develop a reasonable alternative to the draconian program currently being imposed on the State, the State anticipates further sanctions of 2 to 1 offsets to be imposed on industry in the State on August 2, 1995, costing the State more jobs and increasing the economic hardships of State businesses and employers; and

''Whereas, the Commissioner of Environmental Protection has stated, and representatives of the United States Environmental Protection Agency have agreed that it may be the case, that even if the State implements all the programs and restrictions required by the Clean Air Act Amendments of 1990, the State will still not be in compliance with the National Ambient Air Quality Standards imposed by federal law; and

''Whereas, in large part, the inability to meet the federal standards is due to the pollution generated in other states, whether from plants, factories or other stationary sources of air pollution, and the transported pollution is further contributed to by vehicles coming from other states that pass through New Jersey, the state with the densest population and the highest daily volume of motor vehicle traffic in the country; and

''Whereas, it is unfair and unreasonable to require burdensome, costly programs of New Jersey, if the air pollution from other states render these programs ineffective and futile; and

''Whereas, it is altogether fitting and proper for the General Assembly of the State of New Jersey to respectfully memorialize the President and Congress of the United States to enact legislation amending the federal Clean Air Act Amendments of 1990 to provide the State with more flexibility in complying with the requirements of the act and avoid the severe economic hardships threatening the State; now, therefore, be it

''*Resolved by the General Assembly of the State of New Jersey:*

''1. The President and the Congress of the United States are respectfully memorialized to enact legislation amending the federal Clean Air Act Amendments of 1990 to provide the State with more flexibility in complying with the requirements of the act because the current law imposes an undue economic hardship on the State.

''2. Copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and Vice President of the United States, the Administrator of the United States Environmental Protection Agency, the Regional Administrator and the Deputy Regional Administrator for Region II of the United States Environmental Protection Agency, the Speaker of the House of Representatives, every member of Congress elected from the State, the Governor of the State, the Commissioner of Environmental Protection, the State Attorney General, and the Director of the Division of Motor Vehicles within the Department of Law and Public Safety.''

POM–20. A resolution adopted by the Texas and Southwestern Cattle Raisers Association relative to the United Nations' Convention on Biological Diversity; to the Committee on Foreign Relations.

POM–21. A joint resolution adopted by the legislature of the State of California; to the Committee on Foreign Relations.

''ASSEMBLY JOINT RESOLUTION NO. 88

''Whereas, on April 29, 1993, the Legislature of the State of California, through Resolution Chapter 23 of the Statutes of 1993 (Assembly Joint Resolution 28), called upon the President and the Congress of the United States to take immediate steps necessary to cause Azerbaijan to cease its illicit blockade of the Republic of Armenia and called upon that country and Turkey to resume honoring transit rights for shipments of food and fuel to the neighboring people of the Republic of Armenia; and

''Whereas, since that time, the blockades imposed officially by Azerbaijan and de facto by Turkey have been continued in flagrant

violation of international law, resulting in thousands of additional deaths and untold suffering falling disproportionately to infants and elderly persons within the Republic of Armenia; and

''Whereas, the blockades against the Republic of Armenia constitute an extension of the ethnic cleansing perpetrated by Azerbaijan against the inhabitants of the independent, ethnically Armenian enclave of Nagorno Karabagh; and

''Whereas, Azerbaijan has not responded to repeated calls by the international community to cease its attacks on Nagorno Karabagh, but has instead, with the assistance of Turkey, recruited foreign mercenaries and military advisers in an escalation of the conflict which threatens to destabilize the entire region; and

''Whereas, the Republic of Armenia is not at war with any other country, makes no territorial claims against any other country, and has continuously called for an unconditional cease fire and for a peaceful resolution of the conflict involving neighboring Nagorno Karabagh; and

''Whereas, the Republic of Armenia is among the first democracies to emerge from the former Soviet Union and has undertaken the most comprehensive legal, economic, political, and social transformation to a Western-oriented free market economy; and

''Whereas, the Republic of Armenia's transformation to democratic and free market institutions is supported through advice and assistance from the United States, which has joined with Armenia as its partner in development through most-favored nation trade relations, through establishment in the Republic of Armenia of the first United States foreign aid mission to the former Soviet Union, and through representation of numerous American governmental, educational, and private sector institutions; and

''Whereas, the State of California is a particular partner in the transformation and development of the Republic of Armenia through the assistance of University of California extension programs, and a broad range of public and private educational, agricultural, and institution-building activities, as well as considerable private investment and cooperative undertakings linking the business communities of California and the Republic of Armenia; and

''Whereas, the continuing blockades of the Republic of Armenian by Azerbaijan and Turkey, along with the recruitment of foreign mercenaries and military advisers, threatens the peace and stability of the entire region and undermines the policies, interests, and ongoing efforts of the United States to bring about a peaceful resolution of Azerbaijan's conflict with Nagorno Karabagh; and

''Whereas, the continuing blockades of the Republic of Armenia undermine efforts of the United States and the State of California to further the Republic of Armenia's continued peaceful economic development and transition to Western-oriented democratic and free market institutions; and

''Whereas, California remains vitally concerned with the survival and well-being of the democratic Republic of Armenia and its people; and

''Whereas, California remains unwilling to bear witness to the second genocide of Armenians in this century, especially at a time when the United States can exercise significant influence on Azerbaijan and Turkey to comport their conduct with international law; and, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California once again respectfully memorializes the President and the Congress of the United States to take immediate steps necessary to cause Azerbaijan to cease its illicit blockade of the Republic of Armenia and calls upon that country and Turkey to resume honoring transit rights for shipments of food and fuel to the neighboring people of the Republic of Armmenia, to respect international calls for a comprehensive cease fire in Nagorno Karabagh, and to remove foreign mercenaries and advisers at once; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–22. A resolution adopted by the City Council of Passaic, New Jersey relative to pending legislation entitled ''The Language of Government Act''; to the Committee on Governmental Affairs.

POM–23. A joint resolution adopted by the Legislature of the State of California; to the Committee on Indian Affairs.

''ASSEMBLY JOINT RESOLUTION NO. 96

''Whereas, Gabrielino tribal territory encompasses the entire Los Angeles Basin area and the Channel Islands of Santa Catalina, San Nicholas, and San Clemente; and

''Whereas, the Gabrielino were, at one time, one of the most prosperous and generous Native American tribes of southern California. Long before European contact, the Gabrielinos already had a major society in place with a government, laws, religion, music, dance, art, a monetary system, and cultural exchange; and

''Whereas, the State of California has had consistent interaction with the Gabrielinos, known originally as the San Gabriel Band of Mission Indians; and

''Whereas, the State of California recognizes that the Gabrielino Indian community existed and has continued to exist without interruption to the present day; and

''Whereas, the State of California recognizes that the Gabrielinos have held general membership meetings in the San Gabriel, California region for over 100 years; and

''Whereas, the State of California recognizes that Gabrielino members participate consistently in tribal affairs; now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the State of California recognizes the Gabrielinos as the aboriginal tribe of the Los Angeles Basin and takes great pride in recognizing the Indian inhabitance of the Los Angeles Basin and the continued existence of the Indian community within our state; and be it further

''*Resolved,* That the California Legislature respectfully memorializes the President and Congress of the United States to likewise give recognition to the Gabrielinos as the aboriginal tribe of the Los Angeles Basin; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States.''

POM–24. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

''ASSEMBLY CONCURRENT RESOLUTION NO. 110

''Whereas, the State of California is committed to improving geographic literacy and cross-cultural understanding among its pupils; and

''Whereas, since 1961, over 19,000 Californians have served overseas as Peace Corps volunteers, the largest number of volunteers from any state. Many thousands of those volunteers have returned to California with valuable experience to share; and

''Whereas, currently the Peace Corps has over 6,000 volunteers serving in nearly 100 countries around the world, many of whom are eager to share their experiences with American pupils; and

''Whereas, the Peace Corps established the World Wise Schools program in 1989 with three goals: to promote the study of geography, to enhance awareness of the world's many cultures, and to demonstrate the value of volunteer service; and

''Whereas, since 1989, the World Wise Schools program has provided a linkage between individual volunteers and classes to help pupils in the United States understand other cultures and improve their performance in geography and other subjects through the exchange of ideas, experiences, artifacts, photographs, and stories, either via correspondence or personal visits after the volunteers' return; and

''Whereas, the World Wise Schools program produces award-winning educational videotapes and study guides, featuring countries served by the Peace Corps, which have provide valuable to teachers all over the country; and

''Whereas, in sharing the Peace Corps experience, good citizenship and the spirit of volunteerism is exemplified for pupils; and

''Whereas, three hundred forty-three California teachers, in both public and private schools, participate in the World Wise Schools program; and

''Whereas, in a changing world that is increasingly interdependent, it is very important that our pupils learn all they can about the people and countries outside of our borders; now, therefore, be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature endorses the goals of, and supports the concept and philosophy of, the Peace Corps' World Wise Schools program; an be it further

''*Resolved,* That the State Department of Education, and other public and private educational entities are urged, to the best of their ability, to expand the scope of the program in this state, to make the World Wise Schools program's productions accessible to every school in California, and to make teachers aware of this unique educational opportunity.''

POM–25. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

''ASSEMBLY CONCURRENT RESOLUTION NO. 90

''Whereas, between 800,000 and 1,200,000 commercial buildings are estimated to have some form of ''sick building syndrome'' due to indoor air quality problems, according to the Occupational Safety and Health Administration; and

''Whereas, these problems manifest themselves in employee complaints of headaches, nausea, dry eyes, and respiratory infections; and

''Whereas, energy conservation measures instituted during the 1970's have minimized the infiltration of outside air and contributed to a buildup of indoor air contaminants; and

''Whereas, a World Health Organization committee estimates that up to 30 percent of new and remodeled buildings may have this problem; and

''Whereas, as more and more work is done indoors in sealed high-rise office buildings,

the number of persons subjected to harmful indoor air over long periods of time may grow; and

''Whereas, indoor air can be as much as 100 times as polluted as the air just outside, according to the Environmental Protection Agency, which estimates that indoor air pollution costs the nation tens of billions of dollars each year in lost work time, medical costs, and decreased productivity; and

''Whereas, the Environmental Protection Agency has ranked indoor air pollution as one of the top five environmental risks to human health and has classified environmental tobacco smoke as a Group A carcinogen; and

''Whereas, indoor air quality may be improved significantly by ensuring an adequate fresh air supply and maintaining ventilation rates and temperature ranges a suggested by A.S.H.R.A.E. guidelines; and

''Whereas, indoor air quality may also be improved significantly by controlling factors other than ventilation rates and levels of fresh air supply, including factors that may produce detrimental effects upon public health, such as vapors from building materials; and

''Whereas, the Occupational Safety and Health Standards Board has jurisdiction to adopt an indoor air standard that would protect the health of California workers from ''sick building syndrome,'' now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Occupational Safety and Health Standards Board is requested to adopt an occupational safety and health standard for indoor air quality, including the elimination of environmental tobacco smoke, and the Division of Occupational Safety and Health is requested to work in consultation with representatives of labor, management, the National Institute of Occupational Safety and Health, the Environmental Protection Agency, the California Council of the American Institute of Architects, the Building Owners and Managers Association of California, the California Hotel and Motel Association, and the California Council for Interior Design Certification, and indoor air specialists to prepare a draft indoor air quality standard for presentation to the board on or before December 31, 1995; and be it further

Resolved, That the Division of Occupational Safety and Health is to coordinate with the California Building Standards Commission to ensure that the draft standard takes into account the effect of building standards on indoor air quality; and be it further.

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Occupational Safety and Health Standards Board.''

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget (Rept. No. 104–5).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. ROTH, Mr. DOLE, and Mr. PRYOR):

S. 262. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. CAMPBELL:

S. 263. A bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes; to the Committee on Armed Services.

By Mr. AKAKA:

S. 264. A bill to amend the Internal Revenue Code of 1986 to adjust for inflation the dollar limitations on the dependent care credit; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 265. A bill to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 266. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself, Mr. KERRY, Mr. GORTON, Mrs. MURRAY, and Mr. MURKOWSKI):

S. 267. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS:

S. 268. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOLE (for Mr. SIMPSON):

S. 269. A bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel; improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedures; instituting a land border user fee; and to reduce use of welfare by aliens; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. SIMPSON, Mr. D'AMATO, Mr. COCHRAN, Mr. REID, and Mr. GREGG):

S. 270. A bill to provide special procedures for the removal of alien terrorists; to the Committee on the Judiciary.

By Mr. BROWN:

S. 271. A bill to ratify the States' right to limit congressional terms; to the Committee on Rules and Administration.

S. 272. A bill to limit congressional terms; to the Committee on Rules and Administration.

By Mr. KEMPTHORNE (for Mr. DOLE):

S. 273. A bill to amend section 61h–6, of title 2, United States Code; considered and passed.

By Mr. MCCONNELL:

S.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second amendment relating to Presidential term limitations; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. DASCHLE, Mr. HELMS, Mr. PELL, Mr. D'AMATO, Mr. PACKWOOD, Mrs. BOXER, Mr. ROBB, Mr. FORD, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. SPECTER, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. MCCONNELL, Mr. COHEN, and Mr. BROWN):

S. Res. 69. A resolution condemning terrorist attacks in Israel; considered and agreed to.

By Mr. KEMPTHORNE (for Mr. DOLE):

S. Res. 70. A resolution electing Doctor John Ogilvie, of California, as Chaplain of the United States Senate; considered and agreed to.

S. Res. 71. A resolution designating the Chairman of certain Senate committees for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. ROTH, Mr. DOLE, and Mr. PRYOR):

S. 262. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

THE SELF-EMPLOYED HEALTHCARE DEDUCTION ACT OF 1995

Mr. GRASSLEY. Mr. President, today, along with Senators ROTH, DOLE, and PRYOR, I am introducing a bill to restore and increase the health care deduction for the self-employed.

Most of the major health care bills introduced in the last Congress called for an increased extension of the 25-percent health insurance deduction for the self-employed. There's a broad consensus that an increased health insurance deduction would contribute to tax fairness and would also lead to a significant reduction in the number of uninsured Americans.

Unfortunately, as we all know, the self-employed health insurance deduction expired on December 31, 1993, with the understanding that an extension, and possible expansion, would be part of health care reform in 1994. However, we all know what happened to President Clinton's disastrous health care reform effort. And, unfortunately, the self-employed deduction went down with it.

Mr. President, if the 25-percent deduction is not retroactively reinstated, the self-employed will be hit with a sizeable tax increase. Moreover, it would be a tax increase on predominantly middle-income persons, since about 73 percent of those persons who pay self-employment tax earn under $50,000 in adjusted gross income.

Mr. President, our bill will reinstate the 25-percent deduction for the 1994 tax year, and then increase the deduction to 50 percent this year, 75 percent next year, and 100 percent the year after.

Organizations as diverse as the Farm Bureau, the National Federation of

Independent Businesses, the Association for the Self-Employed, and the National Restaurant Association support this legislation.

I understand the House Ways and Means Committee will be holding a hearing this Friday on restoring this deduction, at least for 1994. I look forward to the Congress dealing with this problem in the near future for 1994, and then expanding the deduction up to 100 percent for future years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 262

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

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) DEDUCTION MADE PERMANENT.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Section 162(l) of such Code, as amended by subsection (a), is amended—

(1) by striking ''25 percent'' in paragraph (1) and inserting ''the applicable percentage'', and

(2) by adding at the end of the following new paragraph:

''(6) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

For taxable years beginning in:	The applicable percentage is:
1994	25
1995	50
1996	75
1997 and thereafter	100.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

By Mr. CAMPBELL:

S. 263. A bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes; to the Committee on Armed Services.

THE MINERAL LEASING ACT AMENDMENT ACT OF 1995

Mr. CAMPBELL. Mr. President, trapped beneath the naval oil shale reserves, two of which are located in Garfield County, CO, are billions of cubic feet of natural gas. I am sending legislation to the desk that will:

Allow the Department of the Interior and the Department of Energy to work cooperatively to establish a program to competitively lease or sell this resource;

Allow the Secretary of the Interior, acting through the Bureau of Land Management, to manage the surface of these lands pursuant to the Federal Land Policy and Management Act of 1976; and to require that a royalty be paid to the Federal treasury.

Two Executive orders, in 1916 and 1924, withdrew public lands for the purpose of establishing three naval oil shale reserves. The purpose of the reserves was to ensure the military sufficient oil from the oil shale in the event of a cutoff of oil supplies during a war.

Naval Oil Shale Reserve Nos. 1, 40,760 acres, and 3, 14,130 acres, are located in northwest Colorado near Rifle, and Naval Oil Shale Reserve No. 2, 90,400 acres, is in eastern Utah. Profitable development of shale oil currently is considered to be decades away.

The reserves are owned by the Federal Government and are operated by the Department of Energy [DOE]. Management of the reserves was transferred from the Department of the Navy to the Department of Energy by the Department of Energy Organization Act in 1977. The Department of Energy has a cooperative agreement with the Bureau of Land Management to manage the surface resources of the reserves.

Under the Naval Petroleum Reserves Production Act of 1976, the Secretary of Energy has discretionary authority to undertake certain activities, such as oil and gas development in the reserves, but only as necessary to protect, conserve, maintain, or test the reserves. Production for other purposes may take place only with the approval of the President and Congress.

The reserves located in Colorado are situated on portions of three large natural gas producing fields, the Parachute, Rulison, and Grand Valley, and are estimated to contain substantial natural gas hydrocarbons. There has been significant private natural gas drilling and extraction activity on the southern border of the third reserve since 1978. Since 1980, 277 private wells have been drilled contiguous to the boundaries of reserve Nos. 1 and 2; and through fiscal year 1992, 89 commercial producing gas wells were drilled by private industry within 1 mile of the boundary of the reserves.

The Department of Energy determined in 1983 that the potential existed for drainage of natural gas from the reserves due to the private development outside of the reserves. To prevent drainage of public resources, the Department of Energy began a protection program, drilling 35 offset and communitization wells. According to the Department of Energy's Annual Report of Operations for Fiscal Year 1992, natural gas production between fiscal years 1977 and 1992 totaled 5.4 billion cubic feet. Revenues from the reserves totaled $5 million between fiscal years 1977 and 1992; expenditures for the same period totaled $24.8 million.

This legislation does not specify what royalty should be collected. The royalty could be anywhere between 12.5 and 25 percent. The Secretary will have the discretion to decide what that royalty should be. There is no evidence, however, supporting a royalty rate at higher than 20 percent. Leases outside the reserve that mandate a royalty above this rate have not been executed. The royalty rate that is eventually chosen should reflect fair market value. It should not be set too high, discouraging development, nor too low, depriving the Government of needed revenues.

It has clearly been Congress' intent to make oil and gas leasing a profitable enterprise. It is time for the DOE to get out of the gas producing business. The Vice President's Performance Review is seeking to avoid duplication and save money. Requiring the DOE and the Department of the Interior to cooperatively lease the resources of the naval oil shale reserves will generate revenue, save money, help private industry, enrich local governments, and protect the environment.

By Mr. AKAKA:

S. 264. A bill to amend the Internal Revenue Code of 1986 to adjust for inflation the dollar limitations on the dependent care credit; to the Committee on Finance.

THE WORKING FAMILIES TAX RELIEF ACT OF 1995

• Mr. AKAKA. Mr. President, today I am introducing legislation to provide a measure of tax relief to working families throughout America. My bill would restore value to the child and dependent care credit by allowing an annual adjustment of the credit for inflation.

Mr. President, economic security is the paramount concern for millions of American families. For the first time in our Nation's history, living standards are not keeping pace with economic growth and new job creation. Median family income, after almost two decades of stagnation, is now declining. Many Americans are working harder and longer to make ends meet for their families.

The availability and affordability of adequate child care is an increasingly important consideration for many middle-income working parents. Many families are forced to patch together a network of child care providers to secure care for their children. My legislation responds to the critical need for affordable, quality child-care services without creating costly new Government programs or agencies. It is a simple, flexible solution that will reestablish the full benefit of the child and dependent care credit for millions of working families.

The evidence in support of improving the child and dependent care credit is clear. The number of single mothers working outside the home has dramatically increased in recent years. More than 56 percent of all mothers with children under 6 years work outside the home, and over 70 percent of women with children over age 6 are in the labor market.

The percentage of Hawaii households in which both parents work outside the home is even higher than the national average. According to projections developed by the Bank of Hawaii based on the 1990 census, 61.8 percent of all Hawaii families have both parents employed, and 71.3 percent of all households have at least two individuals in the work force.

The increased participation of single mothers in the labor market and the large number of two-parent families in which both parents work outside the home have made the dependent care credit one of the most popular and productive tax incentives ever enacted by Congress. Unfortunately, the value of the credit has declined significantly over the years as inflation has slowly eroded the value of this benefit. Measured in constant dollars, the maximum credit of $2,400 has decreased in value by more than 45 percent since it was enacted in 1981.

The maximum amount of employment-related child care expenses allowed under current law—$2,400 for a single child, and $4,800 for two or more children—has simply failed to keep pace with escalating care costs. Unlike the earned income tax credit [EITC], the standard deduction, the low-income housing credit, and a number of other sections of our Tax Code, the dependent care credit is not adjusted for inflation.

The purpose of this credit is to partially offset the expense of dependent and child care services incurred by parents working outside the home. While the cost of quality child care has increased as demand exceeds supply, the dependent care credit has failed to keep up with the spiraling costs. The bill I introduce today corrects this problem by automatically adjusting the dependent and child care credit for inflation. Under this legislation, both the dollar limit on the amount creditable and the limitation on earned income would be adjusted annually.

Mr. President, in the past 12 years, the average middle-class family with children has seen its income fall 5 percent, almost $1,600 after inflation. A family of four earning $35,000 a year has seen its tax burden increase since 1981. In part, this is due to the diminished value of the child and dependent care credit. In 1981, the flat credit for dependent care was replaced with a scale to give the greatest benefit of the credit to lower income working families. Since that time, neither the adjusted gross income figures employed in the scale, nor the limit on the amount of employment-related expenses used to calculate the credit, has been adjusted for inflation. Our bill provides a measure of much needed relief to working American families. It would index the child and dependent care credit and restore the full benefit of the credit.

The average cost for out of home child care exceeds $3,500 per child, per year. Child care or dependent care expenses can seriously strain a family's budget. This burden can become unbearable for single parents, almost invariably single mothers, who must balance the need to work with their parental responsibilities.

Numerous economic studies have shown that the economic policies of the 1980's had a disastrous impact upon the incomes of middle-income families. Inflation adjusted wages for the median worker fell 7.3 percent from 1979 to 1991. Working Americans have been losing ground in their struggle to preserve their standard of living. To compensate, American families have been forced to work longer hours, deplete their life savings, and go deeper into debt. There is an urgent need to enact changes in our Tax Code that are pro-family and pro-children. The Working Families Tax Relief Act meets both of these goals.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 264

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 ''Working Families Tax Relief Act''.

SEC. 2. INFLATION ADJUSTMENT OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Subsection (e) of section 21 of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended by adding at the end the following new paragraph:

''(10) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1995, each dollar amount contained in subsections (c) and (d)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) thereof.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 265. A bill to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Research Natural Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE BISTI AND DE-NA-ZIN WILDERNESS EXPANSION AND FOSSIL FOREST PROTECTION ACT

● Mr. DOMENICI. Mr. President, I introduce legislation that will amend the San Juan Wilderness Protection Act of 1984. This legislation will combine two existing wilderness areas in New Mexico, designate additional lands as wilderness, and establish the Fossil Forest Research Natural Area.

In December 1991, approximately 10,750 acres between the Bisti and the De-Na-Zin Wilderness Areas were transferred by exchange to the Bureau of Land Management, with the Bureau of Indian Affairs acting in trust for the Navajo Nation. These newly acquired lands are immediately adjacent to the existing boundaries of the Bisti and De-Na-Zin Wilderness areas and are of high wilderness quality. The area appears to have been affected primarily by the forces of nature with the imprint of human activity substantially unnoticeable.

The acquired lands are included in the approximately 16,674 acres that will be designated by this legislation as wilderness, and join the Bisti and De-Na-Zin into one wilderness area. This bill includes additional lands that will require further exchanges with the State of New Mexico and the Navajo Tribe. Both parties indicate that they are willing to enter into agreements to consummate the exchange of lands.

The joining of the Bisti and De-Na-Zin Wilderness Areas will enhance the wilderness experience for visitors and help ensure continued protection of this resource for future generations of Americans. The two wilderness areas previously designated and the expansion area will be combined into one wilderness area with more manageable boundaries. The joint wilderness area will include a large, striking, and open natural landscape.

The scenic badlands that dominate this area provide an outstanding opportunity for solitude as well as activities such as hiking, backpacking, photography and geological sightseeing in an unconfined and primitive environment. The badlands topography of the expanded area naturally bridge the two wilderness areas into one picturesque expanse with a variety of rich colors and landform.

The establishment of the Fossil Forest Research Natural Area, named for the abundant petrified tree stumps and logs which lie exposed on its surface, provide a wealth of data and fossil material that are found within the Fossil Forest. Many of these stumps are preserved in place with root systems still intact. Four major dinosaur bone quarries and several microvertebrate and invertebrate localities have been excavated over the past decade, including a critically important Cretaceous Age—75 million years ago—mammal quarry. The occurrence of this diverse assemblage of fossil fauna and flora provides a unique opportunity to peek through a small window of time, 70 to 80 million years ago, to examine an important episode of geological and biological change.

Mr. President, I urge the Senate to move rapidly on this important legislation in an effort to enhance the National Wilderness Preservation System and to conserve a unique paleontological area that represents an important period of time and space in our country's natural history.●

By Mr. AKAKA:

S. 266. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act, and for other purposes; to the Committee on Labor and Human Resources.

THE HAWAII PREPAID HEALTH CARE EXEMPTION ACT

● Mr. AKAKA. Mr. President, I reintroduce legislation to exclude the Hawaii

Prepaid Health Care Act from the Employee Retirement Income Security Act of 1974, known as ERISA.

As we have witnessed during the opening weeks of the session, reinventing Government will be a major legislative theme for the 104th Congress. In the months ahead, Congress will examine unnecessary restrictions that the Federal Government imposes on States.

Hawaii's experience with ERISA is an excellent example of a Federal restriction that should be curtailed so the State can improve access to affordable health care. ERISA is the major constraint on Hawaii's ability to improve health care coverage. My bill would give the State the flexibility it needs to find creative and cost-effective ways of delivering high-quality health care.

Ensuring that all Americans will have access to affordable health care is the most profound challenge facing our country. As the cost of providing care is growing at an alarming rate, the number of uninsured or underinsured individuals continues to rise.

State governments have a major stake in financing and providing health care. A growing portion of State budgets are devoted to health care. But budgetary problems are not the only constraints facing the States. Federal laws and regulations often conspire to make health care more expensive or less universal. A case in point is the State of Hawaii's experience with the Hawaii Prepaid Health Care Act and ERISA.

In 1974, Hawaii became the first State to require employers and employees to share responsibility for the cost of health insurance when it enacted the Prepaid Health Care Act [PPHCA]. By dramatically reducing the number of uninsured, this measure allowed Hawaii to implement a system of near-universal health care coverage.

In a 1980 decision, the Ninth Circuit Court of Appeals held that ERISA preempts the State from enacting minimum health care requirements for employers governed by ERISA. The court determined that in the absence of an expressed exemption for the Hawaii statute, Federal law governs. The U.S. Supreme Court affirmed the lower court ruling, and concluded that relief could come only from Congress.

Soon thereafter, I sponsored legislation to grant an exemption for the Hawaii statute. After considerable congressional debate, a limited ERISA exemption was signed into law on January 14, 1983. However, the exemption was not prospective, and only permitted Hawaii to require the specific benefits set forth in the State's 1974 statute.

An unfortunate consequence of these events is that the Hawaii Prepaid Health Care Act has been frozen in time, and the State is prevented from making changes other than those that would enhance effective administration.

In recognition of Hawaii's determined effort to provide universal health care, my bill would exempt the State's prepaid health care act from restrictions contained in ERISA. Such an exemption would give Hawaii greater flexibility to improve both the quality and scope of health coverage for working men and women and their families. Among other things, the State could reevaluate the employer-employee cost sharing levels, examine the feasibility of requiring dependent coverage, and explore measures to assist businesses in providing health benefits.

Since 1974, Hawaii has had a mandated employer health benefits program, the first and only one of its kind in the United States. Nearly all of Hawaii's employers are required to provide employee health insurance, with the employee paying up to half the premium cost, but no more than 1.5 percent of monthly wages, and the employer providing the balance. Eligible employees must work at least 20 hours a week. Employers may offer one or two basic plans—a fee-for-service plan or a designated health maintenance organization plan.

The results of Hawaii's innovative approach are impressive. Hawaii has led the Nation in ensuring that basic health care is available to all its people. This system delivers high-quality care at relatively low cost, despite a cost of living that is 30 to 40 percent higher than the rest of the country.

Of all the States, Hawaii is the closest to achieving universal health care coverage. The Hawaii State Department of Health estimates that between 2 and 4 percent of Hawaii's residents lack health insurance. This compares with national estimates that between 14 and 17 percent of U.S. residents are not covered.

Today, Hawaii has one of the lowest infant mortality rates and one of the highest life expectancy rates in the Nation. Although the incidence of chronic diseases, such as cancer and heart disease, is similar to that of other States, the death rates from these diseases are lower. The substantial investment Hawaii has made in the prepaid health care law has clearly paid off.

Yet, there is an urgent need to bring the State statute up to date. We need to allow a State that has been at the forefront of innovative approaches to health care to make changes which better reflect the needs of today's population and their employers. Hawaii should not have to resort to back-door approaches in order to ensure basic health care to its citizens. My legislation will permit the State to address these issues and upgrade its successful health care programs for the 1990's and beyond.

Although we must continue the quest for national health care reform, we should not allow a dynamic State like Hawaii to remain hobbled by Federal limitations on a truly innovative program with a proven record of success.

I urge my colleagues to support this bill, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 266

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

SECTION 1. PREEMPTION OF HAWAII PREPAID HEALTH CARE ACT.

Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

''(5)(A) Except as provided in subparagraphs (B) and (C), subsection (a) shall not apply to the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. Chapter 393, as amended) or any insurance law of the State.

''(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefits plans.

''(C) If the Secretary of Labor notifies the Governor of the State of Hawaii that as the result of an amendment to the Hawaii Prepaid Health Care Act enacted after the date of the enactment of this paragraph—

''(i) the proportion of the population with health care coverage under such Act is less than such proportion on such date, or

''(ii) the level of benefit coverage provided under such Act is less than the actuarial equivalent of such level of coverage, on such date,

subparagraph (A) shall not apply with respect to the application of such amendment to such Act after the date of such notification.''.●

By Mr. STEVENS (for himself, Mr. KERRY, Mr. GORTON, Mrs. MURRAY, and Mr. MURKOWSKI):

S. 267. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FISHERIES ACT OF 1995

● Mr. STEVENS. Mr. President, I am pleased to introduce a bill which contains a number of provisions important to the conservation of fishery resources on the high seas.

Senators KERRY, GORTON, MURRAY, and MURKOWSKI join me in introducing this package today, which is titled, the ''Fisheries Act of 1995.''

The High Seas Fisheries Licensing Act of 1995, title I of the bill, would provide for the domestic implementation of the agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

This agreement was adopted by the U.N. Food and Agriculture Organization in 1993.

The implementing legislation would establish a system of licensing, reporting, and regulation for all U.S. vessels fishing on the high seas.

It will set an example for other nations to the agreement to follow, and will begin to allow the United States to obtain information from other countries about their fishing vessels on the high seas.

The Northwest Atlantic Fisheries Convention Act, title II of the bill, would implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

This convention calls for establishment of the Northwest Atlantic Fisheries Organization [NAFO] to assess and conserve high seas fishery resources off the coasts of Canada and New England.

Among other provisions, this title of the bill would provide for: First, U.S. representation in NAFO; second, coordination between NAFO and appropriate regional fishery management councils; and third, authorization for the Secretaries of Commerce and State to carry out U.S. responsibilities under the convention.

Title III of the bill would extend the authorization of appropriations for the Atlantic Tunas Convention Act through fiscal year 1998.

It would also: First, provide for the development of a research and monitoring program for bluefin tuna and other wideranging Atlantic fish stocks; second, establish operating procedures for the International Commission for the Conservation of Atlantic Tunas [ICCAT] Advisory Committee; and third, clarify procedures for dealing with nations that fail to comply with ICCAT recommendations.

Title IV of the bill would reauthorize and amend the Fishermen's Protective Act of 1967 to allow the Secretary of State to reimburse U.S. fishermen forced to pay transit passage fees required by a foreign country that are regarded by the United States as inconsistent with international law.

Similar legislation was passed in both the Senate and House last year in response to the $1,500, in Canadian dollars, transit fee charged to United States fishermen last year for passage off British Columbia.

Title V of the bill would prohibit United States fishermen from fishing in the Central Sea of Okhotsk, known as the ''Peanut Hole'', except where such fishing is conducted in accordance with a fishery agreement to which both the United States and Russia are parties.

This provision is intended to provide assistance to Russia in conserving the fish stocks in the Sea of Okhotsk, which is bordered by Russian waters.

Title VI would prohibit the United States from entering into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of the U.N. global moratorium on large-scale driftnet fishing.

The intent is to ensure that the United States takes every opportunity to assist in the full implementation—and to strengthen where possible—the U.N. moratorium on driftnet fishing.

The final section of the bill, title VII, authorizes the entry into force of a Governing International Fishery Agreement [GIFA] between the United States and the Republic of Estonia.

I would like to thank Senator KERRY for his help in putting this package together.

This is a noncontroversial bill with bipartisan support, and I hope my colleagues on the Commerce Committee and in the full Senate will support its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 267

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 ''Fisheries Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—HIGH SEAS FISHERIES LICENSING

Sec. 101. Short title.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Licensing.
Sec. 105. Responsibilities of the Secretary.
Sec. 106. Unlawful activities.
Sec. 107. Enforcement provisions.
Sec. 108. Civil penalties and license sanctions.
Sec. 109. Criminal offenses.
Sec. 110. Forfeitures.
Sec. 111. Effective date.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

Sec. 201. Short title.
Sec. 202. Representation of United States under convention.
Sec. 203. Requests for scientific advice.
Sec. 204. Authorities of Secretary of State with respect to convention.
Sec. 205. Interagency cooperation.
Sec. 206. Rulemaking.
Sec. 207. Prohitibed acts and penalties.
Sec. 208. Consultative committee.
Sec. 209. Administrative matters.
Sec. 210. Definitions.
Sec. 211. Authorization of appropriations.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

Sec. 301. Short title.
Sec. 302. Research and monitoring activities.
Sec. 303. Advisory committee procedures.
Sec. 304. Regulations.
Sec. 305. Fines and permit sanctions.
Sec. 306. Authorization of appropriations.
Sec. 307. Report and certification.
Sec. 308. Management of Yellowfin Tuna.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

Sec. 401. Findings.
Sec. 402. Amendment to the Fishermen's Protective Act of 1967.
Sec. 403. Reauthorization.
Sec. 404. Technical corrections.

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

Sec. 501. Short title.
Sec. 502. Fishing prohibition.

TITLE VI—DRIFTNET MORATORIUM

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Prohibition.
Sec. 604. Negotiations.
Sec. 605. Certification.
Sec. 606. Enforcement.

TITLE VII—GOVERNING INTERNATIONAL FISHERY AGREEMENT

Sec. 701. Agreement with Estonia.

TITLE I—HIGH SEAS FISHERIES LICENSING

SEC. 101. SHORT TITLE.

This title may be cited as the ''High Seas Fisheries Licensing Act of 1995''.

SEC. 102. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term ''Agreement'' means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term ''FAO'' means the Food and Agriculture Organization of the United Nations.

(3) The term ''high seas'' means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term ''high seas fishing vessel'' means any vessel of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term ''international conservation and management measures'' means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term ''length'' means—

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term ''person'' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term ''Secretary'' means the Secretary of Commerce.

(9) The term ''vessel of the United States'' means—

(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(vi) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individial in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms ''vessel subject to the jurisdiction of the United States'' and ''vessel without nationality'' have the same meaning as in section 1903(c) of title 46, United States Code Appendix.

SEC. 104. LICENSING.

(a) IN GENERAL.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid license issued under this section.

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstarting that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a license would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a license to a vessel unless the Secretary is satisified that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

(F) the type of vessel;

(G) the vessel's length; and

(H) any other information the Secretary requires for the purposes of implementing the Agreement.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States Under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

(e) Fees.—

(1) The Secretary shall by regulation establish the level of fees to be charged for licenses issued under this section. The amount of any fee charged for a license issued under this section shall not exceed the administrative costs incurred in issuing such licenses. The licensing fee may be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) DURATION.—A license issued under this section is valid for 5 years. A license issued under this section is void in the event the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 104, including all information submitted under section 104(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any license granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 106. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid license issued under section 104;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a license issued under section 104;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody,

control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or license issued under this title; or

(10) to violate any provision of this title or any regulation or license issued under this title.

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or license issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by paragraph (6), (7), (8), or (9) of section 106;

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this title or any regulation or license issued under this title;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

(v) seize any other evidence related to any violation of any provision of this title or any regulation or license issued under this title;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(e) LIABILITY FOR COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this Act shall be liable for the cost incurred in storage, care, and maintenance of any living marine resource or other property seized in connection with the violation.

SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) LICENSE SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States has been used in the commission of an act prohibited under section 106;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a license under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent licenses;

(ii) suspend such license for a period of time considered by the Secretary to be appropriate;

(iii) deny such license; or

(iv) impose additional conditions and restrictions on such license.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any license that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the license upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if the person commits any act prohibited by paragraph (6), (7), (8), or (9) of section 106.

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to—

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 107(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 106 are presumed to have been taken or retained in violation of this title, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 111. EFFECTIVE DATE.

This title shall take effect 120 days after the date of enactment of this Act.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Northwest Atlantic Fisheries Convention Act of 1995''.

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a ''United States Commissioner to the Northwest Atlantic Fisheries Organization''; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experience concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a ''United State Representative to the Northwest Atlantic Fisheries Organization Scientific Council''.

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specific by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meeting of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 208.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b)(1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this title. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this title or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 208. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—

(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.) shall not apply to the consultative committee established under this section.

SEC. 209. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 208.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties pursuant to this title, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term ''authorized enforcement officer'' means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term ''Commissioner'' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).

(3) CONVENTION.—The term ''Convention'' means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) FISHERIES COMMISSION.—The term ''Fisheries Commission'' means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) GENERAL COUNCIL.—The term ''General Council'' means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) MAGNUSON ACT.—The term ''Magnuson Act'' means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) ORGANIZATION.—The term ''Organization'' means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) REPRESENTATIVE.—The term ''Representative'' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).

(10) SCIENTIFIC COUNCIL.—The term ''Scientific Council'' means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1995, 1996, 1997 and 1998.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Atlantic Tunas Convention Authorization Act of 1995''.

SEC. 302. RESEARCH AND MONITORING ACTIVITIES.

(a) REPORT TO CONGRESS.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) RESEARCH AND MONITORING PROGRAM.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

"SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.";

(2) by striking the last sentence;

(3) by inserting ''(a) BIENNIAL REPORT ON BLUEFIN TUNA.—'' before ''The Secretary of Commerce shall''; and

(4) by adding at the end the following:

''(b) HIGHLY MIGRATORY SPECIES RESEARCH AND MONITORING.—

''(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the 'Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

''(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

''(B) provide for appropriate participation by nations which are members of the Commission.

''(2) The program shall provide for, but not be limited to—

''(A) statistically designed cooperative tagging studies;

''(B) genetic and biochemical stock analyses;

''(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

''(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

''(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

''(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

''(G) integration of data from all sources and the preparation of data bases to support management decisions; and

''(H) other research as necessary.

''(3) In developing a program under this section, the Secretary shall provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act applies with respect to effort and species composition of catch and discards. The Secretary through the Secretary of State shall encourage other member nations to adopt a similar program.''.

SEC. 303. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by inserting ''(a)'' before ''There''; and

(2) by adding at the end the following:

''(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

''(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

''(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State. Meetings of the advisory committee shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

''(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

''(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

''(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

''(6) The advisory committee shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.).''.

SEC. 304. REGULATIONS.

Section 6(c)(3) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding ''or fishery mortality level'' after ''quota of fish'' in the last sentence.

SEC. 305. FINES AND PERMIT SANCTIONS.

Section 7(e) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

''(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.''.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

''(1) For fiscal year 1995, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $1,500,000 are authorized for research activities under this Act.

''(2) For fiscal year 1996, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

''(3) For fiscal year 1997, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

''(4) For fiscal year 1998, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.''.

SEC. 307. REPORT AND CERTIFICATION.

The Atlantic Tuna Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended by adding at the end thereof the following:

''ANNUAL REPORT

''SEC. 11. Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

''(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

''(2) identifies those fishing nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

''(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

''(4) describes actions taken by the Secretary under section 12.

''CERTIFICATION

''SEC. 12. (a) If the Secretary determines that vessels of any nation are harvesting fish which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the convention area in a manner or under circumstances which would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Secretary shall certify such fact to the President.

''(b) Such certification shall be deemed to be a certification for the purposes of section 8 of the Fishermen's Protective Act (22 U.S.C. 1978).

''(c) Upon certification under subsection (a), the Secretary shall promulgate regulations under section 6(c)(4) with respect to a nation so certified.''.

SEC. 308. MANAGEMENT OF YELLOWFIN TUNA.

(a) Not later than 90 days after the date of the enactment of this act, the Secretary of Commerce in accordance with this section shall publish a preliminary determination of the level of the United States recreational and commercial catch of yellowfin tuna on an annual basis since 1980. The Secretary shall publish a preliminary determination in the Federal Register for comment for a period not to exceed 60 days. The Secretary shall publish a final determination not later than 140 days from the date of the enactment of this section.

(b) Not later than June 1, 1996, the Secretary of Commerce shall implement the recommendations of International Commission for the Conservation of Atlantic Tunas regarding yellowfin tuna.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

SEC. 401. FINDINGS.

The Congress finds that—

(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the ''Inside Passage'' off the Pacific Coast of Canada;

(2) Canada recently required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a ''license which authorizes transit'' through the Inside Passage;

(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

(4) the Fishermen's Protective Act of 1967 provides for the reimbursement of vessel

owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not permit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

(5) Canada required that the license fee be paid in person in 2 ports on the Pacific Coast of Canada, or in advance by mail;

(6) significant expense and delay was incurred by commercial fishing vessels of the United States that had to travel from the point of seizure back to one of those ports in order to pay the license fee required by Canada, and the costs of that travel and delay cannot be reimbursed under the Fishermen's Protective Act;

(7) the Fishermen's Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United States considers that fee to be inconsistent with international law;

(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

(9) the United States should review its current policy with respect to anchorage by commercial fishing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

(12) the President should continue to immediately convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of vessels of the United States in a manner inconsistent with international law; and

(13) the United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

SEC. 402. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

''SEC. 11. (a) In any case on or after June 15, 1994, in which a vessel of the United States exercising its right of passage is charged a fee by the government of a foreign country to engage in transit passage between points in the United States (including a point in the exclusive economic zone or in an area over which jurisdiction is in dispute), and such fee is regarded by the United States as being inconsistent with international law, the Secretary of State shall reimburse the vessel owner for the amount of any such fee paid under protest.

''(b) In seeking such reimbursement, the vessel owner shall provide, together with such other information as the Secretary of State may require—

''(1) a copy of the receipt for payment;

''(2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and

''(3) a copy of the vessel's certificate of documentation.

''(c) Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after the date of enactment of this section, whichever is later.

''(d) such funds as may be necessary to meet the requirements of this section may be made available from the unobligated balances of previously appropriated funds remaining in the Fishermen's Guaranty Fund established under section 7 and the Fishermen's Protective Fund established under section 9. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a).

''(e) The Secretary of State shall take such action as the Secretary deems appropriate to make and collect claims against the foreign country imposing such fee for any amounts reimbursed under this section.

''(f) For purposes of this section, the term 'owner' includes any charterer of a vessel of the United States.

''(g) This section shall remain in effect until October 1, 1996.''.

(b) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is further amended by adding at the end the following:

''SEC. 12. (a) If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

''(b) Upon receipt of a certification under subsection (a), the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

''(c) For the purposes of this section, the term 'fishing vessel' has the meaning given that term in section 2101(11a) of title 46, United States Code.

''(d) It is the sense of the Congress that any action taken by any Federal agency under subsection (b) should be commensurate with any conditions certified by the Secretary of State under subsection (a).''.

SEC. 403. REAUTHORIZATION.

(a) Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by striking the third sentence.

(b) Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking ''October 1, 1993'' and inserting ''October 1, 2000''.

SEC. 404. TECHNICAL CORRECTIONS.

(a)(1) Section 15(a) of Public Law 103-238 is amended by striking ''April 1, 1994,'' and inserting ''May 1, 1994,''.

(2) The amendment made by paragraph (1) shall be effective on and after April 30, 1994.

(b) Section 803(13)(C) of Public Law 102-567 (16 U.S.C. 5002(13)(C)) is amended to read as follows:

''(C) any vessel supporting a vessel described in subparagraph (A) or (B).''.

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 501. SHORT TITLE.

This title may be cited as the ''Sea of Okhotsk Fisheries Enforcement Act of 1995''.

SEC. 502. FISHING PROHIBITION.

(a) ADDITION OF CENTRAL SEA OF OKHOTSK.—Section 302 of the Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended by inserting ''and the Central Sea of Okhotsk'' after ''Central Bering Sea''.

(b) DEFINITION.—Section 306 of such Act is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.''.

TITLE VI—DRIFTNET MORATORIUM

SEC 601. SHORT TITLE.

This title may be cited as the ''High Seas Driftnet Fishing Moratorium Protection Act''.

SEC. 602. FINDINGS.

The Congress finds that—

(1) Congress has enacted and the President has signed into law numerous Acts to control or prohibit large-scale driftnet fishing both within the jurisdiction of the United States and beyond the exclusive economic zone of any nation, including the Driftnet Impact Monitoring, Assessment, and Control Act of 1987 (Title IV, P.L. 100-220), the Driftnet Act Amendments of 1990 (P.L. 101-627), and the High Seas Driftnet Fisheries Enforcement Act (Title I, P.L. 102-582);

(2) the United States is a party to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention;

(3) the General Assembly of the United Nations has adopted three resolutions and three decisions which established and reaffirm a global moratorium on large-scale driftnet fishing on the high seas, beginning with Resolution 44/225 in 1989 and most recently in Decision 48/445 in 1993;

(4) the General Assembly of the United Nations adopted these resolutions and decisions at the request of the United States and other concerned nations;

(5) the best scientific information demonstrates the wastefulness and potentially destructive impacts of large-scale driftnet fishing on living marine resources and seabirds; and

(6) Resolution 46/215 of the United Nations General Assembly calls on all nations, both individually and collectively, to prevent large-scale driftnet fishing on the high seas.

SEC. 603. PROHIBITION.

The United States, or any agency or official acting on behalf of the United States, may not enter into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of the global moratorium on large-scale driftnet fishing on the high seas, as such moratorium is expressed in Resolution 46/215 of the United Nations General Assembly.

SEC. 604. NEGOTIATIONS.

The Secretary of State, on behalf of the United States, shall seek to enhance the implementation and effectiveness of the United Nations General Assembly resolutions and decisions regarding the moratorium on large-scale driftnet fishing on the high seas

through appropriate international agreements and organizations.

SEC. 605. CERTIFICATION.

The Secretary of State shall determine in writing prior to the signing or provisional application by the United States of any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that the prohibition contained in section 603 will not be violated if such agreement is signed or provisionally applied.

SEC. 606. ENFORCEMENT.

The President shall utilize appropriate assets of the Department of Defense, the United States Coast Guard, and other Federal agencies to detect, monitor, and prevent violations of the United Nations moratorium on large-scale driftnet fishing on the high seas for all fisheries under the jurisdiction of the United States and, in the case of fisheries not under the jurisdiction of the United States, to the fullest extent permitted under international law.

TITLE VII—GOVERNING INTERNATIONAL FISHERY AGREEMENT

SEC. 701. AGREEMENT WITH ESTONIA.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the government of the Republic of Estonia as contained in the message to Congress from the President of the United States dated January 19, 1995, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.●

● Mr. KERRY. Mr. President, today I am pleased to join my friend, the senior Senator from Alaska, in introducing the Fisheries Act of 1995. This legislation addresses an issue of great importance to the people of Massachusetts, the Nation and, indeed, the world—the promotion of sustainable fisheries on a worldwide basis.

One of the world's primary sources of dietary protein, marine fish stocks were once thought to be an inexhaustible resource. However, after peaking in 1989 at a record 100 million metric tons, world fish landings now have begun to decline. The current state of the world's fisheries has both environmental and political implications. Last year, the U.N. Food and Agriculture Organization [FAO] estimated that 13 of 17 major ocean fisheries may be in trouble. Competition among nations for dwindling resources has become all too familiar in many locations around the world.

The bill before us today will strengthen international fisheries management. Among the provisions reinforcing U.S. commitments to conserve and manage global fisheries, are the following: First, implementation of the FAO Agreement To Promote Compliance With International Convention and Management Measures by Fishing Vessels on the High Seas; second, implementation of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; third, improved research and international cooperation with respect to Atlantic bluefin tuna and other valuable highly migratory species; fourth, reimbursement of United States fishermen for illegal transit fees charged by the Canadian Government; fifth, a ban on U.S. fishing activities in the central Sea of Okotsk; sixth, a prohibition on U.S. participation in international agreements which undermine the U.N. moratorium on large-scale driftnet fishing, and seventh, approval of the governing international fishing agreement between the United States and the Republic of Estonia.

The measures of this bill will make a substantial contribution to U.S. leadership in the conservation and management of international fisheries. I encourage my colleagues to join with me to support its passage.●

By Mr. BUMPERS:

S. 268. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Environment and Public Works.

THE TRIPLOID GRASS CARP CERTIFICATION ACT OF 1995

● Mr. BUMPERS. Mr. President, these days we hear a lot about the need to reinvent Government and make it more responsive and less costly. Today, I am introducing legislation along with Senator PRYOR that will help the Fish and Wildlife Service achieve both these goals.

For many years, the Fish and Wildlife Service has conducted a triploid grass carp certification program. The triploid grass carp is a sterile fish that is used by 29 States to help control aquatic vegetation in lakes, ponds, and reservoirs. This fish has proven to be both effective and economical and many States prefer using it over chemicals and pesticides.

As more and more States have legalized the use of the triploid grass carp, they have adopted regulations requiring that the Fish and Wildlife Service verify through certification that these fish are sterile. If a reproducing triploid grass carp was to accidentally enter a pond or river ecosystem it could seriously damage the habitat of existing fish species. Certification by the Fish and Wildlife Service ensures that the fish are ecologically sound and clears the way for them to be shipped to various States by private producers.

Last year, the Fish and Wildlife Service conducted 550 triploid grass carp certifications, free of charge. The cost for providing this service was $70,000. Unfortunately, because of severe fiscal constraints, the agency can no longer afford to absorb the costs associated with the certification process and is moving to discontinue the program in the next 60 days. The producers of the triploid grass carp have informed the Fish and Wildlife Service they are willing to pay the agency for this service, provided that the money comes back to the agency and is used only for the triploid grass carp certification program. The agency supports this ''fee for service'' concept but needs congressional authorization before it can be instituted.

Mr. President, the bill I am introducing today, will give the Fish and Wildlife Service the authority it needs to charge a user fee and apply it to the triploid grass carp certification program. Without this legislation, a valuable program that benefits the public will be terminated.

I urge my colleagues to join me in support of this legislation and look forward to its speedy passage.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 268

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

SECTION 1. COLLECTION OF FEES FOR TRIPLOID GRASS CARP CERTIFICATION INSPECTIONS.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Fish and Wildlife Service (referred to in this section as the ''Director''), may charge reasonable fees for expenses to the Federal Government for triploid grass carp certification inspections requested by a person who owns or operates an aquaculture facility.

(b) AVAILABILITY.—All fees collected under subsection (a) shall be available to the Director until expended, without further appropriations.

(c) USE.—The Director shall use all fees collected under subsection (a) to carry out the activities referred to in subsection (a).

By Mr. DOLE (for Mr. SIMPSON):

S. 269. A bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel; improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedures; instituting a land border user fee; and to reduce use of welfare by aliens; to the Committee on the Judiciary.

THE IMMIGRANT CONTROL AND FINANCIAL RESPONSIBILITY ACT

● Mr. SIMPSON. Mr. President, I introduce legislation which will provide the Immigration Service with some badly needed tools to further the goal of achieving control over immigration. The bill will also reduce the abuse of the public welfare system by immigrants.

For years, as chairman or ranking member of the Immigration Subcommittee, I have advocated strong measures to control illegal immigration so that we can maintain a legal immigration program that will have the support of the American people. This legislation will continue that effort by authorizing additional Border Patrol officers and an increase in the personnel who investigate alien smuggling and the hiring of unlawful aliens. Most important, the bill will provide

for the establishment of a new verification system to enable the Immigration Service, and employers, to verify the work authority of new hires. The system will also verify the eligibility of applicants for public assistance.

Alien smuggling has become a serious and growing problem. This measure will provide new authority to the Justice Department to assist them in combating what the U.N. High Commissioner for Refugees has referred to as a ''modern day slave trade.''

The manufacture and use of fraudulent documents has reached such proportions that one can obtain high quality Social Security cards, driver's licenses, voter registration cards, or whatever, simply by placing a morning order on a Los Angeles street corner and picking up the documents later that day for less than $100. My legislation will increase the penalty for such document fraud. It will also provide new penalties for false statements in documents required by the Immigration Service.

To combat the abuse of our immigration laws by persons who arrive at our ports-of-entry with no documents, or with fraudulent documents, the bill will provide for the expedited exclusion of such aliens. To more effectively remove persons found to be unlawfully in the United States, the bill will streamline our deportation proceedings.

In recent months we have seen the Attorney General's parole authority being used to admit groups of persons for permanent residence in the United States. This is an abuse of the spirit, if not the letter, of the law allowing the Attorney General to parole aliens into the United States in certain circumstances. This bill will limit the use of parole authority to individual cases for humanitarian reasons or significant public benefit, and will require that the number of parolees who remain more than a year must be offset by a reduction in regular immigration.

In recent years many unlawful aliens have discovered the key to extending their stay in the United States. By claiming fear of political persecution at home, they are able to delay their departure for years as they remain here and work while awaiting their hearing. There are over 400,000 persons in the backlog of such asylum claimants. This legislation will make clear that asylum claimants are not necessarily entitled to work authority, and it will provide increased resources for addressing the asylum application backlogs.

The Refugee Act, passed nearly 15 years ago, set the ''normal flow'' of refugees to be resettled in the United States at 50,000 per year. But the number of refugees resettled here in those 15 years has exceeded that number by hundreds of thousands. Every single year since the Refugee Act passed in 1980 refugee admissions have far exceeded the ''normal flow.'' This legislation will require congressional approval for the admission of more than 50,000 refugees in a fiscal year—except in a refugee emergency.

Thirty years ago, in order to provide a legal status for the hundreds of thousands of Cubans who had fled Cuba after Castro's Communist intentions became clear, Congress passed the Cuban Adjustment Act. This allowed those Cubans who had fled the island in the 1960's to adjust to permanent resident status after 1 year in the United States. The persons for whom this extraordinary legislation was enacted have long since regularized their status in the United States. Yet, the Cuban Adjustment Act remains on the books as an anachronism that is both unfair and unnecessary. While nearly 4 million persons await their immigration visas in our vast immigration backlogs, some for as long as 20 years, any Cuban who gets to the United States, legally or illegally, can get a green card after 1 year. This special treatment is no longer justifiable and is not right. This bill will repeal the Cuban Adjustment Act.

It has been the tradition of the United States for more than 100 years that newcomers to this country should be self-sufficient. Our laws have long provided that those persons who are ''likely at any time to become a public charge'' are inadmissible, and that those immigrants who later do become ''public charges'' are deportable. These provisions have proven to be unenforced, or unenforceable. This legislation will make clear that an American resident or citizen who sponsors his or her relatives will be financially responsible for them until they become citizens. The bill also makes clear that those immigrants who do become ''public charges'' become deportable. My bill will not deny legal immigrants access to our public welfare system—the safety net will be there—but those immigrants who become dependent upon public assistance will run the risk of deportation. Under this legislation any immigrant who receives public assistance for more than 12 months will be deportable. Illegal immigrants will be denied all public assistance except certain emergency and child health and nutrition benefits.

Finally, this bill will impose a border crossing users fee to help offset the cost of maintaining our border controls. This fee will raise moneys that can be used to improve our border crossing facilities and deter the entry of unlawful aliens.

There will be other comprehensive legislation introduced in the Senate. And I understand the Clinton administration is working on their own legislative package on immigration reform. I intend the legislation I introduced today to be the basis for hearings at which we will consider all other responsible proposals.

The Commission on Immigration Reform has provided as with serious and thoughtful recommendations. Those that were not already in legislation I introduced in the last Congress, I have included in this legislation, such as a new system to verify eligibility to work in the United States. This bill also follows the Commission's recommendation for an enforceable contract of support, signed by the person in this country who sponsors any immigrant relative for immigration to the United States. This will require such a sponsor to reimburse governments which provide the immigrant with welfare or other assistance.

The bill I introduce today focuses on illegal immigration control issues. Our legal immigration program is also in need of thoughtful reform and revision. I am presently drafting the legislation to accomplish these needed reforms. I understand the Commission on Immigration Reform will present us with their recommendations on legal immigration reform in the early spring. I look forward to those.

To be sustainable, immigration must always serve the national interest. We must be able to assure the American people that whatever other goals our immigration policy may further, its overriding goal is to serve the long-term interest of the majority of our citizens.

We have much to do on immigration reform. The election last November demonstrated clearly that the American people wish us to ''get on with the job.'' This bill I introduce today is the first step and other serious steps will soon follow.●

By Mr. SMITH (for himself, Mr. SIMPSON, Mr. D'AMATO, Mr. COCHRAN, Mr. REID, and Mr. GREGG):

S. 270. A bill to provide special procedures for the removal of alien terrorists; to the Committee on the Judiciary.

THE ALIEN TERRORIST REMOVAL ACT OF 1995

Mr. SMITH. Mr. President, we have a major opportunity early in this Congress to enact vitally important legislation to protect our Nation against the scourge of international terrorism. On behalf of myself, the distinguished chairman of the Immigration Subcommittee, Senator SIMPSON, and Senators D'AMATO, COCHRAN, GREGG, and REID, I introduce the Alien Terrorist Removal Act of 1995.

Mr. President, one of this Senator's greatest disappointments about last year's crime bill was that certain members of the conference committee from the House side insisted on stripping from it the Smith-Simpson alien terrorist removal amendment. Apparently at the instigation of a number of aliens' rights organizations, they killed a sorely needed antiterrorism measure that had been proposed by the Reagan Justice Department and actively promoted by the Bush Justice Department. In her letter to the conferees regarding the crime bill, in fact, Clinton administration Attorney General Janet Reno said that our amendment is both constitutional and addresses a problem that needs to be solved.

FBI Director Louis Freeh has now made clear that he shares our disappointment. A December 2, 1994, article in the Los Angeles Times quotes Director Freeh as saying that the Justice Department should make resurrecting the Smith-Simpson amendment one of its highest antiterrorism legislative priorities in the 104th Congress.

Let us explain briefly what our proposal is all about. The Alien Terrorist Removal Act of 1995 would establish a special procedure under which classified information could be used to establish the deportability of alien terrorists. It is designed to safeguard national security interests, while at the same time according appropriate protection to the constitutional due process rights of aliens.

THE PROBLEM ADDRESSED BY THE BILL

Under current law, classified information can be used to establish the excludability of aliens, but not their deportability. Thus, when there is insufficient unclassified information available to establish the deportability of a terrorist alien, the Government faces two equally unacceptable choices.

First, the Justice Department could declassify enough of its evidence against the alien to establish his deportability. Too often, however, that simply cannot be done because the information in question is so sensitive that its disclosure would endanger the lives of human sources or compromise highly sensitive methods of intelligence gathering.

The Government's second, and equally untenable, choice would be simply to let the terrorist alien involved remain here. Unfortunately, that is not just a hypothetical situation. It happens in real cases. Recently, in fact, we understand, it happened in the case of an alien terrorist who is a high-ranking member of a notorious Middle Eastern terrorist organization. Due to the unavailability of the procedure that would be established by our bill, that terrorist had to be allowed to remain at large in the United States.

HOW THE BILL WOULD SOLVE THE PROBLEM

Utilizing the existing definitions of terrorism in the Immigration Act of 1990 and of classified information in the Classified Information Procedures Act, our bill would establish a special alien terrorist removal court made up of sitting U.S. district judges that is modeled on the special court created by the Foreign Intelligence Surveillance Act. The special court procedure established by our bill could only be invoked when the Justice Department certifies under seal that: First, the Attorney General or the Deputy Attorney General has personally approved invoking the special procedure; second, an alien terrorist is physically present in the United States; and third, the removal of the alien in normal public immigration proceedings would pose a risk to the national security because it would disclose classified information.

Under our bill, once the Justice Department made those certifications, a U.S. district judge would determine whether the invocation of the special procedure is justified. In order for the procedure to be invoked, the district judge would have to determine that: First, the alien involved has been correctly identified; second, a public deportation hearing would pose a risk to the lives of human sources or the national security because it would disclose classified information; and third the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm to American citizens.

Our bill provides that if the U.S. district judge makes those determinations, a special removal hearing would be held. The alien would be provided the right to be present at the hearing and to be represented by counsel, at public expense if necessary. The alien also would be given the right to introduce evidence on his or her own behalf and to ask the judge to issue subpoenas for witnesses. For its part, the Justice Department would provide the U.S. district judge with the classified information, in camera and ex parte, to establish the need for the alien terrorist's removal.

Under our legislation, the U.S. district judge then would review the classified information in chambers. Where possible, without compromising the classified evidence, the Federal judge would give the alien an unclassified summary of the evidence and/or the facts established by that evidence. Ultimately, the Federal judge would determine whether, considering the record as a whole, the Justice Department has proven, by clear and convincing evidence, that the alien is a terrorist and should be removed. Finally, under our bill, the alien involved would be given the right to appeal to the U.S. Court of Appeals for the Federal Circuit and to petition for a writ of certiorari from the Supreme Court.

WHY THE BILL IS CONSTITUTIONAL

When the Bush Justice Department was in the process of deciding whether to adopt the Reagan administration proposal that our bill embodies, the Justice Department's Office of Legal Counsel reviewed its constitutionality. As a result of that review, the OLC determined that the proposal is constitutional and the Bush administration subsequently endorsed it. When the Senate considered the Smith-Simpson amendment late in 1993, our colleague, then-Senate Judiciary Committee Chairman JOSEPH BIDEN, agreed. Calling the case for the constitutionality of this proposal irrefutable, Senator BIDEN commented that nothing in the proposal rises to the level of being unconstitutional. Finally, as we have noted, when the Senate adopted our amendment and sought the Clinton Justice Department's comments, the Department wrote to members of the conference committee that it continues to regard our proposal as constitutional.

The constitutionality of our bill would be determined under the test set forth by the Supreme Court in *Mathews* v. *Eldridge*, 424 U.S. at 335. The Court set forth these three factors to inform a court's decision, in a given case, whether due process has been satisfied:

> First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Given the compelling nature of the national security interests at stake in the rare cases in which the need for this special procedure would arise and the protections that are afforded to the alien by our bill, we have no doubt that our proposal is fully constitutional.

Mr. President, I urge the Judiciary Committee to hold prompt hearings on this important measure. I would hope that it can be passed and sent to the President in the early months of this historic 104th Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 270

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 ''Alien Terrorist Removal Act of 1995.''.

SEC. 2. REMOVAL OF ALIEN TERRORISTS.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

''REMOVAL OF ALIEN TERRORISTS

''SEC. 242C. (a) DEFINITIONS.—As used in this section—

''(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

''(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

''(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

''(4) the term 'special court' means the court described in subsection (c) of this section; and

''(5) the term 'special removal hearing' means the hearing described in subsection (e) of this section.

''(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

''(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

''(2) an alien terrorist is physically present in the United States; and

''(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

''(c) SPECIAL COURT.—

''(1) The Chief Justice of the United States shall publicly designate up to seven judges from up to seven United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

''(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to 50 U.S.C. 1803(a).

''(d) INVOCATION OF SPECIAL COURT PROCEDURE.—

''(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

''(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

''(A) the alien who is the subject of the application has been correctly identified;

''(B) a deportation proceeding described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

''(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

''(e) SPECIAL REMOVAL HEARING.—

''(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

''(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

''(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

''(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

''(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

''(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

''(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

''(6) If the judge determines—

''(A) that the substituted evidence described in paragraph (5)(A) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

''(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person, then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

''(f) DETERMINATION OF DEPORTATION.—

(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

''(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

''(g) APPEALS.—

''(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

''(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

''(3) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte.''.

By Mr. MCCONNELL:

S.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limitations; to the Committee on the Judiciary.

JOINT RESOLUTION TO REPEAL THE 22D AMENDMENT

● Mr. MCCONNELL. Mr. President, it is not without a sense of irony that I am introducing legislation today contrary to the spirit of one of the more notable provisions in the renowned Republican Contract With America. This resolution I put forth would repeal the Presidential term limit—the 22d amendment to the Constitution which Republicans hastily, and regrettably, passed nearly 50 years ago.

This is, in my view, the only term limits bill which should pass Congress.

As we all know, the Contract with America, signed by Republican candidates for the House of Representatives last year, included a call for congressional term limits. Term limits are wildly popular in some areas of the country. But term limits also are misguided, undemocratic and a particularly bad idea for some sparsely populated States where the clamor for them is greatest.

Fortunately, the contract promised a House vote on term limits, not passage. That vote is a promise the House should keep. And for the Nation's sake, it is my hope that the vote result will be a resounding ''no.''

The popular sentiment for term limits is the ultimate and, perhaps, inevitable manifestation of public disdain for government. It is what Congress gets for being irresponsible on the fundamentals—principally money matters. People justifiably do not feel they are getting a return on their investment in government. As their elected tax money managers, so to speak, we are in the crosshairs. And they are coming after us with term limits—a very blunt instrument of electoral revenge.

Term limits are the legislative translation of voters leaning out their windows screaming: We're mad as hell and not going to take it anymore.

Fifty years ago, there was such a sentiment, confined primarily to the Republican caucus, contained in the 1940 and 1944 Republican Party platforms, and directed at the architect of the New Deal—President Franklin Delano Roosevelt. In 1947, a Republican congressional majority, fresh from a virtual political exile, passed the 22d amendment to the Constitution to limit Presidents to two terms in office. They were determined that history not repeat itself—there would be no more four-term Roosevelts. They would see to it.

Mr. President, not a single Republican in the House or Senate voted against that term limit amendment in 1947. It was a brash, ill-conceived, hastily executed and strictly partisan response to the unprecedented tenure of President Roosevelt. As constitutional scholars have observed, this was the first constitutional modification that constricted voter suffrage. And Republicans should take heed, for it is we who have been hoisted by their petard. It is poetic justice, in a sense, that Presidents Eisenhower and Reagan are the only ones, thus far, who have been constrained by the 22d amendment.

The Presidential term limit does not, as some have contended, argue for congressional term limits. The 22d amendment was a mistake, Mr. President, and that is why I am introducing today a Senate Joint Resolution to repeal it. It would be fitting, and in the national interest, for the Republican majority of 1995 to rectify a mistake made by the Republican majority of 1947. Democrats hesitant to change that which has been the status quo for half a century may want to review President Harry S. Truman's words in favor of repeal:

> What have you done? You have taken a man and put him in the hardest job in the world, and sent him out to fight our battles in a life and death struggle. And you have sent him out to fight with one hand tied behind his back, because everyone knows he cannot run for reelection.
>
> He is still the President of the whole country, and all of us are dependent upon him to do his job. If he is not a good president, and you do not want to keep him, you do not have to reelect him.

Mr. President, it is that simple. The vote gives voters the power to limit terms. Term limits, Presidential and congressional, are unnecessary and unwise.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Oregon

[Mr. HATFIELD], the Senator from Arizona [Mr. KYL], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 92

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 92, a bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.

S. 94

At the request of Mr. COVERDELL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 94, a bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 191

At the request of Mrs. HUTCHISON, the names of the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. KYL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 191, a bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against economic losses from critical habitat designation, and for other purposes.

S. 205

At the request of Mrs. BOXER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 234

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 17, a joint resolution naming the CVN–76 aircraft carrier as the U.S.S. *Ronald Reagan*.

AMENDMENT NO. 178

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of amendment No. 178 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 178 proposed to S. 1, supra.

SENATE RESOLUTION 69—CONDEMNING TERRORIST ATTACKS IN ISRAEL

Mr. DOLE (for himself, Mr. DASCHLE, Mr. HELMS, Mr. PELL, Mr. D'AMATO, Mr. PACKWOOD, Mrs. BOXER, Mr. ROBB, Mr. FORD, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. SPECTER, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. COHEN, and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

S. RES. 69

Whereas on January 22, 1995 a brutal and cowardly terrorist attack near Netanya, Israel killed 19 Israelis and wounded dozens more;

Whereas the terrorist group ''Islamic Jihad'' claimed credit for the January 22, 1955 attack in a statement issued in Damascus, Syria;

Whereas on December 25, 1994, a ''Hamas'' terrorist attack in Jerusalem wounded 13 civilians, including 1 American citizen;

Whereas on October 19, 1994, a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 48 more;

Whereas 110 Israeli citizens have been killed and hundreds more have been wounded in terrorist attacks since the Declaration of Principles was signed on September 13, 1993;

Whereas the Declaration of Principles obligates the Palestinian Authority to publicly condemn terrorist attacks, and to bring to justice perpetrators of such acts in territories under their control;

Whereas no perpetrators of these terrorist attacks have been brought to justice for their acts of violence by the Palestinian Authority;

Whereas the governments of Syria and Iran continue to provide safe haven and support for terrorist groups, including Islamic Jihad and Hamas, among others;

Whereas continued acts of terrorism threaten the peace process in the Middle East;

Therefore, be it *resolved* by the Senate that—

(1) The terrorist attacks in Israel are condemned in the strongest possible terms;

(2) Condolences are extended to the families of all those killed, and hopes are expressed for the rapid and complete recovery of all wounded in the January 22, 1995 attack;

(3) Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis, take immediate steps to bring to justice those responsible for such acts, and implement steps to prevent future acts of terrorism in all territory under his control;

(4) President Assad should immediately end all support for terrorist groups, including safe haven, material and financial support, in all territory under his control;

(5) The administration should undertake strong efforts to end the safe haven, training, and financial and other support granted terrorists by Iran, Syria and other states.

Mr. DOLE. Mr. President, I rise in support of this resolution condemning the brutal terrorist attack in Israel. Any peace process must show benefits if it is to work. Unfortunately, average Israelis are seeing increased terrorism and increased insecurity as extremists seek to use violence to derail peace. If the Israeli population concludes that the peace process is not in their interest, the process will halt.

Since September 13, 1993, when the Declaration of Principles was signed, 110 Israelis have been killed in acts of terrorism. Hundreds more have been wounded. And despite requirements for the Palestinian authority to bring those responsible for acts of violence to justice, not one terrorist has been convicted and sentenced.

Just as troubling as Chairman Arafat's inaction in the face of terrorism is the continued refusal of Syrian President Assad to crack down on terrorist groups operating from Syria and Syrian-controlled Lebanon. It is a sad fact that the statement claiming credit for last Sunday's barbaric attack was issued by Islamic Jihad from Syria. Syria and Syrian-controlled Lebanon remain the address of choice for many of the most bloodthirsty terrorists in the world.

The peace process in the Middle East is at a crossroads. Israel is divided over the best course to protect its future. We in the United States cannot and should not get involved in the internal Israeli debate. We can and should, however, express our condolences to those

murdered, and our hope that those injured recover completely. We should also express our outrage that these acts continue—without adequate responses from Syria or the PLO. I am pleased to be joined by my colleagues in passing this expression of the Senate's views. I ask unanimous consent that a list of Israelis killed in terrorist attacks since September 13, 1993, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Israeli deaths from terrorism since September 13, 1993

Deaths since September 13, 1993 (as of Jan. 24, 1995)	110
Civilian deaths	70
IDF deaths	40
1995 Deaths (as of Jan. 23)	20
Civilian	2
IDF deaths	18
1994 Deaths	70
Civilian	35
IDF deaths	35
Deaths between Sept. 13 and Dec. 31, 1993	20
Civilian	15
IDF deaths	5
Deaths Since May 4, 1994	64
Civilian	32
IDF deaths	32
Deaths between Jan. 1 and May 4, 1994	26
Civilian	23
IDF deaths	3
Deaths between Sept. 13 and Dec. 31, 1993	20
Civilian	15
IDF deaths	5
Deaths between Sept. 13, 1993 and May 4, 1994	46
Civilian	38
IDF deaths	8

Mr. PELL. Mr. President, I watched with utter revulsion and horror the news accounts of the terrorist attack in Netanya, Israel. The casualties now stand at 19 dead and more than 60 injured, all apparently at the hands of the radical Islamic Jihad organization.

Once again, Israelis are reminded of the human costs of pursuing peace with the Palestinians. Once again, the Islamic radicals have demonstrated their capacity to seize the initiative with their craven acts of terror. Once again, Israel is forced to seal off the territories and reexamine its willingness to participate in the Palestinian experiment with self-rule. And once again, in a perverse twist of logic, the enemies of peace become the beneficiaries of a horrible tragedy.

The Israeli Government, to its enormous credit, has concluded that it will not allow the terrorists to dictate Israel's decision to implement its peace agreement with the Palestinians. Prime Minister Rabin has, in my opinion, made the right and courageous decision to stand by his pledge.

What concerns me most, Mr. President, and what I wish to highlight today, is the price to be paid for that decision. All of us who follow events in Israel know that Prime Minister Rabin has a limited mandate to reach peace with the Palestinians and Israel's other neighbors. With each act of terror, with each addition to the list of casualties, the Prime Minister's political standing, and his ability to take risks for peace, are eroded.

Even more important, there is a real danger that the Israeli public will change its fundamental view of the peace process. In Israeli minds, last year's moving images of White House signing ceremonies and hopeful talk of peace and understanding have been replaced by the bloody carnage of the bombing site and the mournful cries of the victims' families.

Although opposition to the peace process—even violent opposition—is to be expected, my fear is that is that we are fast approaching a point of no return, a point where Israeli government calls to continue the peace talks will fall on deaf ears. In order to maintain their support for the peace process, Israelis have to know that they will be secure, and that the Palestinians are making a good faith effort to ensure that is the case. Otherwise the Israeli public will see no reason to make other difficult concessions for peace.

If the Palestinians do not take dramatic steps to reign in Hamas and the Islamic Jihad, then the simple fact is that more terrorist acts will occur. At some point in the not too distant future, Israelis—and even the Israeli government—could decide that adherence to the process is no longer worth the effort. It is up to all interested parties—the Israelis, the United States, the Syrians who provide support and safe haven to the terrorists, and, more to the point, to the Palestinians themselves, to see that does not happen.

Mr. President, I am pleased to cosponsor a resolution condemning the acts of terrorism, which will be offered shortly by Senators DOLE, DASCHLE, and others.

SENATE RESOLUTION 70—ELECTING CHAPLAIN OF THE U.S. SENATE

Mr. KEMPTHRONE (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 70

Resolved, That Doctor Lloyd John Ogilvie, of California, be, and he is hereby, elected Chaplain of the Senate as of March 11, 1995.

SENATE RESOLUTION 71—RELATING TO THE DESIGNATION OF COMMITTEE CHAIRMEN FOR THE 104TH CONGRESS

Mr. KEMPTHRONE (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 71

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen: Committee on the Budget: Mr. Domenici, Chairman; Committee on Veterans' Affairs: Mr. Simpson, Chairman; Committee on Indian Affairs: Mr. McCain, Chairman; Select Committee on Intelligence: Mr Specter, Chairman.

AMENDMENTS SUBMITTED

UNFUNDED MANDATE REFORM ACT OF 1995

BYRD AMENDMENT NO. 200

Mr. BYRD proposed an amendment to the bill (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, and for other purposes; as follows:

On page 23, strike beginning with line 24 through line 6 on page 25 and insert the following:

''(IV)(aa) provides that if for any fiscal year the responsible Federal agency determines that an appropriation Act does not provide for the estimated direct costs of the mandate as set forth in subclause (III), the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year; and

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress.

BOXER AMENDMENTS NOS. 201–202

Mrs. BOXER proposed two amendments to the bill, S. 1, supra, as follows:

AMENDMENT NO. 201

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;

(2) incarceration; and

(3) health care.

AMENDMENT NO. 202

On page 13, line 5, strike ''or'' after the semicolon.

On page 13, line 8, strike the period and insert ''; or''.

On page 13, between lines 8 and 9, insert the following:

''(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly.''

BOXER (AND DODD) AMENDMENT NO. 203

Mrs. BOXER (for herself and Mr. DODD) proposed an amendment to the bill, S. 1, supra; as follows:

On page 13, line 5, strike ''or''.

On page 13, line 8, strike the period and insert ''; or''.

On page 13, between lines 8 and 9, insert the following new paragraph:

''(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor.''.

WELLSTONE AMENDMENTS NOS. 204–205

Mr. WELLSTONE proposed two amendments to the bill, S. 1, supra; as follows:

AMENDMENT NO. 204

Insert at the appropriate place the following:

''( ) The term 'direct savings'—

''( ) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs or burdens to any State, local government, or tribal government as a result of compliance with the federal intergovernmental mandate;

''( ) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs or burdens to the private sector as a result of compliance with the Federal private sector mandate;

''( ) shall be interpreted no less broadly than the terms 'Federal mandate direct costs' and 'direct costs.' ''

AMENDMENT NO. 205

Insert at the appropriate place, the following:

''( ) Notwithstanding any other provision of this Act, no point of order under paragraph (1)(A) of Section 408(c) shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director reasonably to carry out the Director's responsibilities under this Act.''

FORD AMENDMENT NO. 206

Mr. FORD proposed an amendment to the bill, S. 1, supra; as follows:

On page 26, strike beginning with line 11 through line 8 on page 27.

GRASSLEY AMENDMENTS NOS. 207–208

Mr. GRASSLEY proposed two amendments to the bill, S. 1, supra; as follows:

AMENDMENT NO. 207

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) STATEMENT OF COST.—Not later than January 1, 1998, the Director shall submit a report to the Congress including—

(1) an estimate of the costs of regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall provide to the Director of the Congressional Budget Office data and cost estimates for regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

AMENDMENT NO. 208

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 as amended by inserting ''408(c)(1)(A),'' after ''313,''.

KEMPTHORNE AMENDMENTS NOS. 209–210

Mr. KEMPTHORNE proposed two amendments to the bill S. 1, supra; as follows:

AMENDMENT NO. 209

On page 26, after line 5, insert the following new subsection:

''( ) LIMITATION ON APPLICATION.—This section shall not apply to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute if adoption of the bill, joint resolution, amendment, motion, or conference report—

''(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

''(2)(A) would not result in a net reduction or elimination of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

''(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by as corresponding amount.''

AMENDMENT NO. 210

Strike out all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the ''Unfunded Mandate Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(f) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

''(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

''(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

''(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

''(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

''(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

''(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

''(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

''(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

''(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates; and

''(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

''(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

''(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

''(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

''(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

''(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

''(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

''(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

''(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

''(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

''(C) If the Director determines that it is not required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

''(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

''(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

''(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

''(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

''(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

''(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider—

''(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

''(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

''(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

''(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

''(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

''(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year;

''(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

''(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

''(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

''(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

''(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

''(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

''(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

''(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

''(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

''(e) EXCLUSIONS.—This section shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

''(1) enforces constitutional rights of individuals;

''(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

''(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

''(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

''(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

''(6) the President designates as emergency legislation and that the Congress so designates in statute.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'Federal intergovernmental mandate' means—

''(A) any provision in legislation, statute, or regulation that—

''(i) would impose an enforceable duty upon State, local, or tribal governments, except—

''(I) a condition of Federal assistance; or

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

''(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

''(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

''(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

''(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

''(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

''(A) would impose an enforceable duty upon the private sector except—

''(i) a condition of Federal assistance; or

''(ii) a duty arising from participation in a voluntary Federal program; or

''(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

''(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

''(4) The terms 'Federal mandate direct costs' and 'direct costs'—

''(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

''(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

''(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

''(C) shall not include—

''(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

''(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

''(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

''(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

''(I) compliance with the Federal mandate; or

''(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

''(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

''(5) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

''(6) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

''(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

''(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

''(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

''(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United States Code.

''(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

''(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

''Sec. 408. Legislative mandate accountability and reform.''.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

''(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

''(A) a significant budgetary impact on State, local, or tribal governments; or

''(B) a significant financial impact on the private sector.'';

(B) by amending subsection (h) to read as follows:

''(h) STUDIES.—

''(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

''(2) FEDERAL MANDATE STUDIES.—

''(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

''(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

''(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

''(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

''(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

''(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

''(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

''(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

''(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

''(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

''(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.''; and

(2) in section 301(d) by adding at the end thereof the following new sentence: ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, 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 (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation introduced on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the ''Advisory Commission''), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

DOLE AMENDMENT NO. 211

Mr. KEMPTHORNE (for Mr. DOLE) proposed an amendment to the bill S. 1, supra; as follows:

Strike out all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the ''Unfunded Mandate Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(f) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

''SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

''(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

''(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

''(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

''(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

''(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

''(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

''(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

''(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

''(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates; and

''(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

''(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

''(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

''(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

''(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

''(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

''(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

''(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

''(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

''(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

''(C) If the Director determines that it is not required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

''(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

''(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

''(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

''(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

''(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

''(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider—

''(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on

the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

''(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

''(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

''(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

''(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

''(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year;

''(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

''(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

''(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

''(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

''(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

''(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

''(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

''(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

''(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

''(e) EXCLUSIONS.—This section shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

''(1) enforces constitutional rights of individuals;

''(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

''(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

''(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

''(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

''(6) the President designates as emergency legislation and that the Congress so designates in statute.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'Federal intergovernmental mandate' means—

''(A) any provision in legislation, statute, or regulation that—

''(i) would impose an enforceable duty upon State, local, or tribal governments, except—

''(I) a condition of Federal assistance; or

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

''(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

''(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

''(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

''(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

''(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

''(A) would impose an enforceable duty upon the private sector except—

''(i) a condition of Federal assistance; or

''(ii) a duty arising from participation in a voluntary Federal program; or

''(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

''(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

''(4) The terms 'Federal mandate direct costs' and 'direct costs'—

''(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

''(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

''(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

''(C) shall not include—

''(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

''(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

''(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

''(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

''(I) compliance with the Federal mandate; or

''(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

''(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

''(5) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

''(6) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

''(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

''(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village

corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

''(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

''(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code.

''(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

''(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

''Sec. 408. Legislative mandate accountability and reform.''.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

''(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

''(A) a significant budgetary impact on State, local, or tribal governments; or

''(B) a significant financial impact on the private sector.'';

(B) by amending subsection (h) to read as follows:

''(h) STUDIES.—

''(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

''(2) FEDERAL MANDATE STUDIES.—

''(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

''(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

''(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

''(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

''(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

''(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

''(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

''(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

''(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

''(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

''(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.''; and

(2) in section 301(d) by adding at the end thereof the following new sentence: ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, 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 (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including

the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the ''Advisory Commission''), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

GLENN AMENDMENT NO. 212

Mr. GLENN proposed an amendment to the bill, S. 1, supra; as follows:

On page 5, line 19, strike ''impose'' and insert ''establish''.

On page 7, line 11, strike ''impose'' and insert ''established''.

On page 8, line 5, before ''amounts'' insert ''new or additional''.

On page 8, line 15, before ''amounts'' insert ''new or additional''.

On page 9, line 7, strike ''or''.

On page 9, between lines 7 and 8, insert the following:

''(II) to comply with or carry out the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized reenacted replaced or revised by the same bill or joint resolution or proposed or final Federal regulation

containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; or.

On page 9, line 8, strike ''(II)'' and insert ''(III)''.

On page 9, line 22, strike ''or''.

On page 10, line 4, strike ''and'' and insert ''or''.

On page 10, between lines 4 and 5, insert the following:

''(III) any reduction in the duties or responsibilities of States, local governments, and tribal governments or the private sector from levels that would be required under the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as through such terms and requirements were retained and extended without change; and

On page 10, between lines 14 and 15, insert the following:

''For purposes of determining amounts not included in direct costs pursuant to subparagraph (C)(i) and amounts of direct savings pursuant to subparagraph (C)(ii), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced before January 1, 1996, or by Federal regulations adopted before such date shall be calculated without regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements. Notwithstanding the provisions of subparagraphs (C)(i)(II) and (C)(ii)(III), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced on or after January 1, 1996, or by Federal regulations adopted on or after such date shall be calculated with regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements.

BYRD AMENDMENT NO. 213

Mr. BYRD proposed an amendment to the bill, S. 1, supra; as follows:

On page 23, line 17, strike ''(IV)(aa);'' and insert ''(III)(aa); and''.

On page 23, strike line 18 through line 6 on page 25 and insert the following:

''(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress; and

''(cc) provides that such mandate shall be ineffective until such time as Congress has completed action on the recommendations of the responsible Federal agency.

D'AMATO (AND SARBANES) AMENDMENT NO. 214

Mr. SARBANES (for Mr. D'AMATO, for himself and Mr. SARBANES) proposed an amendment to the bill, S. 1, supra; as follows:

On page 12, line 3, strike the period after ''Code'' and insert '', or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.''.

GRAMM AMENDMENT NO. 215

Mr. GRAMM proposed an amendment to the bill, S. 1, supra; as follows:

''(2) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form.''

GRAMM AMENDMENT NO. 216

Mr. GRAMM proposed an amendment to the bill, S. 1, supra; as follows:

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting ''408(c),'' after ''313,''.

BYRD AMENDMENT NO. 217

Mr. BYRD proposed an amendment to the bill, S. 1, supra; as follows:

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

''(I) a condition of Federal assistance;

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty that establishes or enforces any statutory right of employees in both the public and private sectors with respect to their employment; or

LEVIN AMENDMENT NO. 218

Mr. LEVIN proposed an amendment to the bill, S. 1, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Mandate Accountability and Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate before the Senate votes on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instances;

(5) to establish a point-of-order vote on the consideration in the Senate of legislation containing significant Federal mandates; and

(6) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL INTERGOVERNMENTAL MANDATE.—The term ''Federal intergovernmental mandate'' means—

(A) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that—

(i) would impose a duty upon States, local governments, or tribal governments that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty; or

(B) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority (as defined in section 3(9) of the Congressional Budget Act of 1974 (2 U.S.C. 622(9))), if—

(i)(I) the bill or joint resolution or regulation would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the bill or joint resolution or regulation.

(2) FEDERAL PRIVATE SECTOR MANDATE.—The term ''Federal private sector mandate'' means any provision in a bill or joint resolution before Congress that—

(A) would impose a duty upon the private sector that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program); or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purpose of complying with any such duty.

(3) FEDERAL MANDATE.—The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

(4) DIRECT COSTS.—

(A) FOR A FEDERAL INTERGOVERNMENTAL MANDATE.—In the case of a Federal intergovernmental mandate, the term ''direct costs'' means the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate, or, in the case of a bill or joint resolution referred to in paragraph (1)(A)(ii), the amount of Federal financial assistance eliminated or reduced.

(B) FOR A FEDERAL PRIVATE SECTOR MANDATE.—In the case of a Federal private sector mandate, the term ''direct costs'' means the aggregate amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate.

(C) NOT INCLUDED.—The term ''direct costs'' does not include—

(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate), or the private sector (in the case of a Federal private sector mandate), would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations adopted before the adoption of the Federal mandate; or

(II) to continue to carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities established at the time of adoption of the Federal mandate; or

(ii) expenditures to the extent that they will be offset by any direct savings to be enjoyed by the States, local governments, and tribal governments, or by the private sector, as a result of—

(I) their compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(D) ASSUMPTION.—Direct costs shall be determined on the assumption that States, local governments, tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations.

(5) AMOUNT OF AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL FINANCIAL ASSISTANCE.—The term ''amount'' with respect to an authorization of appropriations for Federal financial assistance means—

(A) the amount of budget authority (as defined in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A))) of any Federal grant assistance; and

(B) the subsidy amount (as defined as ''cost'' in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(a))) of any Federal program providing loan guarantees or direct loans.

(6) PRIVATE SECTOR.—The term ''private sector'' means all persons or entities in the United States, except for State, local or tribal governments, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

(7) OTHER DEFINITIONS.—

(A) AGENCY.—The term ''agency'' has the meaning stated in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined by section 3502(10) of title 44, United States Code.

(B) DIRECTOR.—The term ''Director'' means the Director of the Congressional Budget Office.

(C) LOCAL GOVERNMENT.—The term ''local government'' has the same meaning as in section 6501(6) of title 31, United States Code.

(D) REGULATION OR RULE.—The term ''regulation'' or ''rule'' has the meaning of ''rule'' as defined in section 601(2) of title 5, United States Code.

(E) SMALL GOVERNMENT.—The term ''small government'' means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

(F) STATE.—The term ''State'' has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, age, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of any of them;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as he may reasonably request to assist him in performing his responsibilities under this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) COMMITTEE REPORT.—

(1) REGARDING FEDERAL MANDATES.—

(A) IN GENERAL.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character that includes any Federal mandate, the committee shall issue a report to accompany the bill or joint resolution containing the information required by subparagraphs (B) and (C).

(B) REPORTS ON FEDERAL MANDATES.—Each report required by subparagraph (A) shall contain—

(i) an identification and description, prepared in consultation with the Director, of any Federal mandates in the bill or joint resolution, including the expected direct costs to States, local governments, and tribal governments, and to the private sector, required to comply with the Federal mandates; and

(ii) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the enhancement of health and safety and the protection of the natural environment).

(C) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required by subparagraph (A) shall also contain—

(i)(I) a statement of the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of States, local governments, or tribal governments subject to the Federal intergovernmental mandates; and

(II) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention;

(ii) any existing sources of Federal assistance in addition to those identified in clause (i) that may assist States, local governments, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates; and

(iii) an identification of one or more of the following: reductions in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified clause (i)(I)).

(2) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

(1) IN GENERAL.—Upon receiving a statement (including any supplemental statement) from the Director pursuant to section 102(c), a committee of the House of Representatives or the Senate shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available soon enough to be included in the printed report.

(2) IF NOT INCLUDED.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the House of Representatives or the Senate before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

SEC. 102. DUTIES OF THE DIRECTOR.

(a) STUDIES.—

(1) PROPOSED LEGISLATION.—As early as practicable in each new Congress, any committee of the House of Representatives or the Senate which anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on States, local governments, or tribal governments, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall request that the Director initiate a study of the proposed legislation in

order to develop information that may be useful in analyzing the costs of any Federal mandates that may be included in the proposed legislation.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Director shall—

(A) solicit and consider information or comments from elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and such other persons as may provide helpful information or comments;

(B) consider establishing advisory panels of elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and other persons if the Director determines, in the Director's discretion, that such advisory panels would be helpful in performing the Director's responsibilities under this section; and

(C) consult with the relevant committees of the House of Representatives and of the Senate.

(b) CONSULTATION.—The Director shall, at the request of any committee of the House of Representatives or of the Senate, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(1) a significant budgetary impact on State, local, or tribal governments; or

(2) a significant financial impact on the private sector.

(c) STATEMENTS ON NONAPPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will not equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(ii) ESTIMATES.—The estimate required by clause (i) shall include—

(I) estimates (and brief explanations of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates;

(II) estimates, if and to the extent that the Director determines that accurate estimates are reasonably feasible, of—

(aa) direct costs of Federal intergovernmental mandates up to 10 years beyond the effective date to the extent that they significantly differ from the 5-year time period referred to in clause (i); and

(bb) any disproportionate budgetary effects of Federal intergovernmental mandates and of any Federal financial assistance in the bill or joint resolution upon any particular regions of the country or particular States, local governments, tribal governments, or urban or rural or other types of communities; and

(III) any amounts appropriated in the prior fiscal year to fund the activities subject to the Federal intergovernmental mandate.

(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will not equal or exceed $200,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(ii) ESTIMATES.—Estimates required by this subparagraph shall include—

(I) estimates (and a brief explanation of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by the private sector for activities subject to the Federal private sector mandates;

(II) estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

(aa) costs of Federal private sector mandates up to 10 years beyond the effective day to the extent that they differ significantly from the 5-year time period referred to in clause (i);

(bb) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(cc) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services; and

(III) any amounts appropriated in the prior fiscal year to fund activities subject to the Federal private sector mandate.

(C) FAILURE TO MAKE ESTIMATE.—If the Director determines that it is not reasonably feasible for him to make a reasonable estimate that would be required by this section with respect to Federal intergovernmental or private sector mandates, the Director shall not make the estimate, but shall report in his statement that the reasonable estimate cannot be reasonably made and shall include the reasons for that determination in the statement.

(3) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If the Director has prepared a statement that includes the determination described in paragraph (1)(B)(i) for a bill or joint resolution, and if that bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the language of a bill or joint resolution from the other House) or is reported by a committee of conference in an amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director prepare a supplemental statement for the bill or joint resolution. The requirements of section 103 shall not apply to the publication of any supplemental statement prepared under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Congressional Budget Office to carry out the provisions of this Act $4,500,000, for each of the fiscal years 1995, 1996, 1997, and 1998.

(e) TECHNICAL AMENDMENT.—Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking ''(a)''; and

(3) by striking subsections (b) and (c).

SEC. 103. POINT OF ORDER IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by any committee of authorization of the Senate unless, based upon a ruling of the presiding Officer—

(1) the committee has published a statement of the Director in accordance with section 101(c) prior to such consideration; and

(2) in the case of a bill or joint resolution containing Federal intergovernmental mandates, either—

(A) the direct costs of all Federal intergovernmental mandates in the bill or joint resolution are estimated not to equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, or

(B)(i) the amount of the increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or

joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates is at least equal to the estimated amount of direct costs of the Federal intergovernmental mandates; and

(ii) the committee of jurisdiction has identified in the bill or joint resolution one or more of the following: a reduction in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified in clause (i)).

(b) WAIVER.—The point of order under subsection (a) may be waived in the Senate by a majority vote of the Members voting (provided that a quorum is present) or by the unanimous consent of the Senate.

(c) AMENDMENT TO RAISE AUTHORIZATION LEVEL.—Notwithstanding the terms of subsection (a), it shall not be out of order pursuant to this section to consider a bill or joint resolution to which an amendment is proposed and agreed to that would raise the amount of authorization of appropriations to a level sufficient to satisfy the requirements of subsection (a)(2)(B)(i) and that would amend an identification referred to in subsection (a)(2)(B)(ii) to satisfy the requirements of that subsection, nor shall it be out of order to consider such an amendment.

SEC. 104. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, and 105 are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, 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 (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 105. EFFECTIVE DATE.

This title shall apply to bills and joint resolutions reported by committee on or after January 1, 1996.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, assess the effects of Federal regulations on States, local governments, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL GOVERNMENT, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (including their designated representatives) and other representatives of States, local governments, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) IN GENERAL.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input pursuant to subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION.—There are hereby authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandates that may result in the expenditure by States, local governments, or tribal governments, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to States, local governments, and tribal governments of complying with the Federal intergovernmental mandates, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of Federal intergovernmental mandates; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandates upon any particular regions of the country or particular States, local governments, tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandates (such as the enhancement of health and safety and the protection of the natural environment); and

(4)(A) a description of the extent of any input to the agency from elected representatives (including their designated representatives) of the affected States, local governments, and tribal governments and of other affected parties;

(B) a summary of the comments and concerns that were presented by States, local governments, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required by subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall collect from agencies the statements prepared under section 202 and periodically forward copies of them to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

TITLE III—BASELINE STUDY

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations, in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to States, local governments, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to States, local governments and tribal governments.

(c) AUTHORIZATION.—There are authorized to be appropriated to the Advisory Commission on Intergovernmental Relations to carry out the purposes of this title, and for no other purpose, $1,000,000 for each of the fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW; SUNSET

SEC. 401. JUDICIAL REVIEW.

Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review. The provisions of this Act shall not create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination under this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

SEC. 402. SUNSET.

This Act shall expire December 31, 1998.

LEVIN AMENDMENT NO. 219

Mr. LEVIN proposed an amendment to the bill, S. 1, supra; as follows:

On page 18, line 25, insert before ''and'' the following: ''but no more than ten years beyond the effective date of the mandate''.

BROWN AMENDMENT NO. 220

Mr. BROWN proposed an amendment to the bill, S. 1, supra; as follows:

On page 13, insert between lines 13 and 14 the following new section:

SEC. 6. REVIEW OF IMPLEMENTATION.

It is the sense of the Senate that before the adjournment of the 106th Congress, the appropriate committees of the Senate should review the implementation of the provisions of this Act with respect to the conduct of the business of the Senate and report thereon to the Senate.

BROWN (AND HATCH) AMENDMENT NO. 221

Mr. BROWN (for himself and Mr. HATCH) proposed an amendment to the bill, S. 1, supra; as follows:

Strike title IV of the bill and insert the following:

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under titles I or III of this Act, and any compliance or noncompliance with the provisions of titles I or III of this Act, and any determination concerning the applicability of the provisions of titles I or III of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of titles I or III of this Act or amendment made by titles I or III of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of titles I or III of this Act or amendments made by titles I or III of this Act shall be considered by any court in determining the intent of Congress.

ROTH AMENDMENT NO. 222

Mr. ROTH proposed an amendment to the bill, S. 1, supra; as follows:

On page 33, strike all on lines 10 through 12, and insert the following:

This title shall take effect on January 1, 1996, and shall apply to—

(1) bills and joint resolutions reported, and to amendments and motions offered, on and after such date, and

(2) conference reports on such legislation.

NOTICE OF MEETING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Tuesday, January 31, 1995, at 9:30 a.m., to receive testimony on S. 91 and S. 218.

For further information concerning this business meeting, please contact Mark C. Mackie of the Rules Committee staff on 224–3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, January 24, 1995, at 9:30 a.m. in open session to discuss the requirements for ballistic missile defenses.

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

COMMITTEE ON FINANCE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, January 24, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the methods of estimating the impact of Federal fiscal policies on Federal revenues.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 24, 1995, at 10 a.m. to hold a hearing on the North Korea Nuclear Agreement.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the National Endowment for the Arts, during the session of the Senate on Tuesday, January 24, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, January 24, 1995, at 9 a.m., in Senate Dirksen Room 226, on The Line-Item Veto: A Constitutional Approach.

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

ADDITIONAL STATEMENTS

NATCHEZ BLUFFS STABILIZATION—S. 255

● Mr. LOTT. Mr. President, I ask unanimous consent that S. 255 be printed in the CONGRESSIONAL RECORD. S. 255, a bill to authorize the Corps of Engineers to stabilize the bluffs at Natchez, MS, was introduced on January 20, 1995, along with accompanying statements from myself and Senator COCHRAN. Due to an inadvertent omission at the time, the bill was not printed in the RECORD.

S. 255

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

SECTION 1. STABILIZATION OF NATCHEZ BLUFFS.

(a) IN GENERAL.—In accordance with the recommendations of the reports prepared by the Army Corps of Engineers entitled ''The Natchez Bluff Study'', ''The Natchez Bluff Study: Supplement I'', and ''The Natchez Bluff Study: Supplement II'', dated September 1985, June 1990, and December 1993, respectively, the Secretary of the Army shall carry out such activities as are necessary to stabilize the portions of the bluffs along the Mississippi River in the vicinity of Natchez, Mississippi, designated in figure 4 of the December 1993 report as—

(1) Clifton Avenue, area 3;

(2) the bluff above Natchez Under-the-Hill, area 7;

(3) the bluff above Silver Street, area 6; and

(4) Madison Street to State Street, area 4.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army such sums as are necessary to carry out this section.●

VETERANS' HEALTH ADMINISTRATION ACT

● Mr. INOUYE. Mr. President, I am introducing legislation today to amend chapter 74 of title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration [VHA].

The VHA has a long history of maintaining a staff of the very best health care professionals to provide care to those men and women who have served their country in the Armed Forces. It is certainly fitting that this should be done.

Recently a quite distressing situation regarding the care of our veterans has come to my attention. In particular, the recruitment and retention of psychologists in the VHA of the Department of Veterans Affairs has become a significant problem.

The Congress has recognized the important contribution of the behavioral sciences in the treatment of several conditions from which a significant portion of our veterans suffer. For example, programs related to homelessness, substance abuse, and post traumatic stress disorder [PTSD] have received funding from the Congress in recent years.

Certainly, psychologists, as behavioral science experts, are essential to the successful implementation of these programs. However, the high vacancy and turnover rates for psychologists in the VHA—over 11 and 18 percent, respectively, as reported in one recent survey—might seriously jeopardize these programs and will negatively impact overall patient care in the VHA.

Recruitment of psychologists by the VHA is hindered by a number of factors including a pay scale not commensurate with private sector rates of pay as well as by the low number of clinical and counseling psychologists appearing on the register of the Office of Personnel Management [OPM]. Most new hires have no postdoctoral experience and are hired immediately after a VA internship. Recruitment, when successful, takes up to 6 months or more.

Retention of psychologists in the VA system poses an even more significant problem. I have been informed that almost 40 percent of VHA psychologists had 5 years or less of postdoctoral experience. Without doubt, our veterans would benefit from a higher percentage of senior staff who are more experienced in working with veterans and their particular concerns. My bill provides incentives for psychologists to continue their work with the VHA and seek additional education and training.

Several factors are associated with the difficulties in retention of VHA psychologists including low salaries and lack of career advancement opportunities. It seems that psychologists are apt to leave the VA system after 5 years because they have almost reached peak levels for salary and professional development in the VHA. Furthermore, under the present system

psychologists cannot be recognized nor appropriately compensated for excellence or for taking on additional responsibilities such as running treatment programs.

In effect, the current system for hiring psychologists in the VHA supports mediocrity, not excellence and mastery. Our veterans with behavioral disorders and mental health problems are deserving of better psychological care from more experienced professionals than they are currently receiving.

A hybrid title 38 appointment authority for psychologists would help ameliorate the recruitment and retention problems in several ways. The length of time it takes to recruit psychologists could be abbreviated by eliminating the requirement for applicants to be rated by the Office of Personnel Management. This would also facilitate the recruitment of applicants who are not recent VA interns by reducing the amount of time between identifying a desirable applicant and being able to offer that applicant a position.

It is expected that problems in retention of behavioral science experts will be greatly alleviated with the implementation of a hybrid title 38 system for VA psychologists, primarily through offering financial incentives for psychologists to pursue professional development with the VHA. Achievements that would merit salary increases under title 38 should include such activities as assuming supervisory responsibilities for clinical programs, implementing innovative clinical treatments that improve the effectiveness and/or efficiency of patient care, making significant contributions to the science of psychology, earning the ABPP diplomate status, and becoming a fellow of the American Psychological Association.

Currently, psychologists are the only doctoral level health care providers in the VHA who are not included in title 38. This is, without question, a significant factor in the recruitment and retention difficulties that I have addressed. Ultimately, an across-the-board salary increase might be necessary. However, the conversion of psychologists to a hybrid title 38, as proposed by this amendment, would provide relief for these difficulties and enhance the quality of care for our Nations' veterans and their families.

Mr. President, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 82

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

SECTION 1. REVISION OF AUTHORITY RELATING TO THE APPOINTMENT OF CLINICAL AND COUNSELING PSYCHOLOGISTS IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7401(3) of title 38, United States Code, is amended by striking out ''who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary''.

(b) CERTAIN OTHER APPOINTMENTS.—Section 7405(a) of such title is amended—

(1) in paragraph (1)(B), by striking out ''Certified or'' and inserting in lieu thereof ''Clinical or counseling psychologists, certified or''; and

(2) in paragraph (2)(B), by striking out ''Certified or'' and inserting in lieu thereof ''Clinical or counseling psychologists, certified or''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(d) APPOINTMENT REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall begin to make appointments of clinical and counseling psychologists in the Veterans Health Administration under section 7401(3) of title 38, United States Code (as amended by subsection (a)), not later than 1 year after the date of the enactment of this Act.●

RULES OF THE APPROPRIATIONS COMMITTEE

● Mr. HATFIELD. Mr. President, pursuant to rule XXVI(2) of the Standing Rules of the Senate, I ask that the rules of the Appropriations Committee for the 104th Congress be printed in the CONGRESSIONAL RECORD. These rules were adopted by the full committee membership on January 11, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES[1]

I. Meetings:

The Committee will meet at the call of the Chairman.

II. Quorums:

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. Proxies—

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. Attendance of staff members at closed sessions—

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. Broadcasting and photographing of Committee hearing—

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. Availability of subcommittee reports—

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. Amendments and report language—

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. Points of order—

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.●

[1] Adopted pursuant to Rule XXVI, paragraph 2, of the ''Standing Rules of the Senate.''

COMMENDING THE JEWISH FEDERATION OF GREATER BRIDGEPORT

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Jewish Federation of Greater Bridgeport for their extraordinary efforts to provide for the Jewish population in the State of Connecticut.

For nearly 55 years, the Jewish Federation of Greater Bridgeport has served and represented Jews in need in its service cities and towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull by providing health, social, and educational opportunities to their citizens through agencies such as the Greater Bridgeport Jewish Community Center, the Jewish Home for the Elderly, Jewish Family Service, and Hillel Academy and Merkaz Community Hebrew High School.

The Jewish Federation of Greater Bridgeport, through the continuing national work of the United Jewish Appeal, has aided both with social and humanitarian services countless hundreds of thousands of Jews in Israel and in 40 countries the world over.

The tide of peace in 1994 has rolled in and washed over the nations and peoples of the Middle East as never before, witnessed by the signing of a treaty ensuring peaceful cohabitation in the region between the people of Jordan and Israel, limited self-rule of the Palestine Liberation Organization in Jericho and the Gaza Strip, and the final emigration of Jews from Syria while talks continue between those two nations toward a comprehensive peace.

The annual combined super Sunday telethon campaign of the Jewish Federation of Greater Bridgeport, and the United Jewish Appeal will take place on Sunday, February 5, 1995, in order to raise vitally needed funds to continue providing these worthwhile services here at home, in Israel, and around the world.●

MR. EDELMAN'S QUALIFICATIONS

● Mr. SIMON. Mr. President, I read George Will's column attacking Peter Edelman. It was a column written by someone who, obviously, has not had a chance to get acquainted with Peter Edelman. Knowing both George Will and Peter Edelman, my instinct is that if the two of them got acquainted, George Will would be one of his enthusiastic supporters, or at least a supporter.

John Douglas, who headed the Civil Division of the Justice Department under Robert Kennedy, is the son of our former colleague Senator Paul Douglas. Paul Douglas was one of the finest people who ever served in the U.S. Senate, and John is cut from the same cloth.

I believe my colleagues would be interested in his letter to the editor, which appeared in the Washington Post.

I join in the sentiment it expresses.

I've known Peter Edelman for a number of years, and I've always regarded him as a solid, substantial, well-balanced person, who would be a great judge.

I ask to insert the John Douglas letter into the RECORD at this point.

The letter follows:

MR. EDELMAN'S QUALIFICATIONS

(By John W. Douglas)

I write in response to George Will's attack on Peter Edelman's qualifications to be a judge on the U.S. Court of Appeals here, an attack centering on a law review article he wrote some years ago on the 14th Amendment [op-ed, Dec. 18].

I have known Mr. Edelman for more than 30 years and have the highest opinion of his character and competence. He worked as my special assistant in 1963 and 1964 when I was an assistant attorney general in charge of the Justice Department's Civil Division. He performed in outstanding fashion in a variety of matters, including litigation for which he was directly responsible, handling his work with skill, excellent judgment and high standards.

He has earned equally high marks for his subsequent work as an assistant to Sen. Robert Kennedy, a vice president of the University of Massachusetts and a law professor at Georgetown. This long record of distinguished and principled service commends him strongly for nomination to the federal judiciary.

Thus, it would be a shame if his critics' attacks on his article's treatment of theoretical constitutional issues were allowed to preclude his nomination. I am confident that at a confirmation hearing Mr. Edelman would be able to convince the committee that, if confirmed, he would faithfully follow the law, as is required of all federal judges, and that he fully understands that neither the due-process clause nor any other constitutional provision guarantees subsistence, or any level of subsistence, to its citizens; consequently, these are matters for the political branches, particularly the legislatures, to deal with and decide.

In any event, this particular question should not be decided in advance of a hearing and in a vacuum without giving due weight to Mr. Edelman's impressive record.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that during the past week, 17 people were killed with firearms in New York City, bringing this year's total to 44.

I should point out to my colleagues that the average age of those murdered with firearms in New York City so far this year is approximately 25. Some have been as young as 16 years old. Consistently, those between the ages 15–24 comprise the largest percentage of those murdered with firearms, according to mortality statistics compiled by the Centers for Disease Control and Prevention. In 1993, according to the F.B.I.'s Uniform Crime Report, 6,244 of the 16,189 people murdered with firearms were between the ages of 15–24. That is nearly 40 percent. A similar percentage of murder offenders in 1993 were between the ages of 15–24. These are, in many cases, children killing children.

Mr. President, as I have often reminded the Senate, we must begin to recognize the epidemic nature of gun violence in America. Homicide is the second leading cause of death among our youth and the leading cause of death among our black youth. A disproportionate number of these murders are carried out with firearms.●

TRIBUTE TO JONATHAN H. WOODWARD

● Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut's most devoted civic servants, Mr. Jonathan H. Woodward. Mr. Woodward was educated in private schools from the 1st grade. After attending St. Paul's School in New Hampshire, Mr. Woodward studied at Harvard College. There he excelled both in the classroom and on the baseball field. Following his graduation Mr. Woodward joined the Army Air Force and served under a wide variety of different posts until the end of the war in 1945.

Following his service in the military, Mr. Woodward went to work at, and ultimately purchased, the J.M. Layton Company. Indeed, his business sense would propel Mr. Woodward to such positions as director of the Merchant's Bank and Trust Company, South Norwalk Savings/Gateway Bank, Greater Norwalk Chamber of Commerce, Connecticut Public Expenditure Council, and Maritime Center at Norwalk. As stated by his son David, Mr. Woodward, ''Believed that in hiring good people and having them serve the clientele to the best of their ability both the firm and the individuals would prosper.''

In 1953, Mr. Woodward was elected to Norwalk Hospital's Board of Trustees. He would later be elected and serve as the hospital's president from 1966 to 1970. His involvement in the development of this hospital was capped by his efforts to raise nearly $20 million to expand the facility in 1991. Through this astounding effort, the Norwalk hospital has been able to greatly increase its service to the state of Connecticut.

Counterbalanced by his strong business prowess, was his undeniable desire to serve the public good. ''He was a towering figure in the city both psychically and civically . . . he was very proud of his heritage and equally interested in the good of all citizens in the city.'' Through this desire to serve the populace, Mr. Woodward became the director of such charitable institutions as the Norwalk YMCA, Norwalk Community-Technical College Foundation, and United Way of Norwalk.

John Woodward lived a life that should be an example to all of us. He loved and provided for his family while at the same time excelling both in the workplace and in his service to the environment. He will forever be remembered as a man who touched many and helped countless others. The state of Connecticut has much to remember him by. We are grateful for his good work and for his dedication to the people of our fine state.●

ORDERS FOR THIS EVENING AND TOMORROW

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 8:35 p.m. tonight, and that upon reconvening at 8:35, the Senate assemble as a body and proceed to the House of Representatives for the purpose of receiving such communication as the President wishes to make during the joint session; that at the close of the joint session, the Senate then stand in recess until the hour of 9:30 a.m., on Wednesday, January 25; that on Wednesday following the prayer, the Journal of proceedings be approved to date and the time for two leaders be reserved; that there then be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with the time between 9:30 and 10:30 under the control of Senator CRAIG or his designee; I further ask that at the hour of 10:30, the Senate resume consideration of S. 1, the unfunded mandates bill.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of title 20, United States Code, sections 42 and 43, reappoints the Senator from New York [Mr. MOYNIHAN] to the Board of Regents of the Smithsonian Institution.

RECESS

Mr. KEMPTHORNE. Mr. President, I now ask unanimous consent that the Senate stand in recess until the hour of 8:34 p.m. this evening.

There being no objection, the Senate, at 7:06 p.m., recessed until 8:34 p.m.;

whereupon, the Senate reassembled when called to order by the PRESIDENT pro tempore.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives.

Thereupon, at 8:34 p.m., the Senate, preceded by the Secretary of the Senate, Sheila P. Burke; the Deputy Sergeant at Arms, Joyce A. McCluney; and the President of the Senate (Vice President AL GORE), proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL TOMORROW AT 9:30 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:41 p.m. the Senate recessed until Wednesday, January 25, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 24, 1995:

THE JUDICIARY

MAXINE M. CHESNEY, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE JOHN P. VUKASIN, JR., DECEASED.

KAREN NELSON MOORE, OF OHIO, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE ROBERT B. KRUPANSKY, RETIRED.

SECURITIES INVESTOR PROTECTION CORPORATION

MARIANNE C. SPRAGGINS, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1997, VICE THOMAS J. HEALEY, TERM EXPIRED.

EXTENSIONS OF REMARKS

INTERNAL REVENUE CODE SECTION 911—FOREIGN EARNED INCOME EXCLUSION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. ARCHER. Mr. Speaker, I am introducing the legislation to significantly increase and index the amount of earned income U.S. taxpayers working overseas may exclude from Federal income taxation.

Currently U.S. taxpayers working overseas may exclude up to $70,000 of earned income annually from Federal income taxation.

As contemplated in the Economic Recovery Act of 1981, the foreign income exclusion originally was scheduled to increase to $95,000. However, due to revenue considerations, the intended increases never became law.

The current $70,000 exclusion is not indexed for inflation and is woefully inadequate. It has the effect of discouraging U.S. taxpayers from working overseas and this puts U.S. companies doing business overseas at a competitive disadvantage as compared to their foreign competitors.

The legislation I am introducing today would immediately increase the foreign earned income exclusion to $100,000 from $70,000 and would index the $100,000 amount to allow it to keep pace with inflation. The increased foreign earned income exclusion will encourage U.S. taxpayers to seek employment with U.S. companies overseas, which in turn will help increase U.S. exports and jobs in the United States.

The legislation benefits all segments of our society and I welcome support of it from Members on both sides of the aisle.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service Agent Joseph Occhipinti, I submit into the RECORD a document I received from the Drug Enforcement Administration in response to a Freedom of Information Act request I filed last year for all DEA documents related to any investigation of a company called Seacrest Trading. Through my investigation, I have come to learn that Seacrest Trading may be tied to all of the bodega owners who testified against Mr. Occhipinti in his 1991 civil rights trial. The document is an October 16, 1992, memorandum regarding a meeting of the Drug Enforcement Task Force Group. While the document does not mention Seacrest Trading, the file title at the top of the document reads simply ''Seacrest Trading Corp.''

SEACREST TRADING CORP.

MEETING IN REGARD TO NTOC MONEY TRANSMITTED/WIRING SERVICES

Details

1. On October 5, 1992, at the offices of the New York State Banking Dept., 2, Rector Street, New York, New York, a meeting took place between the members of the Drug Enforcement Task Force/Group I–63, Assistant District Attorneys of the Special Investigation Bureau—Special narcotics Court, and members of the Criminal Investigation Bureau—New York State Banking Dept.

2. The meeting was held in regards to Non-Traditional Organized Crime (NTOC) Money Transmittal/Wiring Services which are mostly operating illegally and which are sending approximately over $500,000,000.00, most of which are believed to be proceeds from drug sales, out of the Washington Heights, New York area to the Dominican Republic. This amount is only representative of the actual documented figures. This is not represented to include illegal amounts that have been sent and not documented.

3. As of the aforementioned date, there are approximately ten (10) licensed money Transmittal/Wiring Services in the Washington Heights area. These particular businesses then sublease their license to agents and then the agents sublease the license to other subagents. In turn, numerous money services have saturated the area and fall under a single license.

4. All the business under a single license can then collect all revenues and restructure the amounts of each transaction to fall under the specified limits of $100,000.00. Each transaction over $10,000.00 has to be documented and reported to the U.S. Government on a Currency Transaction Report (C.T.R).

5. At this time, if is a federal obligation to prosecute violators of CTR infractions, but it is not being enforced by the Federal Banking agencies. If in fact these laws are enforced, only a small fine is imposed as compared to the large amount of profits that are made to justify the criminal risk involved.

6. Special Narcotics Court as actively looking to empanel a Special Grand Jury to propose legislative changes within the New York State laws to regulate and prosecute these illegal Money Transmittal/Wiring Services.

7. California and Arizona have already moved to strengthen their State Banking laws. Their laws have lowered the risk of illegal activity and have forced CIR's to also be filed within the state level. The penalties and forfeitures seized have made the State Agencies self sufficient and excess profits have also returned to the state government to be used as seen fit for other state programs and state and local law enforcement.

8. Special Narcotics would want the state to better screen potential licensees and reduce the number of agents/subagents. This can be done through the issuance of a license to someone who had filed a more detailed application to enhance a better background check; no subagents would be allowed under this license to pinpoint accountability, and larger criminal financial penalties would be imposed to deter criminal activity; and to change the language of the statutes to become applied enforceable under the charge of money laundering of criminal proceeds.

9. At the present, the State Attorney General's office working with the State Police have formed a Crime Proceeds Task Force unit to enforce the weak New York State Banking Con Laws and prosecute these criminal money agencies, but they have been hampered and legislatively fought by certain interest groups and not a single case has been initiated.

10. It was believed by all the agencies present, that by working together evidence can be compiled to introduce new legislation to strengthen state laws. These laws will forcibly prosecute and deter the existing easy ability of these criminal money agencies to send proceeds of criminal activities and launder these amounts to overseas accounts with no fear of law enforcement and our courts.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. RUSH. Mr. Speaker, I was unavoidably detained in my return to Washington from my congressional district on Monday, January 23, 1995. I was therefore not available to vote for rollcall Nos. 25, 26, 27, 28, and 29.

Had I been present I would have voted ''aye'' on No. 25; ''aye'' on No. 26; ''aye'' on No. 27; ''aye'' on No. 28; and ''aye'' on No. 29.

SAVE USTTA!

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. OBERSTAR. Mr. Speaker, the U.S. Travel and Tourism Administration promotes America as a destination for foreign travelers. Its annual budget is minuscule by Federal standards, but the return on this investment is immense.

In 1993, some 46 million foreign visitors came to the United States. They spent $74.2 billion here, producing a $22.2 billion positive balance of trade in travel and tourism.

Incoming international travel generates 909,000 jobs and a payroll of $14.5 billion—not including jobs generated by the $16.6 billion that foreign visitors spend to travel on U.S. airlines.

This October the first-ever White House Conference on Travel and Tourism will be held under the management of USTTA. Preliminary conferences will be held in all States to develop the national agenda; several State conferences have already been held. The very existence or USTTA is the Federal Government's recognition that travel and tourism is indeed an important sector of our economy.

To terminate this valuable, productive, cost-effective agency would reduce the Federal deficit by a factor of one ten-thousandth—one one-hundredth of 1 percent—point-zero-zero-zero-one. It would not make a dent on the deficit. In fact, it would make hardly a blemish. The benefits of this agency's work vastly outweight its costs.

Mr. Speaker, USTTA has proven its value to America. It should be allowed to continue its good work.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Ms. ESHOO. Mr. Speaker, I was proud to vote for S. 2, the Congressional Accountability Act.

Although I wholeheartedly support this long overdue legislation, I am disappointed that it did not include language that would prohibit Members of the House from using frequent flier miles accrued on official business for their personal use.

When I first came to the House, I initiated a policy in my office on February 23, 1993, which said that all frequent flyer miles accrued on official business must be used in connection with official travel and not for personal use.

Mr. Speaker, my office, and therefore the taxpayers, have realized significant savings from my travel on accrued frequent flier miles. We should pass legislation in the future that extends this reform to the House of Representatives. Until then, my office will keep this practice in effect.

INTRODUCTION OF LEGISLATIVE PACKAGE TO BOOST SMALL BUSINESS GROWTH, PRODUCTIVITY, AND JOB CREATION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. WYDEN. Mr. Speaker, today I am introducing a package of four bills to help small businesses fulfill their potential as the engine of U.S. economic growth and job creation. This package is designed to overcome structural barriers that limit small businesses' ability to raise capital, attract and motivate skilled employees, and export to fast-growing foreign markets.

These are three important challenges that face small businesses today, but too often these companies are victimized by Government indifference. Consequently, literally thousands of promising small companies die each year, not because they lack a good product or skilled management, but simply because they are too small to have the same opportunities for money, workers, and markets that larger companies take for granted.

Mr. Speaker, if the U.S. economy is to continue to grow and create jobs, small business will have to be out front. Statistics clearly show that, despite the barriers they face, small companies are the key to the economy's future. In the 1980's, large companies lost a net 2 million jobs while small companies created a net 20 million. Moreover, in my home State of Oregon, perhaps the most predominantly small business State in the country, 98 percent of the businesses employ fewer than 100 workers, and the State government projects that fully 70 percent of the State's job creation in the 1990's will come from those small firms.

Mr. Speaker, the legislative package I am introducing today will give small businesses a fair chance to grow and prosper. It will not give small companies any special breaks; rather, it will clear away some of the structural impediments that prevent them from competing on an equal footing.

These are the four bills in the package:

1. THE ENTREPRENEURSHIP PROMOTION ACT

At some point in its development, nearly every small business faces a crisis in finding the capital necessary to finance continued growth. Nearly every company gets caught in the awkward position of being too large to be financed internally, but not yet large enough to tap the public capital markets or adequate bank financing. Capital is the lifeblood of every small company, spreading nutrients throughout its operations, and without sufficient capital, an otherwise healthy small company with a great product line will be doomed to wither away.

Companies caught in this position frequently turn for help to so-called angels—venture capitalists willing to invest their own money in companies they think have a real chance to succeed. Today, there is just not enough venture capital money available for these companies. Investing in new firms is risky, and most investors would rather take the more predictable returns of blue-chip stocks or Government securities than take a flyer on a small company. Moreover, in those parks of the country not near a financial center, there is frequently not a sufficient mass of potential investors who know the local companies well enough to risk an investment.

Again, in my home State of Oregon, with its fast-growing software, computer, environmental, biotech, wood products, and other industries, numerous companies that could be global competitors and create thousands of jobs are at risk, simply for want of venture capital funds.

It is imperative, Mr. Speaker, to pump more funds into the venture capital pipeline and to direct more of those funds to the companies that really need them. The Entrepreneurship Promotion Act is designed to do that by creating a tax incentive to get more investors involved—and keep them involved—in starting and growing job-creating small businesses.

This bill would create a tax rollover, similar to the one available to homeowners, to enable an investor who sold his stake in a qualified small business to reinvest the money in another qualified small business and defer paying taxes on the capital gain.

With this bill, investors would have an incentive to keep their money in the productive sector of the economy, rather than simply cashing out their investment. Moreover, the bill would target the incentive at investments in firms with less than $20 million in annual sales—those companies with the fewest financing alternatives and therefore most in need of venture funds.

I am especially grateful to have Mr. MATSUI and Mr. SPRATT join me in sponsoring this initiative today.

2. THE FAMILY SAVINGS AND INVESTORS PROTECTION ACT

A second vital step to increasing the availability of capital to small business is to increase the return on investments and thereby draw more funds into the investment sector.

Currently, investors who hold long-term assets get taxed on both the real gain in value of their investment and on the gain due solely to inflation. When the Government taxes paper profits, not real profits, the added tax burden can be so great that investors can actually end up paying a higher effective tax on capital gains than even the top income tax rate.

The message this backward tax policy sends to investors is, ''don't save, don't invest, just consume.'' That is the opposite of what is needed to nurture a healthy, inflation-free environment in which small businesses can grow and prosper.

The Family Savings and Investors Protection Act would index capital gains prospectively so that investors would pay taxes only on the real gain in their investment and not on the phantom gains due to inflation.

A recent report by the Institute for Policy Innovation calculated that lowering the cost of capital by prospectively indexing capital gains would, by the year 2000, increase capital formation in the United States by $995 billion and create 260,000 jobs. Reflecting the higher economic growth, and resulting tax payments, net Federal revenue would increase by over $40 billion.

Combined with the tax rollover bill, indexing capital gains would provide significant relief to those small businesses that have good products and good management but are starving to death for lack of capital.

Mr. speaker, capital gains tax policy has been caught in fearsome partisan debate for many years but I believe it is time to move beyond old divisions and recognize that indexing capital gains is good for small business, good for investors, and good for the Federal Government.

3. THE EMPLOYEE PARTNERSHIP REWARD ACT

If Americans are going to enjoy long-term economic growth and more well-paying jobs without triggering inflation, it will be vital to raise productivity. Without rising productivity levels, long-term living standards will stagnate and American jobs will be increasingly vulnerable to global competition.

One proven way to increase productivity at a firm is to put in place a performance-based reward plan, in which workers receive direct benefits based on their success in achieving certain measurable goals for the firm.

Those goals can vary depending on the priorities of the firm at a given time. For example, a young company may want to boost sales or market share, a company making major new investments may want to raise productivity, and a more mature company may simply want to increase profits. All of those goals are valid—the crucial issue is that those goals must be communicated clearly to workers and the rewards must be tied directly to the firm's performance relative to those goals.

These types of plans come under many different names—profit sharing, gain sharing, performance pay, and so on—but they all share the key characteristic that employees have a stake in the success of their firms and

that they will share in that success with managers and investors.

The results where such reward plans have been put into place are dramatic. One comprehensive study found that the average productivity improvement in firms that implemented such plans was 7.4 percent—significantly higher than recent economywide productivity growth rates of 1 to 3 percent. Moreover, in Japan, where about 25 percent of a worker's pay is tied to the performance of the company, fully 93 percent of the workers feel they benefit from an increase in the company's productivity, compared to just 9 percent in the United States.

Performance-based reward plans also help make labor costs more flexible. This flexibility encourages firms to create more jobs, because the marginal cost of hiring an additional worker is less. Moreover, layoffs are less likely because when a firm goes through a bad spell and cash is short, its fixed labor costs are lower, as well.

One great example of this benefit is a company called Lincoln Electric, a Cleveland-based manufacturer of welding machines and motors. This company suffered a 40-percent decline in revenues during the 1981–83 recession, yet it laid no one off, and has not done so since the early 1940's. And, in Japan, the unemployment rate has stayed around 3 percent through the recent recession—about half the level in the United States during the recovery.

The Employee Partnership Reward Act would provide firms and workers with tax incentives to implement performance-based reward plans. Firms would be able to deduct 110 percent of their payments to workers under such a plan, while workers would receive a tax credit of $100–$500, depending on how much of their salary came from payments under the plan.

It is entirely appropriate for the Federal Government to encourage such plans through tax incentives because increased productivity and new job creation are good for the whole economy.

Today, the Federal Government offers billions of dollars of tax incentives for deferred pension plans, which help people save for retirement but have been shown to have little effect on productivity or job creation. The United States also offers incentives for investments in machinery—in effect, encouraging firms to replace workers with machines. Last year, such capital investments received $22 billion in tax breaks, while investments in workers got just $2 billion.

Surely, there is room within the budget to reorder priorities so there can be an incentive for firms to implement plans that benefit the whole economy by boosting productivity and creating new jobs.

4. THE SMALL BUSINESS EXPORT ENHANCEMENT ACT

Mr. Speaker, even if a firm succeeds in attracting sufficient capital and boosting productivity, it will in many cases still need to compete in fast-growing foreign markets in order to prosper.

Exports are becoming an increasingly important part of the U.S. economy. Nationally, exports are growing three times as fast as overall economic growth. Over the past 40 years, the rate of job creation in trade-related fields grew three times faster than overall job creation. One in six U.S. manufacturing jobs is now related to exports, and those jobs pay 22 percent more than the average U.S. wage.

The lesson is clear: As the global economy continues to develop, successful exporting will make the difference between a good economy and a great economy.

While the U.S. economy overall has reached world-class exporting status, small businesses in the United States still lag behind. Smaller companies face special challenges in getting into foreign markets, but export assistance generally has not been provided in a way they find useful.

The trade statistics clearly show that small business has not fully shared in the global bounty. According to the Commerce Department, only 10 percent of U.S. firms are regular exporters. A few large firms account for the bulk of U.S. exports, despite the fact that 90 percent of U.S. manufacturers are small- and mid-size firms.

Clearly, small businesses remain a large untapped resource of potential export growth for the U.S. economy. However, small businesses with competitive products frequently face high transactions costs and inadequate information about foreign markets, which limit their ability to export. They need some additional help, but Government is not successfully providing it.

The Federal Government is the major provider of export assistance, spending over $3 billion a year. A quick look at its export assistance program reveals why small businesses are having such a hard time.

There are over 150 Federal export promotion programs fragmented among 19 different Federal agencies. These programs are characterized by duplication of effort, overlap, inefficient dissemination of services and information, turf battles, and confusion among both providers and users of assistance. The Trade Promotion Coordinating Committee concluded that ''for many small- and medium-sized firms, getting through the bureaucracy may be as great a hurdle as foreign market barriers.''

While Federal programs trip over each other and frequently miss their intended targets, many State-based export assistance providers—including State departments of trade, local industry associations, international freight forwarding companies, local and regional banks, chambers of commerce, and world trade centers—have established good local networks that can effectively deliver timely, accurate, and useful assistance to would-be small business exporters.

For example, in Oregon the State department of trade, working closely with the private sector, has set up an admirable model. It is focused on identifying specific, targeted trade leads, doing outreach to companies to inform them of opportunities, and working closely with the companies to help them through the export process. It is a classic example of local leaders who know the local economy working cooperatively to get the most out of the State's export potential. Unfortunately, in Oregon as in other States, those providers of export assistance are woefully short of resources.

The Small Business Export Enhancement Act would redirect millions of dollars from the Federal Government to State-based export providers. For the most part, this money will be used to fund partnership programs, designed to combine the resources of the Federal Government with the local networks of State-based export providers. The bill also directs the trade promotion agencies to offset this new spending by identifying in a report to Congress savings of at least $100 million to be achieved through consolidating or eliminating some of those 150 Federal programs that provide overlapping or duplicative services.

Mr. Speaker, the report of the National Performance Review stressed that the Federal Government needs to reallocate its export assistance resources to sectors that have clearly shown growth potential while it works to make its services more accessible to clients. Clearly, small business is the obvious place to turn to boost U.S. export growth, and the best way to help small business to export is through State-based providers that know the local companies and their particular needs.

If the United States can successfully turn the small business sector into a source of export strength, it can provide a structural economic boost that can put the country on a permanently higher plane of income growth and job creation.

THE HYDROGEN FUTURE ACT OF 1995

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. WALKER. Mr. Speaker, today I am introducing legislation to authorize and fund the hydrogen research, development, and demonstration programs of the Department of Energy.

Hydrogen holds the greatest promise as an environmentally benign renewable energy source. It is readily available from water and when it combusts it leaves no noxious residues, but again only water. What we have is a replacement fuel for our fossil-based economy, because hydrogen can be used in as many ways, and more, as any available fossil fuel now being used without the environmental cost associated with cleanup. Hydrogen will play a major role in the energy mix of the future and it is up to us to see that we begin this integration wisely, economically, and efficiently.

Hydrogen offers the potential for a limitless supply of clean, efficient energy. However, its use faces large technical hurdles, particularly in production and storage, that must be overcome. The Department of Energy's Hydrogen Program has also been plagued in the past by rather erratic funding profiles, which have limited its effectiveness.

The Hydrogen Future Act of 1995 will focus Federal hydrogen research on the basic scientific fundamentals needed to provide the foundation for private sector investment and development of new and better energy sources and enabling technologies without adding to the budget. The bill, while allowing modest increases in the hydrogen authorization, requires corresponding offsets to pay for this research by freezing the overall Department of Energy research and development account.

The Hydrogen Future Act of 1995, will give added direction and funding stability to a most worthwhile energy research and development program.

MAYOR LOUIE VALDEZ

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Louie Valdez who was recently elected mayor of Nogales, AZ. At the age of 23, Mr. Valdez has been recognized by the U.S. Conference of Mayors as the youngest mayor of an incorporated city currently holding office in the United States.

Mr. Valdez graduated from Nogales High School in 1989 and later attended Pima Community College in Tucson, AZ. He is currently a senior at the University of Arizona studying political science. In 1992, he was elected to the Nogales School Board and on January 3, 1995 he was sworn in as the 32d mayor of the city of Nogales.

While being the youngest mayor in the United States is certainly an impressive accomplishment, serving as the mayor of Nogales will be even a greater challenge. Nogales, a city with a colorful and proud history, is home to approximately 20,000 citizens. Its uniqueness stems from its location. Nogales shares its border with its sister city in Mexico, Nogales, Sonora: Los Ambos Nogales, as the two cities are often called, share much in common. Families, friends, and cultures crisscross the border and create a truly unique international community. Unfortunately, Nogales, AZ is often impacted by numerous environmental and immigration problems that originate in its sister city.

With his dedication, skills, and abilities, I am confident that Mayor Valdez will succeed in leading Nogales to unparalleled growth and prosperity. I wish him luck in his new undertaking.

MAJ. GEN. JOSEPH F. PERUGINO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. KANJORSKI. Mr. Speaker, on January 28, our community will gather to pay tribute to my good friend, Maj. Gen. Joseph F. Perugino, to acknowledge his many accomplishments—most recently his appointment as commanding general of the 28th Infantry Division (mechanized) of the Pennsylvania Army National Guard.

General Perugino was born in Wilkes-Barre where he attended and graduated from local schools. Joe received his bachelor's degree in business from Cumberland University in Tennesee. His military career began in 1955. He was commissioned a second lieutenant on June 12, 1966, upon his graduation from the Pennsylvania Army National Guard Officer Candidate School. As he rose through the ranks in the National Guard, he successfully completed all of the required courses for artillery staff officers. Joe served as assistant adjutant general of the Pennsylvania National Guard, Fort Indiantown Gap, from August 1988 to 1991; then commanded the 28th Infantry Division Artillery, Hershey, PA. In 1992, Joe was made major general while he was deputy State commander and in 1994, was appointed commanding general of the 28th Infantry Division. Joe's outstanding service has been rewarded with many medals and ribbons, including the Meritorious Service Medal, the Humanitarian Service Medal, the Pennsylvania Distinguished Service Ribbon with four silver stars, and the Pennsylvania 20-year Service Medal with two silver stars.

General Perugino's service to our Nation is well documented. He also deserves recognition for his dedication to our local community. Professionally, Joe serves as vice-president of the Pennsylvania Gas and Water Co., marketing and gas supply division and as president of Pennsylvania Energy Resources, Inc. He serves as a member of the advisory board of Penn State Wilkes-Barre; chairman of the Luzerne County Community College Foundation; trustee of the Wilkes-Barre and Wyoming Valley Veterans Hospital fund. Joe is also a member of the Wilkes-Barre Chamber of Commerce, National Guard Reserve Officers Association and the Association of the United States Army. He served in a leadership capacity for the Family Service Association, Greater Wilkes-Barre Jaycees, Kingston Businessmen's Association, Kingston Lions Club, and Leadership Wilkes-Barre. In 1982, General Perugino was named a Distinguished Pennsylvanian by the William Penn Society.

Mr. Speaker, Joe Perugino has proven himself to be an outstanding leader. It is only fitting that his many achievements and contributions to our country and northeastern Pennsylvania be recognized. I am honored to participate in our community's tribute to him.

PROTECTING OUR NATIONAL SECURITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. MURTHA. Mr. Speaker, on January 10, the Defense Department testified before the House Judiciary Committee on the balanced budget amendment. The Defense Department's testimony should set off alarm bells for anyone who cares about America's Armed Forces.

According to the Defense Department's Comptroller, a balanced budget amendment which all but ends the congressional ability to even modestly increase revenues would force defense spending cuts over the next 7 years of between $220 billion in the best case to $520 billion in the worst case. The $220 billion reduction is projected if entitlements are not exempt from cuts. But if Social Security and Medicare are shielded from reductions, the defense share of necessary spending cuts grows close to the half trillion dollar figure.

To put the magnitude of these cuts into perspective, the GAO tells us we are already $150 billion short over the next 5 years in paying for the severely downsized force structure and modernization plan set in place by President Clinton. What does it mean for America's security if we are to double, treble, or even quadruple the size of this problem? How will we come up with an additional quarter or half trillion dollars in domestic program cuts just to maintain our current force? What if we can't?

Defense Department officials say life under the cuts this version of the balanced budget amendment would mandate would be characterized by a hollow, demoralized force which cannot be modernized and which quickly loses its technological edge. It would mean further base closings, further personnel cuts, and further hardships on our remaining troops. It would certainly change our ability to project force globally and would leave a potentially dangerous vacuum around the world.

Everyone agrees we must move toward a balanced budget and proceed with deficit reduction. We can and we must do this through careful thought-out proposals that are fully debated in Congress. But to force further draconian cuts on our Armed Forces through an inflexible balanced budget amendment risks our troops' ability to defend our Nation, risks our standing in global affairs, and risks the entire defense structure of the United States.

During my 20 years in Congress I've consistently worked with Members on both sides of the aisle to make sure we didn't have a hollow force.

My advice now is to slow down and think carefully about what the balanced budget amendment will do to our national security.

At the very least, the impact of a balanced budget amendment on the Armed Forces should receive full hearings in the House National Security Committee and House Budget Committee. But if we vote before these hearings take place, I hope every Member of the House will carefully consider how the implementation of a balanced budget amendment would affect our Armed Forces and the most important duty we have as Members of Congress—protecting the national security of the United States.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service Agent Joseph Occhipinti, I submit into the RECORD a document I received from the Drug Enforcement Administration in response to a Freedom of Information Act request I filed last year for all DEA documents related to the Occhipinti case. The document is a memorandum written by a DEA special agent on April 16, 1991.

On April 5, 1991 Special Agent [deleted] met with Investigators [deleted] in the Southern District of New York at the request of [deleted]. The 12 p.m. meeting was arranged in order for [deleted] to meet with the two Assistant U.S. Attorneys and above investigators handling the impending trial after indictment of Immigration and Naturalization Service Special Agent Joseph Occhipinti. He was charged with various counts of violating civil rights through illegal searches and theft of money found during certain searches.

[Deleted] arrived for the interview and met with [deleted] who was alone in the eighth floor office. He explained that [deleted] and the two assistants were involved in other business at that time. [Deleted] obtained a copy of the twenty five page indictment and

briefly read through it as [deleted] asked [deleted] about a company by the name of Sea Crest, a firm that was under investigation by D.E.A. and the Manhattan District Attorney's Office in a joint investigation of Capital National Bank (C1–90–0101). [Deleted] explained the role of Sea Crest in suspected skylocking, extortion, and drug smuggling in the Bronx and Washington Heights area. The scheme involved numerous ''bodegas'' in the aforementioned areas and [deleted] explained how this led to his meeting S/A Occhipinti. Occhipinti had started a project called ''Operation Bodega'', involving the use of bodegas in the illegal immigration of various Hispanics and their employment by such stores which are also ''fronts'' for illegal gambling money laundering, food stamp violations and drug dealing.

[Deleted] stated that Occhipinti had been indicted on several searches which he allegedly had performed without the consent of the store owners but had reported them to INS as consent searches [deleted] advised [deleted] that [deleted] had briefly explained the background over the phone.

[Deleted] had stated that Occhipinti was in charge of a group of ''young kids'' and that they had very little experience in such searches. [Deleted] further stated that some ''green assistants'' handling the cases had raised doubts about the validity of the searches. He said the cases were then referred to the Department of Justice O.I.G. The O.I.G. found no evidence of wrongdoing and returned the cases to the Southern District of New York. The ''Southern District'' felt that the O.I.G. investigation was inadequate because they had done ''desk investigations'' rather than ''field interviews''. [Deleted] said they then broke down the cases into three groups. Cases involving arrests of those with criminal records were put aside. Cases where no arrest was made but a criminal record was found were put aside. Only cases where no arrest occurred and no criminal record appeared were selected for interviews. These people were ''assumed'' to be ''legitimate'' bodega owners. [Deleted] stated that it could also be assumed that these individuals were possibly smart enough not to have born caught in the past. This conversation occurred on April 4, 1991 over the telephone with [deleted].

As the interview with [deleted] continued [deleted] referred [deleted] to the indictment. Count Six alleges that on or about January 17, 1990, Occhipinti conducted a warrantless non consensual search of a grocery store at 2262 Jerome Avenue and another count charges an illegal search of the residence of the grocery manager [deleted] advised [deleted] that [deleted] and I.R.S. [deleted] were present at the grocery store and also accompanied the manager and Occhipinti to the manager's apartment to obtain his passport. [Deleted] noted [deleted] surprise on learning that [deleted] were present [deleted] said he didn't know these facts, as he was under the impression that another INS agent had gone to the apartment. [Deleted] stated that the manager [deleted] had voluntarily gone to the apartment and invited the agents to accompany him in [deleted] own vehicle. [Deleted] further stated that no search had been performed by Occhipinti at the apartment.

Shortly after this exchange [deleted] entered the office and the interview continued following a summation by [deleted] of the conversation up to that point.

[Deleted] reiterated that the January 17th search had not occurred and that due to the fact that Occhipinti did not know [deleted] that well, it would be bizarre to believe that Occhipinti would perform an illegal search in their presence. [Deleted] expressed amazement that a charge was brought against Occhipinti on the strength of an unsubstantiated allegation without an attempt to verify the truth. [Deleted] stated that allegations were made by several bodega owners in the Washington Heights are [deleted] stated that the bodegan in Washington Heights are very often fronts for gambling and other criminal activity such as drug trafficking and money laundering. [Deleted] stated that when one sees a huge Pathmark Supermarket in the neighborhood and three bodegas directly across the street, one can assume that they are not just selling groceries. [Deleted] stated that it was indeed possible. [Deleted] stated that gambling was a common occurrence in Washington Heights and that [deleted] should not make a blanket statement about the entire neighborhood. When [deleted] asked [deleted] why he had not interviewed law enforcement personnel prior to the indictment [deleted] replied that they did not want to come up against ''the blue wall of silence'' that occurs where a ''cop'' is being investigated. [Deleted] replied that [deleted] was now blanketing the law enforcement profession in the same way he accused [deleted] of doing to Washington Heights.

Following this exchange it was revealed by [deleted] that they had interviewed all of the complainants in regard to their relationship with Sea Crest [deleted] expressed shock and dismay that they had seen fit to compromise an official investigation in the Southern District without any consultation with the agencies conducting the investigation [deleted] further stated that Occhipinti had apparently caused much uneasiness on the part of certain interests in Washington Heights and perhaps there was pressure exerted to eliminate the threat. [Deleted] stated that both he and [deleted] expressed their opposition to personally conducting an investigation of Occhipinti due to the fact that they both knew him previously but that they were overruled and ordered to conduct the probe.

[Deleted] asked if [deleted] had given an itemized list of suspect bodegas to Occhipinti [deleted] said no, that the Capital Bank case involved obtaining a list of Currency Transaction Reports from the bank and these contained numerous forms showing cash transactions in excess of $10,000 by several bodegas. Certain targets may have resulted from referrals of such listed businesses to the Manhattan D.A.'s detectives also involved in the case. [Deleted] one of the detectives had stated that [deleted] implicated [deleted] in cocaine trafficking. [Deleted] further stated that if the rest of the indictment was based on the kind of reliability attributed to [deleted] a grave injustice was being done by indicting Occhipinti. Incredibly, at this point [deleted] stated that ''he can be unindicted too.'' [Deleted] said he had not realized in twenty years of dealing with the law that such a phenomenon existed. [Deleted] then asked if [deleted] would check D.E.A. files for records on the businesses listed as complainants in the indictment. [Deleted] was also asked if [deleted] could be reached at [deleted] office [deleted] replied in the affirmative and the interview was terminated.

It should be noted that although [deleted] was briefly introduced to one of the two Assistant U.S. Attorneys assigned to the case neither he nor the other A.U.S.A. took any part in the interview. [Deleted] was also informed that [deleted] was not a target of the investigation.

THE RECONFIRMATION OF FEDERAL JUDGES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. FIELDS of Texas. Mr. Speaker, today I am introducing a proposed amendment to the Constitution requiring that Federal judges be reconfirmed by the U.S. Senate every 10 years.

Presently, Mr. Speaker, Federal judges serve life terms once they are appointed. The only constitutional mechanism for removal of these judges is impeachment. As we all know, impeachment is a long and arduous process. Historically it has been exercised on only 10 occasions, resulting in actual removal from office of only 5 judges.

In the absence of any other effective formal procedure for removal, Federal judges have been elevated to a stature unprecedented and unequaled by any other Federal official. Consequently, and to the citizenry's misfortune, there is no procedure for the removal of a judge who may be dysfunctional, dishonest or in any other way unfit to fulfill his or her constitutional responsibilities.

According to article III of the Constitution, Supreme and lower court judges are appointed to office for a term of good behavior. I certainly recognize and compliment the wisdom of the Framers of the Constitution who, by separating judicial officials from the political process, preserved and defined the principle of separate, but equal, branches of Government.

However, I continue to believe that this separation has resulted not in a more effective judicial system, but rather in a greater disparity between the various branches of Government. The life tenure of these judges has them less, not more, accountable for their actions and decisions.

Moreover, the increasing use by these judges of their judicial power as a means of effecting social policy is troubling. Our judicial system was established to interpret the law, not to formulate national policy. However, within the past 15 years, many of our Federal judges have taken to ''backdoor legislating'' on such controversial issues as school prayer, busing, and abortion. In my own State of Texas such ''backdoor legislating'' has occurred on such issues as prison overcrowding and the provision of educational services to illegal aliens.

I sincerely believe that neither this legislative body nor the American citizenry can stand by and watch this transgression of constitutional authority. National policy decisions should not be promulgated by our courts, but rather should be duly deliberated and decided by the people's elected representatives in Congress.

Mr. Speaker, I urge expeditious consideration of this legislation so that our Nation can once again be assured of three separate, but equal, branches of Government.

INTRODUCTION OF THE TRIPLOID GRASS CARP CERTIFICATION PROGRAM

HON. BLANCHE L. LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to introduce legislation that epitomizes the partnership between the Federal Government and private industry that we all strive so hard to achieve.

For the past several years the Fish and Wildlife Service has conducted a certification program for the triploid grass carp. This beneficial fish is utilized by 29 States to help control aquatic vegetation in lakes, ponds, and streams. The triploid grass carp provides an effective, economical method of caring for these environments without the use of chemical agents.

As the use of the fish has increased over the years, a number of States have adopted regulations which require the grass carp to be certified as sterile. If a reproducing carp were introduced into these environments it could cause serious damage to the existing fish species. The certification process assured States that the fish were sterile, thereby allowing their shipment by private aquaculturists.

In the past year the Fish and Wildlife Service conducted 550 triploid grass carp inspections at no charge to the producer. The cost of the program was $70,000. However, this year because of the dire fiscal situation that faces many agencies, the Fish and Wildlife Service has indicated that it will suspend the program within the next 60 days unless a solution is reached. The producers who have utilized this program have agreed to pay a fee that would cover the entire cost of the program with the understanding that the funds would be utilized for this purpose only. The Fish and Wildlife supports this arrangement but lacks the authority to implement it without congressional authorization.

This bill will accomplish that goal and provide for the continuation of a valuable program. I urge my colleagues to support this legislation.

THE CAPITAL FORMATION AND JOBS CREATION ACT OF 1995

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. ARCHER. Mr. Speaker, I am introducing the Capital Formation and Jobs Creation Act of 1995. I am proud that its provisions have been incorporated into the Contract With America. Speedy enactment of this bill will encourage investment in America, create jobs, reduce the cost of capital, and lead to greater short-term and long-term economic growth.

Compared to our major trading partners, Americans invest and save far too little. The Tax Code's poor treatment of savings and investment is a large reason why. We can best help American workers and businesses compete in the international marketplace by sweeping away these counterproductive tax disincentives. My bill does just that.

It contains three important capital gains incentives: First, a 50-percent capital gains deduction, second, indexation of the basis of capital assets to eliminate purely inflationary gains, and third, a provision to treat the loss on the sale of a home as a capital loss. The 50-percent capital gains deduction and the home sale capital loss provision would apply to sales on or after January 1, 1995. The capital gains indexation would apply to inflation, and sales of capital assets, occurring after December 31, 1994. All three of these provisions would make the Tax Code fairer by removing anti-taxpayer, anti-investment provisions.

The bill would substantially cut—at all income levels—the tax rate on capital gains by allowing taxpayers to deduct one-half of the amount of their net capital gains. Currently, capital gains are taxed at the same rate as ordinary income, subject to a tax rate cap of 28 percent. Thus, there is a modest capital gains differential for the upper tax rate brackets, but principally because the 1993 Clinton tax plan raised income tax rates. All taxpayers need a capital gains break, and not just one created by raising income tax rates. Unlike the 1993 Clinton tax plan, the bill would provide a middle-class tax cut by halving the capital gains tax rate for lower- and middle-income taxpayers. The new effective capital gains tax rates would be 7.5 percent, 14 percent, 15.5 percent, 18 percent, and 19.8 percent for individuals. Corporations would be subject to an effective top capital gains tax rate of 17.5 percent.

In addition, my bill would end the current practice of taxing individuals and corporations on gains due to inflation. Currently, taxpayers must pay capital gains taxes on the difference between an asset's sales price and its basis—the asset's original purchase price, adjusted for depreciation and other items—even though much if not all of that increase in value may be due to inflation. The bill would increase the basis of capital assets to account for inflation occurring after 1994. Taxpayers would be taxed only on the real—not inflationary—gain.

Finally, the bill would correct a wrong in the Tax Code by treating the loss on the sale of a principal residence as a capital loss. Currently, if a homeowner has to sell his or her home at a loss, that loss is not deductible—even though future sales may be taxable. This is heads-the-government-wins tails-the-taxpayer-loses. By treating the loss on the sale of a principal residence as a capital loss, the loss would be deductible subject to the capital loss deduction and carryover rules.

In the last election, the voters spoke clearly. They want less government and lower taxes. The Capital Formation and Jobs Creation Act of 1995 does both: it cuts taxes and shifts investment decisions from the Government to individuals and businesses. My bill sends a clear and unmistakable message that Congress is determined to dismantle barriers that are holding back the American economy.

HONORING THE NEIGHBORHOOD HOUSING SERVICES OF BALTIMORE ON ITS 21ST BIRTHDAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. CARDIN. Mr. Speaker, I rise today to honor the Neighborhood Housing Services of Baltimore on its 21st birthday. This outstanding organization is dedicated on helping low- and moderate-income residents of Baltimore become first-time homeowners. I also want to take this opportunity to extend my best wishes to John R. McGinn, an inspirational leader who is retiring as NHS chairman.

The NHS has an impressive record. It has been involved in rehabilitating more than 620 vacant houses and has helped convert more than 900 renters into first-time home buyers. Since 1974, NHS has been an important force in providing adequate housing in the neighborhoods of Govans, Coppin Heights, Patterson Park, and Irvington/St. Joseph/Carroll. In addition, since 1993 NHS has instituted the Closing Cost Loan Program to provide from $500 to $5,000 in loans to help prospective home buyers with settlement and closing costs. They have successfully used $300,000 of NHS capital to leverage more than $4 million in conventional financing.

Much of this could not be accomplished without the help and advise of John McGinn, who has been a dedicated and inspired chairman of the NHS board for the past 3 years. In the past decade, in addition to being chairman, John McGinn has given many hours of this time serving on different NHS boards. His advice and professionalism has been a big part of NHS's success and its branching out into new projects.

I hope that my colleagues will also join my fellow Baltimoreans and me in congratulating NHS and John McGinn on a job well done. Our housing crisis is very serious, but the efforts of NHS and John McGinn have done much to help others realize their dream of home ownership.

H.R. 5, UNFUNDED MANDATES REFORM ACT OF 1995

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. RUSH. Mr. Speaker, today we continue to debate H.R. 5, the Unfunded Mandates Reform Act. This measure comes at a time that is critical for State and local governments, which have been struggling over the past several years to balance their budgets while coping with ever-increasing costs. As a result, State and local governments have requested that we in the Congress establish a process to reexamine the fiscal implications of requirements that may be imposed on them by Federal initiatives.

In my district, the mayors of several suburban municipalities have strongly urged me to consider the impact that Federal laws may have on the financial stability of their governments. That is why I was a cosponsor of a bill introduced by my colleague, Mr. CONYERS, in

the 103d Congress, H.R. 5128, which received broad, bipartisan support.

Mr. Speaker, this legislation today seeks to answer some of these apprehensions. I would, however, point out how deeply concerned I am about the haste in which this legislation was brought to the House floor. While I recognize the importance of what we are to do today, I am very troubled that certain important issues were not fully considered in committee. In their rush to pass their so-called Contract With America, the Republican majority has run roughshod over the democratic, deliberative process which we have been sworn to uphold. My Democratic colleagues in the Government Operations Committee, which I proudly served on last Congress, can attest to the outlandish manner in which this bill was handled in markup. This calculated attempt by my friends on the other side of the aisle to stifle thoughtful debate cannot and will not be ignored.

It was my hope that we in the House would debate the unfunded mandates issue in the normal manner in which legislation of this importance is considered. This debate today, however, is a culmination of a Republican-dominated legislative process that makes a mockery of this noble institution. Despite the modified open rule under which this bill is being considered, it is my understanding that my good friend, Chairman CLINGER, is opposed to any amendments other than those that are clerical and technical in nature. This is in order to pass a bill quickly to the other body. This is most unfortunate; I was looking forward to supporting and passing amendments that would protect our health, labor, and safety laws; that would protect the Clean Air and Clean Water Acts; and that would ensure the protection and strength of our social contracts with the elderly and the needy in this country. This will not happen today if the Republican majority has their way.

These and other critical concerns will not be addressed in this legislation because the majority party wishes to ram this into law just to say to their supporters that they can get things done in Washington. Well, Mr. Speaker, while I advocate the general intent of this legislation, I cannot support the manner in which the Republican majority has brought this bill to the floor. Therefore, Mr. Speaker, I urge my colleagues to stop our Republican friends from handcuffing our democratic institution, and I urge all my fellow Democrats to stop this Contract With America from undermining the democratic and deliberative principles that this institution has functioned under for the past 200 years.

BRINGING BACK THE DEDUCTION FOR LEGITIMATE BUSINESS EXPENSES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing legislation to restore the business meal tax deduction to 100 percent. In 1993, as part of the President's economic plan, Congress passed legislation reducing the tax deduction for business meals and entertainment from 80 percent to 50 percent. I didn't see the wisdom of that $16.3 billion tax increase then, and I don't see it now.

Anyone who has owned a business or been involved in management can testify to the legitimacy of using meals and entertainment as a marketing tool. Yet we single out this particular business expense, penalizing the restaurant industry, the tourism and entertainment trades and the foodservice industry, to name only a few. When this deduction was reduced from 100 to 80 percent in the Tax Reform Act of 1986, it greatly impacted these industries—industries which are crucial to Nevada. Now, because of the reduction from 80 to 50 percent, it is estimated that almost three-quarters of mid-sized companies in America have made policy changes resulting in reductions in meal and entertainment expenses.

I can tell you from conversations I've had back home that many of Nevada's businesses rely heavily on the business meal and entertainment deduction as a marketing tool to solicit clients. Moreover, restoring the deduction is essential to the tourism trade—which employs almost a third of the State's labor force—in my home State of Nevada. Restoring the business meal deduction will increase restaurant patronage and convention business and help fill hotels and motels not only in Nevada, but across the country. I'm sure it would have a similar effect across the Nation, and I urge my colleagues to support my efforts to restore the 100 percent deductibility of business meal and entertainment expenses.

A TRIBUTE TO HIS MAJESTY KING BHUMIBOL ADULYADEJ (KING RAMA IX) OF THAILAND

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. ROHRABACHER. Mr. Speaker, I rise today to acknowledge King Rama IX of Thailand on the occasion of the Royal Golden Jubilee celebration which commences this month and continues through 1997. His Majesty will enter his 50th year of reign on June 9th.

His Majesty has been an extremely positive influence on his people and continues to be a constructive force in Southeast Asia and the world. His Majesty's influence can be discerned in his numerous projects, his lifelong interest in public health, his efforts to bring peaceful solutions in times of conflict, and his generosity in helping refugees in neighboring countries, especially the Karenni of Burma. His contributions have made King Bhumibol the prime source of inspiration, pride and joy among the Thai people.

TERRORIST EXCLUSION ACT, H.R. 650

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. GILMAN. Mr. Speaker, I am pleased today to reintroduce a bill I originally cosponsored and helped author in the 103d Congress under the leadership and efforts of our former colleague now in the other body, Ms. SNOWE. That bill, H.R. 2730, excluded from the United States any individual on the basis of mere membership in a terrorist organization, as such a group is defined by the Attorney General in consultation with the Secretary of State.

The bill I am reintroducing today, H.R. 650, is identical to H.R. 2730 from the last session of Congress. It will end the ridiculous situation we now have where we often have our State Department officials wringing their hands and spending countless hours trying to determine the nature of the visa applicant's membership and level of activity within a terrorist organization or group.

Similar provisions as were in H.R. 2730 passed the other body under the leadership of Senator HANK BROWN during the 103d Congress. However, unfortunately, they did not become law; nor did the House get an opportunity to act to close this glaring loophole in the immigration laws and the State Department's interpretation of those laws today.

Today we often see time-consuming State Department analysis made to determine whether to deny a visa to an individual who is a mere member of a terrorist group, but hasn't yet been convicted of an act of terrorism in an appropriate court of law and with some consular officer's view of appropriate due process.

Under our State Department's view of current law, mere membership alone doesn't automatically create a presumptive basis for denial of a visa, therefor the protracted analysis and soul searching I mentioned, often follows.

The bill I introduce today shifts the burden of proof and makes the denial of the visa presumptive based upon mere membership by the visa applicant in a terrorist organization alone, as defined by the Attorney General and the Secretary of State based upon available. data.

The visa applicant, not the State Department consular officer, must make the case for his or her right to travel to the United States.

The Secretary of State in a recent JFK School of Government speech said that the State Department was going to get tough on international terrorism and international criminals. In fact, as part of the administration's plan of action, the Secretary said "* * * we will toughen standards for obtaining visas for international criminals to gain entry to this country."

Surely, to the average American, those who are members of overseas terrorist groups, as such groups are determined by the Attorney General and the Secretary of State under by bill, would clearly fit the category of international criminals.

International criminals, whether yet formally convicted or not of terrorism, or who we may or may not know want to travel to the United States to engage in possible terrorist acts ought not get U.S. entry visas. It is as simple as that, and my bill will bring that about.

The public would demand our State Department exercise the visa issuance discretionary function and authority in the best interests of the United States, and denial should be in order in such membership cases, one would hope. The benefit of the doubt should go to the U.S. interests. However, let us not rely on hope or ambiguity; my bill gives the State Department clear authority, the ability, and the direction to deny visas in the case of mere

membership in these overseas terrorist organizations, as determined by the Attorney General along with the Secretary of State.

The administration, which has wisely stepped up the activity and rhetoric against terrorism, should also ensure that the rhetoric it uses on international crime, terrorism, and efforts to protect U.S. interests, fully matches their actions. My bill, which I introduce today, gives them a chance to support additional and needed real reform to thwart a growing and dangerous new terrorist threat aimed at America's interests and security, here at home.

I ask that the full text of the bill be printed here at this point in the RECORD.

H.R. 650

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

SECTION 1. MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)(II) by inserting ''or'' at the end;

(2) by adding after clause (i)(II) the following:

''(III) is a member of an organization that engages in, or has engaged in, terrorist activity or who actively supports or advocates terrorist activity,''; and

(3) by adding after clause (iii) the following:

''(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Attorney General, in consultation with the Secretary of State.''.

ANDREÁ MARION: A LIFETIME OF INNOVATION AND INTEGRITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. LANTOS. Mr. Speaker, I rise to bring recognition to an extraordinary man on the occasion of his retirement as the president of Applied Biosystems, Inc., in Foster City, CA. Mr. André F. Marion has been a pioneer in the emerging and important field of biotechnology and a pioneer in employee and customer relations. As Mr. Marion moves on to the next stage in his life, his intelligence and creativity will be sorely missed.

Mr. Marion, with a handful of associates, essentially began the biotechnology industry. In 1991 he left the research and development staff of the Hewlett Packard Co. to build the first DNA sequencer that began the biotechnology revolution. But even the tremendous financial and business success of his company is not Mr. Marion's true legacy.

During his 12 years as president, chief executive officer, and chairman of the board of Applied Biosystems, Inc., Mr. Marion ran his company with what he himself called ''Values for Success,'' which included absolute attachment to integrity, consideration of the customer, and the highest achievable level of quality. He shared with his employees equally in the profits, stock options, and even the physical setting of the company's campus.

André Marion is a model for all entrepreneurs, executives, and those involved in business and government to follow. I commend him in the strongest possible terms and wish him a long and happy retirement.

COMPEER, INC. COMPEER FRIENDSHIP WEEK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mrs. SLAUGHTER. Mr. Speaker, this year 117 Compeer programs across the Nation will celebrate Compeer Friendship Week from April 23 to April 29, 1995. The goal of Compeer Friendship Week is to provide an opportunity for each Compeer program to increase its name recognition, gain community support and recruit volunteers. Compeer programs will be hosting many special events during this week.

The Compeer Program, which originated in my home district of Rochester, NY, is now in its 22nd year of existence in Rochester, and its 12th year nationwide. Begun as an adopt-a-patient program at the Rochester Psychiatric Center in 1973, Compeer matches caring, sensitive and trained volunteers to those who are isolated, lonely or persons who, because of a mental illness, experience difficulty in coping. Compeer is based on the concept that, through the sharing of friendship, volunteers can offset the sometimes systematized isolation and loneliness of those diagnosed with mental illnesses, and relieve families of their continuous focus on care.

In the past, persons with a mental illness have been discharged into communities where, in theory, they would lead richer, more productive lives than they would in institutions. The reality proves otherwise. People who suffer from illness, who are living both in and out of hospitals, suffer from isolation and loneliness. The majority lack a support system of either friends or family.

Compeer has helped to change this. A unique partnership between volunteer, client, therapist and Compeer staff has enabled hundreds to become fully integrated into society as mentally and emotionally healthy individuals. In an era of health care cost containment, decreased funding for mental illness, skyrocketing costs of psychiatric hospitalizations, and deteriorating traditional support systems, Compeer addressed a national problem by providing cost-effective utilization of volunteers as an adjunct to therapy. Compeer has made a tremendous difference in our country—fostering and nurturing new friendships, filling the gaps of loneliness, and building bridges of understanding and hope.

I ask my colleagues to join me in celebrating Compeer Friendship Week from April 23 to April 29, 1995, and in congratulating the volunteers, clients, therapists, and staff of Compeer for their selfless and tireless efforts.

SSI REFORM

HON. BLANCHE L. LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. LINCOLN. Mr. Speaker, I rise today to begin a series of discussions over the direction of a program that began with the noblest of intentions, but is rapidly turning into a mockery of the Government's ability to help its citizens. I am speaking of the Supplemental Security Income program for children.

The SSI program was created as a part of the Social Security Amendments of 1972 in order to assist aged, blind, and disabled individuals with supplemental cash assistance. At the time that the law was being written, there was debate over whether or not to include children. The House believed that children should qualify and wrote that, ''. . . disabled children . . . are deserving of special assistance in order to help them become self-supporting members of our society.'' The other body disagreed, arguing that the needs of disabled children were no greater than the needs of non-disabled childern—with the exception of health care costs, which were covered under the Medicaid program. Ultimately the House prevailed and disabled children were included.

Mr. Speaker, that was over 23 years ago. After the program was established, 71,000 blind and disabled children received SSI. Today over 700,000 children receive SSI and the question over whether or not they should be eligible is still unresolved.

When the program was implemented both adults and children were eligible after the Social Security Administration compared their disability against a ''Medical Listing of Impairments.'' Adults who did not qualify under the medical listings were entitled to another test called the residual functional capacity test which measured their ability to engage in ''substantial gainful activity''—or work. Because most children did not work, they were not given the option of a second test and were simply denied benefits if they did not meet the medical listings.

For 16 years the process worked in this manner until February of 1990 when the Supreme Court ruled in favor of a plaintiff, a child who had been denied benefits because he did not meet the medical listings. That decision in Sullivan versus Zebley proved to be a watershed moment in the history of SSI for children.

As a result of the Zebley decision, the Social Security Administration was ordered to develop a process that would allow a child to have a separate test administered in the case that they did not meet the medical listings. Experts were called in and meetings were held for months on end. And when the meetings were over, the SSA had created a process known as the Individualized Functional Assessment or IFA.

Because children could not be judged on an ability to work, the IFA was intended to cover specific age-appropriate activities and developmental milestones. Five different so-called developmental domains were established to determine disability which included motor functioning, communicative skills, cognition, socialization, and behavior.

Mr. Speaker, let me say at this point that I agree with the Zebley decision—because I believe that in the context of the original statute,

the Supreme Court acted appropriately. My concerns therefore center around the wisdom of that original statute.

I came to this issue because numerous constituents of mine, including doctors, teachers and parents came to me with allegations of ''coaching''—which is the term applied when parent encourages a child to misbehave or perform poorly in class in order to receive SSI benefits. As a result of these concerns I asked the GAO to investigate these allegations as well as the overall soundness of the program.

It is exactly the soundness of the program that has prompted me to become interested in this issue. Individuals that qualify for SSI receive a minimum cash payment of $434—higher in some States. In the case of children there are no requirements that the money be spent to improve the quality of life for the child. It's a strict cash payment—no strings attached, and to an extent, no questions asked.

But I have questions. I question the good that this program can deliver through cash payments. I wonder whether medical and therapeutic services might be a more appropriate and beneficial means of addressing the needs of a disabled child. And I doubt the ability of the IFA—which is at least largely subjective—to best determine who is truly needy.

Mr. Speaker over the next 2 nights I will continue this dialogue and explain in detail the problems that I have discovered over the past few months that I have been involved in this program. I look forward to the coming debate and yield back the balance of my time.

Daily Digest

HIGHLIGHTS

Senate and House met in Joint Session and received the President's State of the Union Message.

Senate

Chamber Action

Routine Proceedings, pages S1393–S1475

Measures Introduced: Twelve bills and four resolutions were introduced, as follows: S. 262–273, S.J. Res. 23, and S. Res. 69–71. **Page S1442**

Measures Passed:

Condemning Terrorist Attacks in Israel: By a unanimous vote of 96 yeas (Vote No. 42), Senate agreed to S. Res. 69, to condemn terrorist attacks in Israel. **Page S1426**

Electing Senate Chaplain: Senate agreed to S. Res. 70, electing Doctor Lloyd John Ogilvie, of California, as Chaplain of the United States Senate. **Page S1430**

Designating Committee Chairmen: Senate agreed to S. Res. 71, designating the Chairmen of certain Senate committees for the 104th Congress. **Page S1430**

Amending United States Code: Senate passed S. 273, to amend 2 U.S.C. section 61h–6. **Page S1430**

Unfunded Mandates: Senate continued consideration of 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, taking action on amendments proposed thereto, as follows: **Pages S1396–S1412, S1417–27**

Adopted:

(1) Ford Amendment No. 206, to strike a provision relating to enforcement in the House of Representatives. **Pages S1402–03**

(2) Sarbanes/D'Amato Amendment No. 214, of a technical nature. **Pages S1411–12**

(3) Kohl Amendment No. 193, to provide that any State, local, or tribal government that already complies with a new Federal intergovernmental mandate shall be eligible to receive funds for the costs of the mandate. **Pages S1397, S1426–27**

Rejected:

(1) Dorgan/Harkin Amendment No. 178, to require the Board of Governors of the Federal Reserve System to submit a report to the Congress and to the President each time the Board of Governors of the Federal Reserve System or the Federal Open Market Committee takes any action changing the discount rate, the Federal funds rate, or market interest rates. (By 63 yeas to 34 nays (Vote No. 37), Senate tabled the amendment.) **Pages S1396, S1419–20**

(2) Dorgan Amendment No. 179, to express the sense of the Senate regarding calculation of the Consumer Price Index. (By 52 yeas to 44 nays (Vote No. 38), Senate tabled the amendment.) **Pages S1397, S1420–21**

(3) Bingaman Amendment No. 191, to provide that certain legislation shall always be in order. (By 58 yeas to 39 nays (Vote No. 39), Senate tabled the amendment.) **Pages S1397, S1421**

(4) Bingaman Amendment No. 192, to establish the application to requirements relating to the treatment and disposal of radioactive waste. (By 57 yeas to 40 nays (Vote No. 40), Senate tabled the amendment.) **Pages S1397, S1421**

(5) Hollings Amendment No. 182, to express the sense of the Senate concerning Congressional enforcement of a balanced budget. (By 55 yeas to 41 nays (Vote No. 41), Senate tabled the amendment.) **Pages S1396, S1421–26**

Pending:

Levin Amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996. **Page S1397**

Levin Amendment No. 173, to provide for an estimate of the direct cost of a Federal intergovernmental mandate. **Page S1397**

Levin Amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie. **Page S1397**

Levin Amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002. **Page S1397**

Levin Amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective. **Page S1397**

Levin Amendment No. 177, to clarify the use of the term ''direct cost''. **Page S1397**

Graham Amendment No. 183, to require a mechanism to allocate funding in a manner that reflects the direct costs to individual State, local, and tribal governments. **Page S1396**

Graham Amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government. **Page S1396**

Wellstone Amendment No. 185, to express the sense of the Congress that the Congress shall continue its progress at reducing the annual Federal deficit. **Pages S1396–97**

Wellstone Modified Amendment No. 186 (to Amendment No. 185), of a perfecting nature. **Pages S1397, S1410**

Murray Amendment No. 187, to exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy. **Page S1397**

Murray Amendment No. 188, to require time limitations for Congressional Budget Office estimates. **Page S1397**

Graham Amendment No. 189, to change the effective date. **Page S1398**

Harkin Amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution. **Page S1397**

Bingaman Amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies. **Page S1397**

Glenn Amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations. **Page S1397**

Kempthorne Amendment No. 196 (to Amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or social security taxes from begin increased to meet the balanced budget requirement. **Page S1397**

Glenn Amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate. **Page S1397**

McCain Amendment No. 198, to modify the exemption for matter within the jurisdiction of the Committees on Appropriations. **Page S1397**

Lautenberg Amendment No. 199, to exclude from the application of the Act provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency. **Page S1397**

Byrd Amendment No. 200, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate. **Page S1398**

Boxer Amendment No. 201, to provide for unreimbursed costs to States due to the imposition of enforceable duties on the States regarding illegal immigrants or the Federal Government's failure to fully enforce immigration laws. **Pages S1398–S1407, S1409–11**

Boxer Amendment No. 202, to provide for the protection of the health of children, pregnant women, and the frail elderly. **Pages S1398–S1407, S1410–11**

Boxer Amendment No. 203, to provide for the deterrence of child pornography, child abuse, and child labor laws. **Pages S1398–S1407, S1410–11**

Wellstone Amendment No. 204, to define the term ''direct savings'' as it relates to Federal mandates. **Page S1400**

Wellstone Amendment No. 205, to provide that no point of order shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director to reasonably carry out his responsibilities under this Act. **Page S1400**

Grassley Amendment No. 207, to express the sense of the Congress that Federal agencies should evaluate planned regulations, to provide for the consideration of the costs of regulations implementing

unfunded Federal mandates, and to direct the Director to conduct a study of the 5-year estimates of the costs of existing unfunded Federal mandates.

Page S1407

Grassley Amendment No. 208, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates. **Pages S1407–08**

Kempthorne Amendment No. 209, to provide an exemption for legislation that reauthorizes appropriations and does not cause a net increase in direct costs of mandates to States, local, and tribal governments.

Page S1408

Kempthorne Amendment No. 210, to make technical corrections. **Page S1408**

Kempthorne (for Dole) Amendment No. 211, to make technical corrections. **Pages S1408–09**

Glenn Amendment No. 212, to clarify the baseline for determining the direct costs of reauthorized or revised mandates, and to clarify that laws and regulations that establish an enforceable duty may be considered mandates. **Page S1409**

Byrd Modified Amendment No. 213, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate. **Pages S1410, S1417–18**

Gramm Amendment No. 215, to require that each conference report that includes any Federal mandate, be accompanied by a report by the Director of the Congressional Budget Office on the cost of the Federal mandate. **Page S1417**

Gramm Amendment No. 216, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates. **Page S1417**

Byrd Amendment No. 217, to exclude the application of a Federal intergovernmental mandate point of order to employer-related legislation. **Page S1417**

Levin Amendment No. 218, in the nature of a substitute. **Page S1418**

Levin Amendment No. 219, to establish that estimates required on Federal intergovernmental mandates shall be for no more than ten years beyond the effective date of the mandate. **Page S1418**

Brown Amendment No. 220, to express the sense of the Senate that the appropriate committees should review the implementation of the Act. **Page S1418**

Brown/Hatch Amendment No. 221, to limit the restriction on judicial review. **Page S1418**

Roth Amendment No. 222, to establish the effective date of January 1, 1996, of Title I, and make it apply to measures reported, amendments and motions offered, and conference reports. **Page S1419**

Withdrawn:

Hatfield Amendment No. 181, to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

Pages S1396, S1426

Senate will continue consideration of the bill and amendments pending thereto, on Wednesday, January 25.

Appointments:

Smithsonian Institution/Board of Regents: The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, reappointed Senator Moynihan to the Board of Regents of the Smithsonian Institution. **Page S1474**

Messages From the President: Senate received the following message from the President of the United States: Transmitting the report of an executive order prohibiting transactions with terrorists who threaten to disrupt the Middle East peace process; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–3). **Pages S1435–36**

Nominations Received: Senate received the following nominations:

Maxine M. Chesney, of California, to be United States District Judge for the Northern District of California.

Karen Nelson Moore, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Marianne C. Spraggins, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1997.

Page S1475

Messages From the President: **Pages S1430–36**

Petitions: **Pages S1436–42**

Statements on Introduced Bills: **Pages S1442–56**

Additional Cosponsors: **Pages S1456–57**

Amendments Submitted: **Pages S1458–72**

Authority for Committees: **Page S1472**

Additional Statements: **Pages S1472–74**

Record Votes: Six record votes were taken today. (Total—42). **Pages S1420–21, S1426**

Recess: Senate convened at 9:30 a.m., and recessed at 10:41 p.m., until 9:30 a.m., on Wednesday, January 25, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S1474.)

Committee Meetings

(Committees not listed did not meet)

BALLISTIC MISSILE DEFENSES

Committee on Armed Services: Committee held hearings to examine the requirements for ballistic missile defenses, receiving testimony from Keith Payne, National Institute for Public Policy, Fairfax, Virginia; Kathleen Bailey, Lawrence Livermore National Laboratory, Livermore, California; and Ted Gold, Hicks & Associates, McLean, Virginia.

Hearings were recessed subject to call.

GOVERNING IN THE 21ST CENTURY

Committee on the Budget: Committee held hearings to examine the role of the Federal Government in the twenty-first century, receiving testimony from William J. Bennett, Empower America, Robert L. Woodson, National Center for Neighborhood Enterprise, Stephen Moore, Cato Institute, and Robert Greenstein, Center on Budget and Policy Priorities, all of Washington, D.C.

Committee will meet again tomorrow.

FEDERAL REVENUE ESTIMATES

Committee on Finance: Committee held hearings to examine the Federal revenue estimating process used to determine the effects of proposed tax legislation on fiscal year budget receipts, receiving testimony from Alan J. Auerbach, University of California, Berkeley; R. Glenn Hubbard, Columbia University, New York, New York; and J.D. Foster, Tax Foundation, Inc., and William A. Niskanen, Cato Institute, both of Washington, D.C.

Hearings were recessed subject to call.

NORTH KOREA NUCLEAR AGREEMENT

Committee on Foreign Relations: Committee held hearings to examine the impact of the agreement between the United States and the Democratic People's Republic of Korea regarding the North Korean nuclear program on overall efforts to reduce the proliferation of weapons of mass destruction, receiving testimony from Warren M. Christopher, Secretary of State; William J. Perry, Secretary of Defense; and Robert L. Gallucci, U.S. Ambassador at Large.

Hearings continue tomorrow.

LINE-ITEM VETO

Committee on the Judiciary: Subcommittee on the Constitution, Federalism and Property Rights concluded hearings on S.J. Res. 2 and S.J. Res. 16, measures proposing an amendment to the Constitution of the United States to grant the President line-item veto authority, after receiving testimony from Senators Thurmond and Biden; Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Department of Justice; Louis Fisher, Senior Specialist, American National Government, Congressional Research Service, Library of Congress; Timothy Flanigan, former Assistant Attorney General, Office of Legal Counsel, Department of Justice; South Carolina Governor Carroll Campbell, Columbia; and Stephen Moore, Cato Institute, Robert Barr, Chamber of Commerce of the United States, David L. Keating, National Taxpayers Union, and J. Gregory Sidak, American Enterprise Institute, all of Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: Twenty public bills, H.R. 645–664; and two resolutions, H.J. Res. 63 and H. Con. Res. 18, were introduced. **Pages H592–93**

Report Filed: One report was filed as follows: H. Res. 44, providing for the consideration of H. Con. Res. 17, relating to the treatment of Social Security under any Constitutional amendment requiring a balanced budget amendment; and providing for the consideration of H.J. Res. 1, the balanced budget amendment to the Constitution of the United States (H. Rept. 104–4). **Page H592**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Stearns to act as Speaker pro tempore for today. **Page H539**

Recess: House recessed at 10:17 a.m. and reconvened at 11:00 a.m. **Page H545**

Journal: By a yea-and-nay vote of 278 yeas to 135 nays, Roll No. 30, the House approved the Journal of Monday, January 23. **Pages H545–46**

Presidential Message—Middle East: Read a message from the President wherein he reports that he has declared a national emergency with respect to acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process

and issues an Executive order regarding that emergency—referred to the Committee on International Relations and ordered printed (H. Doc. No. 104–23). **Pages H556–57**

Unfunded Mandates Reform: House continued consideration of H.R. 5, to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the cost incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector; but came to no resolution thereon. **Pages H557–82**

Agreed to the Becerra amendment en bloc that excludes from the provisions of the bill any Federal mandates that allow discrimination on the basis of age (agreed to by a recorded vote of 416 ayes to 1 no, Roll No. 32). **Pages H557–61**

Rejected:

The Kanjorski amendment that sought to exclude from the provisions any Federal mandates that require States to maintain a national database for tracking child molesters, child abusers, persons convicted of sex crimes, those under a restraining order or those failing to pay child support (rejected by a recorded vote of 172 ayes to 255 noes, Roll No. 33); **Pages H563–70**

The Maloney amendment en bloc that sought to exclude from the provisions any Federal mandate that protects the health of children (rejected by a recorded of 161 ayes to 261 noes, Roll No. 35); and **Pages H570–79**

The Owens amendment en bloc that sought to exclude from the provisions any Federal mandate that protects the health of individuals with disabilities (rejected by a recorded vote of 149 ayes to 275 noes, Roll No. 36). **Pages H579–82**

Recess: House recessed at 5:40 p.m. and reconvened at 8:40 p.m. **Page H584**

President's State of the Union Message: President Clinton delivered his State of the Union Message before a joint session of Congress. He was escorted to and from the House Chamber by a committee composed of Senators Dole, Lott, Cochran, Mack, Nickles, D'Amato, Thurmond, Inhofe, Thompson, Daschle, Ford, Mikulski, Kerry, Rockefeller, Breaux, Reid, Kerrey, and Dorgan; and Representatives Armey, DeLay, Boehner, Cox, Dickey, Hutchinson, Gephardt, Bonior, Fazio, Kennelly, Thornton, and Lincoln. **Pages H584–90**

The message was referred to the Committee of the Whole House on the State of the Union and ordered printed as a House Document (H. Doc. 104–1). **Page H590**

Senate Messages: Messages received from the Senate today appear on page H541.

Quorum Calls—Votes: Two quorum calls (Roll Nos. 31 and 34), four recorded votes and one yea-and-nay vote developed during the proceedings of the House today and appear on pages H545–46, H560, H560–61, H570, H578, H578–79, and H582.

Adjournment: Met at 9:30 a.m. and adjourned at 10:41 p.m.

Committee Meetings

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies continued appropriation hearings, with emphasis on the National Endowment for the Arts and the National Endowment for the Humanities. Testimony was heard from public witnesses.

LABOR—HHS—EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

Hearings continue tomorrow.

VETERANS AFFAIRS, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, HUD, and Independent Agencies held a hearing on Restructuring Government. Testimony was heard from the following officials of the Department of Housing and Urban Development: Henry G. Cisneros, Secretary; and Susan Gaffney, Inspector General; Judy England-Joseph, Director, Housing and Community Development Issues, Resources, Community and Economic Development Division, GAO; and public witnesses.

AGE DISCRIMINATION IN EMPLOYMENT ACT—PUBLIC SAFETY EXEMPTION

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations held a hearing on the Age Discrimination in Employment Act, Public Safety Exemption. Testimony was heard from public witnesses.

COMMITTEE ORGANIZATION

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia met for organizational purposes.

NATIONAL SECURITY REVITALIZATION ACT

Committee on International Relations: Held a hearing on H.R. 7, National Security Revitalization Act. Testimony was heard from Jeane J. Kirkpatrick, former Permanent U.S. Representative to the United Nations; and a public witness.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on the following bills: H.R. 531, to designate the Great Western Scenic Trail as a study trail under the National Trails System Act; H.R. 536, to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area; H.R. 517, Chacoan Outliers Protection Act of 1995; H.R. 529, to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; and H.R. 562, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona. Testimony was heard from Representative Crapo; Denis P. Galvin, Associate Director, Planning and Development, National Park Service, Department of the Interior; and Gray Reynolds, Deputy Chief, Forest Service, USDA.

RELATING TO THE TREATMENT OF SOCIAL SECURITY; BALANCED BUDGET AMENDMENT

Committee on Rules: By a record vote of 9 to 3, reported a modified open rule making in order the consideration in the House of H. Con. Res. 17, relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget, to be offered by the majority leader or a designee, subject to 1 hour of debate divided between the majority leader and minority leader, or their designees, and orders the previous question to final passage without intervening motion.

The rule makes in order consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States, following the disposition of the concurrent resolution, and waives clause 2(g)(3) of rule XI (requiring a committee to schedule hearings at least a week in advance unless it determines for good cause to schedule them sooner) against the consideration of the resolution. The rule provides for 3 hours of general debate equally divided between the chairman and ranking minority member of the Judiciary Committee.

The rule provides first for the consideration of the Judiciary Committee amendment in the nature of a substitute subject to 1 hour of debate divided equally between Representative Barton of Texas and an opponent, and not subject to amendment. Following the disposition of the committee amendment, it is in order to consider five other substitutes printed in the CONGRESSIONAL RECORD in the following order and by the following Members and numerical designations, subject to 1 hour each, non-amendable: (a) amendment No. 4 by Representative Owens of New York; (b) amendment No. 1 by Representative Wise of West Virginia; (c) amendment No. 25 by Representative Conyers of Michigan; (d) amendment No. 29 by Representative Gephardt of Missouri; and (e) amendment No. 39 by Representative Shaefer of Colorado.

The amendments are in order notwithstanding the adoption of a previous amendment, and are not subject to further amendment. If more than one amendment is adopted, then the one receiving the most affirmative votes is considered as finally adopted, if there is a tie for the most affirmative votes, then the last one adopted is considered finally adopted unless one such amendment is the committee substitute, in which case it is considered as finally adopted. Finally, the rule provides for one motion to recommit, with or without instructions. Testimony was heard from Representative Gephardt.

CONTRACT WITH AMERICA

Committee on Ways and Means: Continued hearings on the Contract With America, with emphasis on tax provisions designed to encourage savings and investment. Testimony was heard from public witnesses.

Hearings continue tomorrow.

COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 25, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Budget, to hold hearings to review the Congressional Budget Office annual report, 9:30 a.m., SD–608.

Committee on Finance, to hold hearings to examine the national economic outlook, 10 a.m., SD–215.

Committee on Foreign Relations, to continue hearings on the United States-North Korea Nuclear Agreement, 2 p.m., SD–419.

Committee on Governmental Affairs, to hold hearings to examine Federal Government reform issues, focusing on welfare reform, 9:30 a.m., SD–342.

Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings on S.J. Res. 19, proposing an amendment to the Constitution of the United States relative to limiting congressional terms, 10 a.m., SD–226.

Committee on Rules and Administration, business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business, 9:30 a.m., SR–301.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, and State and the Judiciary, on Review of U.N. Operations and Peacekeeping, 2 p.m., 2360 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, to continue on Public Witnesses, 10 a.m., 2358 Rayburn.

Subcommittee on National Security, on Secretary of Defense and Chairman of Joint Chiefs of Staff—Ongoing Defense Operations, 9:30 a.m., 2360 Rayburn.

Committee on Banking and Financial Services, hearing on Mexican Economic Situation, 9 a.m., 2128 Rayburn.

Committee on Government Reform and Oversight, to mark up H.R. 2, Line Item Veto Act, 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Economic Policy and Trade, hearing on Issues in Export Control, 10:30 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on the Cuban "March 13th" Tugboat Incident, 2 p.m., 2172 Rayburn.

Committee on National Security, hearing on Title II of H.R. 7, National Security Revitalization Act, 9:30 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on the following: Sea of Okhotsk Fisheries Enforcement Act; H.R. 541, to reauthorize the Atlantic Tunas Convention Act of 1975; High Seas Fisheries Licensing Act of 1995; a measure to extend authorization of the Fishermen's Protective Act until the year 2000; H.R. 535, Corning National Fish Hatchery Conveyance Act; H.R. 584, to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa; H.R. 542, to approve a governing international fishery agreement between the United States and the People's Republic of China; and H.R. 543, to approve a governing international fishery agreement between the United States and the Republic of Estonia, 10 a.m., 1334 Longworth.

Committee on Small Business, oversight hearing on the SBA's 7(a) guaranteed business loan program, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, to hold an organizational meeting, 8:30 a.m., 2167 Rayburn.

Committee on Ways and Means, to continue hearings on the Contract With America, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Wednesday, January 25

Senate Chamber

Program for Wednesday: After the recognition of one Senator for a speech and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will resume consideration of S. 1, Unfunded Mandates.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, January 25

House Chamber

Program for Wednesday: Consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment (modified rule, 3 hours of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Archer, Bill, Tex., E163, E168
Cardin, Benjamin L., Md., E168
Eshoo, Anna G., Calif., E164
Fields, Jack, Tex., E167
Gilman, Benjamin A., N.Y., E169
Kanjorski, Paul E., Pa., E166
Lantos, Tom, Calif., E170
Lincoln, Blanche Lambert, Ark., E168, E170
Murtha, John P., Pa., E166
Oberstar, James L., Minn., E163
Pastor, Ed, Ariz., E166
Rohrabacher, Dana, Calif., E169
Rush, Bobby L., Ill., E163, E168
Slaughter, Louise McIntosh, N.Y., E170
Traficant, James A., Jr., Ohio, E163, E166
Vucanovich, Barbara F., Nev., E169
Walker, Robert S., Pa., E165
Wyden, Ron, Ore., E164

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record is available as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.