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House of Representatives

The House met at 11 a.m.

Rev. Elmer N. Witt, retired Lutheran pastor, Tacoma, WA, offered the following prayer:

God of Sarah and Abraham, whose name is Wonderful, Counselor, You are our nourishing Mother, our compassionate Father. Before the awesome responsibilities of this day and this life, we turn to You for our bearings and Your blessings. We depend on Your commitment to humanity and to creation: to hear our pleadings, to right our wrongs, to heal our failures, to fill our needs, to empower our discussions, and our decisions with Your love. In the midst of increasing hopelessness, enable us to invest our lives in our words and Your strength in our deeds. We ask this for the well-being of all people, in this Nation among nations. Lead us to be the best we can be, Gracious God, in Your holy name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Washington [Mr. METCALF] come forward and lead the House in the Pledge of Allegiance?

Mr. METCALF 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.

THE CONTRACT WITH AMERICA

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

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

Mr. President, in the next 79 days, we will vote on the following 10 items: A balanced budget amendment, which begins today, and a 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 government 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.

This, Mr. Speaker, is our Contract With America.

THE BALANCED BUDGET AMENDMENT, A CULMINATION OF LEGISLATION AND WORK BY DEMOCRATIC AS WELL AS REPUBLICAN MEMBERS

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

Mr. DE LA GARZA. Mr. Speaker, January 4, 1965, my first day in the Congress of the United States as a Democratic Member from Texas, I introduced a balanced budget amendment.

Mr. Speaker, few cared and less listened to me at that time. Through the years, though, it has evolved into now that every freshman I run into asks me ''Do you want to join my balanced budget amendment?''

The fact is, Mr. Speaker, that I want to show my colleagues what we have done. In the 12 years in which I was chairman of the Committee on Agriculture, we reduced the budget by $65 billion. If every committee had done the same way, we would not be talking about balancing the budget today.

I want to thank my colleague, the gentleman from Texas, CHARLIE STENHOLM, because the years when I was serving as chairman, my time was limited and he took over the job and has done an excellent job. Today will be the culmination of my original legislation and his work through the years.

CONGRESS MUST SPEND TRANSPORTATION TRUST FUNDS TO BUILD INFRASTRUCTURE FOR AMERICA

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

Mr. SHUSTER. Mr. Speaker, our transportation needs in America are increasing. Passenger travel on our highways is growing at a rate of about 3 percent a year. By the year 2000, not too far away, we will experience a 30-percent increase in freight travel on our highways.

Also, Mr. Speaker, airline travel continues to grow. It has doubled in the past 12 years, from 250 million passengers a year to 540 million passengers this past year, and at a 4-percent growth rate in the next 17 years, we will experience 1 billion passengers traveling on commercial airlines every year.

We need to spend our highway and aviation trust funds to keep building infrastructure for America. These transportation trust funds are deficit

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

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proof. They are the keys to building for the future, for getting ready for the 21st century. Our transportation trust funds are the foundation upon which a more productive and prosperous America can be built.

SOCIAL SECURITY EXEMPTION REDUCED TO SENSE-OF-CONGRESS RESOLUTION

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

Mr. KLECZKA. Mr. Speaker, I take the floor this morning to expose a caper which will be unfolding later today. A couple days ago I and several of my colleagues went to the Committee on Rules to ask to be made in order a balanced budget amendment which would exempt Social Security.

However, the Committee on Rules did not report favorably on that, and will deny us a very clean vote on exempting Social Security from the balanced budget amendment. What they did was produce a sense-of-Congress resolution, House Concurrent Resolution 17, which would exempt Social Security from any bills coming out of committees.

Know full well, this is the same mechanism, Mr. Speaker, that we declare National Pickle Week around here, so the Republicans are treating the trust fund for Social Security as if it were National Pickle Week. Know full well, it is becoming very clear to me and other people that the $423 billion surplus that currently is in the trust fund will be on the table once this balanced budget amendment passes.

I support the balanced budget amendment, but let us not take that contract we have made with our seniors and destroy it because of this. The end result, Mr. Speaker, is that once this balanced budget amendment goes to the States, it will be defeated.

TRIBUTE TO THE SAN DIEGO CHARGERS

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

Mr. CUNNINGHAM. Mr. Speaker, I cannot tell the Members the disdain I have for some of my colleagues for not supporting the San Diego Chargers. I rise today to pay tribute to the new champions of the American Football Conference, the San Diego Chargers. It is no secret that America's finest city has now America's finest football team.

Mr. Speaker, I want to salute president Alex Spanos and general manager Bobby Beathard, who have defied skeptics and produced a world class team through perseverance, hard work, and a little luck and a little stealth; to coach Bobby Ross and his team of coaches who are proven motivators; and, finally, to the players, the San Diego team, a team who the Nation's experts picked to finish last.

I would say to the minority, Mr. Speaker, never ever not support your home team, but always take the point spread, and I would say to the gentlewoman from California [Ms. PELOSI], the Sees candy is going to taste great.

AMERICANS GUILTY UNTIL PROVEN INNOCENT IN DISPUTES WITH THE IRS

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

Mr. TRAFICANT. Mr. Speaker, I say to my colleagues, tell me, Congress, when did the IRS waive the Bill of Rights? Check this out. In Colorado, the IRS said that David and Millie Evans owed them $42,000 in back taxes. Three weeks later they said it was a mistake, it is $100,000, so they settled it for $22,000.

Evans sent a check. IRS stamped it, received it, and IRS called them and said, ''We don't have your check prove it.'' They took them to court. They liened their house. They sold their business. They took their retirement account, all their bank accounts.

It went to court, the court said the Evanses were not guilty. The IRS appealed the decision, saying the judge wrongfully instructed the jury by saying the burden of proof was on the IRS. They said, ''You must overturn this because the tax code is quite clear, the burden of proof is on the Evanses.'' The case was overturned.

□ 1110

Unbelievable, Congress. If there is a Contract With America, the American people do support much of your contract. They support this contract, the basic tenet of our Bill of Rights: you are innocent until proven guilty, and damn it, if it is good enough for the Son of Sam, it is good enough for mom and dad.

The SPEAKER pro tempore (Mr. DUNCAN). The Chair would advise the gentleman from Ohio that he should avoid profanity in his remarks.

TIME TO KEEP THE PROMISE OF A BALANCED BUDGET AMENDMENT

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

Mr. FRELINGHUYSEN. Mr. Speaker, last night in response to President Clinton's State of the Union Message, New Jersey Governor Christine Todd Whitman did not need equal time to get her message across. That message was clear.

Governor Whitman did not just promise change, she delivered.

In New Jersey we cut spending and taxes. In New Jersey we have a balanced budget. In New Jersey we have kept our promises.

Just like New Jersey, Americans want a smaller smarter government. They want us to make the tough decisions here. The time for making excuses is over. The time to act on our promises is now. It has worked in New Jersey and it can work here in Washington.

TRUTH-IN-BUDGETING AMENDMENT

(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, last night in the President's State of the Union Message he laid out his challenges for this Congress and for the American people to fulfill in the next year. The President asked that these challenges be met in an open, honest bipartisan debate on all of the issues like the balanced budget amendment.

As the President mentioned in his remarks, we Democrats support a balanced budget amendment, with a full and honest debate, not just between majority and minority Members but with the American people.

The American people want to know, as we begin this debate, how are we to balance this budget by the year 2002.

Today we will have an opportunity as we begin this debate to vote for a truth-in-budgeting amendment by the gentleman from Michigan [Mr. CONYERS]. I urge all of my colleagues to support the truth-in-budgeting amendment which will tell us how we get to a balanced budget by the year 2002.

How else can we assure the American people they will have a opportunity to participate in this debate, to know whether or not there will be cuts in Medicare, to know whether or not there will be cuts in Social Security? The only way to guarantee it is truth in budgeting.

Support the Conyers amendment.

PASS A BALANCED BUDGET AMENDMENT TO PROTECT OUR CHILDREN'S FUTURE

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

Mr. NORWOOD. Mr. Speaker, I would like today to welcome some young people from my district from the Athens Academy in Georgia who are here in the gallery.

I rise today in support of the balanced budget amendment for young people just like these folks here and young people across the Nation, and my granddaughter.

The SPEAKER pro tempore. The gentleman should avoid references to those in the gallery.

The gentleman may proceed.

Mr. NORWOOD. We need the balanced budget amendment to force discipline on this body. This Nation is $5 trillion in debt. It is a debt that we are going to pass on to these young people

unless we act now. It is a debt that continues to grow. It is not enough to say that we would like to have a balanced budget. Were it that easy, we would have done it at least once during their lifetime.

It is clear after 25 years, that we must pass the balanced budget amendment to force this body to act.

Mr. Speaker, we must protect their future. We must take a stand here today so that the next generation will not bear the burden of our mistakes.

I urge my colleagues to support the balanced budget amendment.

DIFFERENT APPROACHES TO A BALANCED BUDGET AMENDMENT

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

Mr. RICHARDSON. Mr. Speaker, after all of the smoke and hot air clears from the debate on the balanced budget amendment, what is the difference between the two parties on this issue?

First, we Democrats support a balanced budget, many of us a constitutional amendment, but unlike the Republicans, we want to specify where the cuts are so that the American people know and the States can plan adequately.

We Democrats support the Constitution and will oppose a supermajority that is clearly unconstitutional. The Republicans do not.

We Democrats believe Social Security should be excluded, and have an amendment clearly stating that. Republicans have an innocuous amendment that better should be known as the ''Endangered Chicago Seat Protection Act.''

Mr. Speaker, the President last night was bipartisan. He was positive, and we should do the same in this body.

TEN REASONS WHY THE AMERICAN PEOPLE DESERVE A BALANCED BUDGET AMENDMENT

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

Mr. CHRISTENSEN. Mr. Speaker, the top 10 reasons why the American people deserve a balanced budget amendment:

No. 10, fiscal discipline does not work.

No. 9, we need to make it as difficult to get into debt as it is going to be to get out of it.

No. 8, the national debt is $4.6 trillion and climbing.

No. 7, 80 percent of the American people want it.

No. 6, since the people cannot raise their annual income just to meet their bills, Congress should not be able to either.

No. 5, contrary to Democratic rhetoric, tax increases may have never balanced the budget.

No. 4, it is in the Contract With America.

No. 3, businesses balance their budgets, families balance their budgets. Now it is time for the House of Representatives to balance the budget.

No. 2, if we do not pass a balanced budget amendment, even Big Bird will not be able to teach our young children to count as high as the debt is going.

And the No. 1 reason why the American people deserve a balanced budget amendment: Because it would protect the Social Security trust fund from tax-and-spend bureaucrats.

FEEL GOOD RESOLUTION

(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, it is interesting, when I reviewed this morning House Resolution 44 brought up by the Rules Committee, that I find that the first order of business is not a balanced budget amendment but it is really a fraud on the House of Representatives and the American people, which is known as House Concurrent Resolution 17. It is a feel gooder. It does not have any effect. It is not even ever going to be signed into law. It is supposedly going to tell the people, our senior citizens who receive Social Security, that they are not going to be touched. Well, folks, that is not the effect of a concurrent resolution. That basically is a fraud.

The other thing I find in this rule, this is very interesting, is that the other body, the Republican Party, the majority have now admitted that the House Committee on the Judiciary did not follow the rules when they marked up the budget resolution for a balanced budget. Right in here it says, ''Points of order against consideration of the joint resolution for failure to comply with clause 2(g)(3) of rule XI are waived.''

That is an admission, that is an admission that the Committee on the Judiciary did not follow the rules of the House when they marked up the balanced budget amendment.

Why should we waive that rule? Why should we say that the Committee on the Judiciary does not have to follow the rules of the House?

BALANCED BUDGET

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

Mr. METCALF. Mr. Speaker, at the end of every month Americans sit down with a checkbook in one hand and a stack of bills in the other. They realize that you cannot continue to spend what you do not have.

But Congress has never fully accepted that concept. Mr. Speaker, for decades Congress has led this Nation into a sea of red ink. Clearly a constitutional amendment is now the only way to rescue Congress from itself, and to force it to do what 80 percent of our constituents would have us do; that is, balance the budget.

Some say we do not need an amendment to balance the budget, we just says ''no'' to the special interests.

□ 1120

They say just balance the budget. They are wrong, tragically wrong.

Jefferson said, ''let no more be said of confidence in men but bind them down from mischief by the chains of the Constitution.''

TWO MEN WORTHY OF PRAISE

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to commend two individuals who yesterday performed acts worthy of praise, one a Democrat, and one a Republican.

The first, Mr. Speaker, is President Clinton, who last night delivered a State of the Union Address in this Chamber that laid out a vision for our Nation. It is a vision in which lawmakers put aside their partisan differences and work together for the common good, for the well-being of the American people. It is a vision he calls the new covenant.

The second individual I want to commend, Mr. Speaker, is Congressman GERALD SOLOMON, the chairman of the Committee on Rules in this House. Yesterday, in the spirit of the new covenant, Mr. SOLOMON decided to remove from the wall of his committee room the portrait of Howard W. Smith, a portrait that many Members of this House felt was unworthy to hang in a place of such distinction.

I want to thank Chairman SOLOMON. He is a man of honor, integrity, and good will.

These two men, President Clinton and GERALD SOLOMON, deserve our thanks and our praise.

THE STATE OF THE UNION SPEECH

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

Mr. DORNAN. Mr. Speaker, my good friend, JOHN LEWIS, the only two in either Chamber that were there the day Martin Luther King gave his stirring speech, I hate to disagree with him on anything, but I was offended by Clinton's speech last night on 15 points.

I will do a 5-minute special order tonight I have just signed up for. I can only mention four.

The first one is new covenant. The Ark of the Covenant was the Old Covenant. The New Covenant was the Son of God, Jesus Christ. I was offended

when he used that term in New York at the Democratic Convention. He repeated it over and over and over again last night.

No. 2, to put a Medal of Honor winner in the gallery that joined the Marine Corps at 16, fudging his birth certificate, that pulled that second grenade under his stomach, miraculously surviving and saving his four friends, he did that 6 days past his 17th birthday.

Does Clinton think putting a Medal of Honor winner up there is not going to recall for most of us that he avoided the draft three times and put teenagers in his place possibly to go to Vietnam?

No. 3, the line on the cold war, . . .

By the way, Mr. Speaker, the second amendment is not for killing little ducks and leaving Huey and Dewey and Louis without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away.

Thank you, Mr. Speaker.

Mr. FAZIO of California. Mr. Speaker, I move the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. DUNCAN). For what purpose does the gentleman rise?

Mr. FAZIO of California. You cannot just do that.

The SPEAKER pro tempore. All Members will suspend. The Clerk will report the words spoken by the gentleman.

□ 1125

PARLIAMENTARY INQUIRY

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

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

Mr. SOLOMON. Mr. Speaker, a number of Members were not on the floor, including myself, when the gentleman uttered his words. Is it possible to have those words read back so that we can all hear it?

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman is correct.

The Clerk will report the words.

The Clerk read as follows:

Even Andrea Mitchell of NBC took note that is Ronald Reagan's prerogative, George Bush's and all of us who wore the uniform or served in a civilian capacity to crush the evil empire. Clinton gave aid and comfort to the enemy.

The SPEAKER pro tempore (Mr. DUNCAN). In the opinion of the Chair, that is not a proper reference to the President. Without objection, the words are stricken from the RECORD.

Mr. FAZIO of California. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. Without objection, the words are stricken from the RECORD.

Mr. FAZIO of California. Mr. Speaker, reserving the right to object, I think the gentleman from California [Mr. DORNAN] owes the entire institution, the Congress, and the President an apology.

Mr. DORNAN. Hell no; hell, no.

Mr. FAZIO of California. We have a Commander in Chief. We have to have a certain decorum here and respect for the body, if not for the individual. We have a respect for the person who is our Commander in Chief.

I would like to know that the gentleman from California [Mr. DORNAN] not only understands that but will apologize to his colleagues and to the President for his behavior.

Mr. DORNAN. Unanimous consent to proceed for 15 seconds?

Mr. LINDER. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] has the floor at this moment.

Mr. FAZIO of California. I would be happy to yield to my colleague from California, since I have the time, to hear his response.

Mr. DORNAN. Will the gentleman yield?

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

Mr. DORNAN. To my distinguished friend and colleague, Maj. Earl Kolbile, Lt. Comdr. J.J. Connell was beaten to death in Hanoi. I have had friends beaten to death in Hanoi, tortured and beaten. You have not.

Mr. FAZIO of California. I have asked the gentleman——

Mr. DORNAN. I will not withdraw my remarks. I will not only not apologize, . . .

I will accept the discipline of the House.

Mr. VOLKMER. I ask that the words of the gentleman from California be taken down.

Mr. DORNAN. Good, I will leave the floor, no apology, and I will not speak the rest of the day. The truth is the truth.

The SPEAKER pro tempore. The House will be in order. The gentleman's words have already been taken down——

Mr. VOLKMER. Those words, those words.

Mr. FAZIO of California. The gentleman is challenging the words that were uttered in response to my question.

The SPEAKER pro tempore. The Chair rules that those words as follows ''I believe the President did give aid and comfort to the enemy, Hanoi,'' were also out of order. The Chair has ruled that, based on the precedents of the House, the words of the gentleman from California were out of order, and without objection, both sets of words will be stricken from the RECORD.

Mr. BONIOR. Mr. Speaker, reserving the right to object, and I will not object unless I do not get a satisfactory answer to my concerns, my concerns were with, frankly, more than just the words that were read. I was particularly concerned with the last sentence or two of the gentleman from California's statement,and I would like those words as well to be read to the House.

The SPEAKER pro tempore. The Chair has just ruled that those words were the same words essentially as those earlier taken down and previously ruled out of order.

The Chair has ruled that those words were also out of order.

Mr. BONIOR. Mr. Speaker, reserving the right to object, I think the Chair misinterprets my comments, and perhaps I was not clear. The words I am referring to were the original 1-minute statement by the gentleman from California [Mr. DORNAN], and I am particularly concerned with the last two lines of it, and I would like them read back to the House.

□ 1133

PARLIAMENTARY INQUIRIES

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

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

Mr. BONIOR. The Speaker in previous days has asked that the gentleman in question, upon words being taken down, be seated.

Would that not be a proper request to be made at this point?

The SPEAKER pro tempore. That is correct. The gentleman from California [Mr. DORNAN] should be seated at this point.

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

Mr. BONIOR. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman from California [Mr. DORNAN] did say that he understood the rules of the House, that he had been censured under the rules of the House for what he said, and he will not speak for the next 24 hours on the floor of the House, and it strikes me that we are operating under the rules.

Mr. BONIOR. Mr. Speaker, I think the request made by the gentleman from California [Mr. FAZIO] is still a valid and much-needed request and, in addition to that, I would certainly like to hear the last two lines of the gentleman's original statement.

Mr. FAZIO of California. I have a parliamentary inquiry of the Speaker at this point.

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

Mr. FAZIO of California. When the Speaker rules that the gentleman should not be allowed to speak for 24 hours, does that encompass remarks that might be placed in the RECORD, participation in special orders, and other activities that might not involve the gentleman speaking on the floor?

The SPEAKER pro tempore. It is the House's determination as to whether or not the Member should be allowed to proceed in order for the remainder of the day. That determination shall not be made by the Chair.

Mr. FAZIO of California. In other words, is the House required to vote on whether or not remarks should be placed in the RECORD?

The SPEAKER pro tempore. Unparliamentary remarks cannot be inserted in the RECORD.

Mr. FAZIO of California. But remarks that are not ruled unparliamentary may be placed in the RECORD if they are not uttered on the floor; is that the ruling of the Speaker?

The SPEAKER pro tempore. Unparliamentary remarks should not be inserted in the RECORD in any manner or form.

Mr. FAZIO of California. They should not be inserted at any time, but there is a particular provision that we are dealing with here which removes the Member from the ability to communicate with his colleagues here.

Is that communication written as well as oral?

The SPEAKER pro tempore. In the RECORD the gentleman is correct.

Mr. FAZIO of California. So in other words, just to confirm the Speaker's ruling, we will not read or hear from the gentleman from California [Mr. DORNAN] for the next 24 hours; is that correct?

The SPEAKER pro tempore. Unless the House permits him to proceed in order, the gentleman is correct.

Mr. FAZIO of California. And for the House to permit that would require a majority vote?

The SPEAKER pro tempore. It would require either unanimous consent or a majority vote of the House to permit the gentleman to proceed in order.

Mr. FAZIO of California. I appreciate the Speaker clarifying the situation.

Mr. BONIOR. Mr. Speaker, the gentleman from California [Mr. DORNAN] is on his feet. Is he not supposed to remain seated until the determination?

The SPEAKER pro tempore. The gentleman can either be seated or leave the Chamber.

Mr. BONIOR. He chose to leave the Chamber; OK.

The SPEAKER pro tempore. Is it the Chair's understanding that the final words in the original 1-minute are included in the gentleman's request?

Mr. BONIOR. The Speaker is correct.

The SPEAKER pro tempore. The Chair is attempting to have them transcribed at this moment.

The Clerk will report the words in the original 1-minute.

The Clerk read as follows:

By the way, Mr. Speaker, the Second Amendment is not for killing little ducks and leaving Huey, Duey and Louie without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair sees nothing unparliamentary about those words.

Without objection, the words already ruled out of order will be stricken from the RECORD.

There was no objection.

TAKE A LOOK UNDER THE HOOD OF THE BALANCED BUDGET AMENDMENT

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

Mrs. SCHROEDER. Mr. Speaker, it is very hard to take the well after such an emotional time. I think Americans all wish we could get on with business and stop this kind of partisan fireworks, and yet today is the day where I think, if a lot of Americans knew what kind of business we were going to do, and we were really going to be giving them the business, they would want this partisan fireworks to continue.

We are going to take up a balanced budget amendment. I say to my colleagues:

''When you read the rule, you will find out that in the Judiciary Committee we didn't have proper notice. As you know, the major amendments were never dealt with. We rolled it out here to the floor, and the very first thing we are going to do today is take up a resolution saying, 'Oops. Well, we really don't mean Social Security to be included.' But if you think that resolution is going to outweigh a constitutional amendment, you're wrong. This kind of haste is going to make people very, very angry. You don't buy a car without looking under the hood, and don't buy this today. It really is not what you think it is.''

THE AMERICAN PEOPLE DEMAND A BALANCED BUDGET AMENDMENT

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

Mr. GANSKE. Mr. Speaker, change is scary, especially for the folks who liked things the way they were. But my job is to do the people's work.

Mr. Speaker, the American people have spoken. They want a leaner and less intrusive government. They want us to put our financial house in order. And finally, they want us to end politics as usual.

Congress has been on a spending binge that has clearly lasted too long. This binge has created a huge national debt that is costing our country $816 million every day in interest alone.

The American people demand that we get our financial house in order. It is time to end the bickering and get down to work. It is time to show the courage needed to pass a balanced budget amendment. For too long Congress has spent and spent, passing the bill on to our children and our grandchildren. This has got to end.

I recognize that the road ahead will be tough. I also recognize there will be resistance. We must pass a balanced budget amendment.

THE GREATEST INCENTIVE TO WORK IN AMERICA IS THE ABILITY TO EARN A DECENT WAGE

(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, I rise this morning to say that the President got it right last night. He talked about empowering people, and critically he said, ''You've got to pay a decent wage.'' He suggests that the greatest incentive to work in America is the ability to earn a livable wage.

Mr. Speaker, I recall commenting about a seamstress who, when told, ''If you got an increase in the minimum wage, you might lose your job,'' told a reporter, ''Look. I'll take my chances with a job. I want a better wage.''

There are young people all throughout my district who say the same thing:

''Congressman, we want to work, but it's got to pay a decent wage.''

The President pointed out last night that at the current minimum wage level of $4.25 an average American makes $8,840 a year, less than we make in 1 month. I think that is very telling because subsequent to his speech last night the American people in poll results said by a margin of 72 percent that they wanted a livable wage.

Ladies and gentlemen of America, there is a difference. The President has got it right. Let us pay a decent wage.

HAS THE PRESIDENT BECOME A REPUBLICAN?

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

Mr. HOKE. Mr. Speaker, I say to my colleagues, ''Don't get excited, everyone. I don't want to cause any parliamentary problems here today, and I certainly don't intend to impugn anyone's motives or integrity, but after listening to the President's speech last night, I have to ask the question that all of America wants to know: Has the President become a Republican?''

Mr. Speaker, some in the Chamber might not take kindly to that label, but to most of us we consider it to be a badge of honor, and I say to my colleagues, ''If you've read recent polls, it appears that, as the President has, the American people are demanding the same Republican principles of smaller, less costly government, greater individual freedom based on personal responsibility.''

That is exactly what the President embraced last night, and that is exactly the premise of our Republican Contract With America. Mr. Speaker, it is good to see the President has joined with a majority of the voters in supporting the Republican agenda. We are the party of forgive and forget, and we welcome him to our cause.

THE REPUBLICAN MAGIC MASSAGE TO BALANCE THE BUDGET

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

Mr. BROWN of Ohio. Mr. Speaker, the day that Congress votes on the balanced budget amendment I am troubled by the fact that the Republicans still have not told the American people where the cuts are coming from. One thing the Republicans are telling us, however, is that they want to change the Consumer Price Index with smoke and mirrors. They want to change the way the Consumer Price Index is calculated.

What does that mean? It means that Social Security benefits will be cut by $27 billion, cutting benefits for 42 million senior citizens. Republican recalculation of the Consumer Price Index means taxes will be increased by $21 billion, raising taxes on 114 million families.

Wait a second. Are these the two steps Republicans promised not to take, cutting Social Security and raising taxes? Republicans again want to magically massage budget numbers to balance the budget. Perhaps, Mr. Speaker, we can now expect Republicans to name David Copperfield as the new CBO Director.

Mr. Speaker, Republican smoke and mirrors will not fool the American public.

□ 1148

MINIMUM WAGE

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

Mr. KNOLLENBERG. Mr. Speaker, last night we heard President Clinton call for an increase in the minimum wage. Leon Panetta claims such an increase will ''keep people interested in work rather than in welfare.''

It must have been a busy week for the writers over at the White House. Not only did they have to write a State of the Union Address, but they had to rewrite basic economic theory as well.

Last Wednesday, Mr. Carlos Bonilla, an economist at the Employment Policies Institute, testified before the Opportunities Committee. He argued that low wage jobs, not job training programs, provide the best means to break the cycle of dependency. He also warned that raising the minimum wage would deprive many welfare recipients of the opportunity to work their way off welfare.

I urge my colleagues, who believe that raising the minimum wage rate will help the poor, to review Mr. Bonilla's testimony. The President's intentions may be good, but raising the minimum wage is bad policy.

As the House begins to consider legislation that will move welfare recipients toward self-sufficiency let us not lift the bottom rung of the occupational ladder beyond their reach.

SOUND FAMILIAR?

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

Mr. HAYWORTH. Mr. Speaker, can anyone seriously tell me what was different in last night's State of the Union Address from what the President has done in his previous two addresses, I mean besides the fact that it was longer?

There is nothing wrong with the President's words; it is not the President's speeches that have put him in the fix he is in, it is his actions, and the quicker the President figures that out the better off we all will be.

The President says he wants less Federal spending and a smaller, more efficient Government. If that is the case, I hope he supports the tax limitation balanced budget amendment that we will vote on today.

The President says he wants to reduce unfunded Federal mandates on State and local governments. If that is the case, he should tell our Democrat colleagues to stop these obstructionist tactics we have seen that have stalled the reform bill that we have been working on all week.

The President says he wants to end welfare as we know it. If that is the case, then he should support the Republican contract bill which will fundamentally change the role of welfare in our society. But the President probably will not do that, and next year he will come back with a speech that will sound familiar to us all.

MIDDLE CLASS PROMISED PROTECTION IN PRESIDENT'S POSITIVE AGENDA

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

Mrs. LOWEY. Mr. Speaker, last night the American people heard President Clinton present a positive agenda for America's long forgotten middle class. He held out an olive branch to my colleagues on the other side of the aisle and said the Democrats and Republicans must come together for the public good.

But the President also made it very clear that we will not allow the new Republican majority to undermine the progress we have made in fighting crime, protecting the environment, and improving education. When the Republicans propose radical ideas like eliminating the FDA, federalizing divorce laws, criminalizing abortions, and slashing Medicare and Social Security, we will oppose them every step of the way. We want to move this country ahead to the 21st century, not go back to the 19th.

We are going to continue to fight for our hard-working families. We will work to pass a middle class tax cut to help families pay the mortgage and send their children to school. We will continue to reinvent government and cut bureaucracy, and we will not slash Social Security and Medicare. Can our Republicans say the same?

THE REPUBLICAN PROMISE TO THE AMERICAN PEOPLE

(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, some of the President's remarks last night gave us reason to hope. The President has done that before. However, let us remember that hopeful rhetoric does not always lead to action.

I know what kind of action the American people want. Back in November the voters sent us a message—it is time to change Congress, no more overbloated, big spending, big government status quo. The American people demand change.

Republicans are working to keep our promise to the American people. We are committed to reducing the size, scope, and cost of our Federal Government. We are passing unfunded mandates legislation and balancing the budget because that is what the American people want.

They want no rhetoric, just action. I hope the President's party will join us in a bipartisan way to deliver the people the action they want.

A NEED TO SPECIFY WHERE THE CUTS TAKE PLACE

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

Mr. POMEROY. Mr. Speaker, at the finest moments of the State of the Union speech last night the President stressed bipartisan responses to the problems which face this country.

I believe the new majority is making a serious mistake in its tough partisan response to his and other viewpoints. This partisanship is evidenced in many ways, including the wholly inappropriate words uttered by the gentleman from California a few minutes ago.

It is also evident in majority efforts to stop this House from considering requirements that the balanced budget amendment specify where the cuts will come from. Every single balanced budget amendment proposal considered by this body should specify where the cuts will come. I favor a balanced budget amendment, but I deeply regret that the new majority has not even allowed us to vote on whether every proposal should specify where the cuts will be.

OFF TO A GREAT START ON THE CONTRACT WITH AMERICA

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

Mr. JONES. Mr. Speaker, Americans want change. They want a balanced budget amendment, unfunded mandate reform, a line-item veto, and a middle class tax cut. People want change to make their lives easier and to get government off their backs. People want less government, lower taxes, and more control over their lives.

Just look at the November election results. Last night I was listening to President Clinton express the same ideas. He suggested that we stop imposing mandates on States, that we adopt a line-item veto to slash pork-barrel spending, and that we work together for a $500 middle class tax cut.

Mr. Clinton, welcome to the Republican philosophy.

This is the Contract With America. The Republican Party campaigned for and the American people supported our contract. We are off to a great start, so let us begin working together to achieve these goals for the people by starting with the balanced budget amendment.

RUSH TO JUDGMENT ON MEXICAN LOAN GUARANTEE

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

Mr. MENENDEZ. Mr. Speaker, the Contract With America does not include a $40 billion bailout provision for Mexico, and, therefore, I cannot fathom the need to rush to judgment that we are seeing in this House.

This proposal is moving faster than a bullet train without brakes, and we are talking about $40 billion of U.S. loan guarantees.

Now, there is a hearing today, but it is only with administration witnesses. No dissenters need apply. The International Relations Committee, I understand, is holding no hearings. They are going to go direct to the Rules Committee and on to this floor.

Each Member has a fiduciary responsibility to the taxpayers of this country, and it is not to rush to judgment on $40 billion of loan guarantees. We heard the Mexican Government say they want no conditions. I cannot go to a bank, you cannot go to a bank and say you want to impose the conditions under which you get a loan.

Mr. Speaker, let us not rush to judgment. Let us think about what we are doing. Let us exercise our fiduciary responsibility.

□ 1200

GIVE PEOPLE CHANGE

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

Mr. TIAHRT. Mr. Speaker, it was an honor last night to sit in this Chamber and listen to all three of the President's speeches: The one to the Republicans, the one to the Democrats, and the one to the people. Clearly the President has heard the real State of the Union, which was given by the people last November 8.

However, the President failed to comprehend how serious the people are about passing a balanced budget amendment with a strong tax limitation. Without a supermajority to raise taxes, Congress will be tempted to balance the books on the backs of working families and the middle class, and they just cannot afford for that to happen again.

Instead, each of us needs to make a commitment to spend the people's money as if it were our own. We need to sit down in a bipartisan manner and get the scalpel out and begin to cut government. Like the President said last night, let us change the government; let us make it smaller, less costly, and smarter, leaner, not meaner.

I am here because the people of Kansas wanted real change. Now let us put it into action. Let us given it to them, with a balanced budget amendment and a strong tax limitation.

DO NOT RETURN TO UGLINESS OF THE PAST

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

Mr. PAYNE of New Jersey. Mr. Speaker, yesterday members of the Congressional Black Caucus took a stand against allowing a symbol of segregation and racial division to be honored in the House of Representatives. I refer to the decision which was made earlier by Members of the new majority party to replace the portrait of Claude Pepper, a great humanitarian and champion of civil rights and older Americans, with a painting of a renowned segregationist and outspoken defender of slavery, former Representative Howard W. Smith. I commend Representative LEWIS of Georgia for speaking out on this issue, and let me also point out that the new chairman of the Rules Committee, our colleague GERALD SOLOMON of New York, to his credit, heard our grievance and agreed to remove the portrait. We appreciate his response, but I am disturbed by what appears to be a pattern of turning back the clock on the progress in racial relations. This incident comes on the heels of the controversy over the hiring of the House Historian, Christine Jeffrey, who insisted that schoolchildren must be fair to the Ku Klux Klan, a secret society who appears in white sheets and who have terrorized African-Americans, Jews, Roman Catholics, and others they find unacceptable.

Mr. Speaker, I hope these incidents are just the result of errors made in haste during the rush of the first 100 days, and not a more sinister campaign to return to the ugliness of the past.

ACT NOW ON CONTRACT WITH AMERICA

(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, last night President Clinton gave a great marching speech. Left-right, left-right, left-right. At times he was Reagan, at times he was Dukakis. But in the end it was the same old stuff, the White House weather vane rides again. In the final analysis of his 1½ hour vague, meandering, heartwarming tales of innuendo, insinuations and soft truths, we were led to nowhere.

In contrast, New Jersey Governor Christine Wittman said ''Actions will always speak louder than words.''

Let us today start with actions by passing the balanced budget amendment, go on to prohibit unfunded mandates, follow it up with the line-item veto, and the rest of the elements of the Contract With America, which is what the American people wanted and how they spoke November 8.

SPELL OUT PLAN FOR BALANCED BUDGET

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

Mr. SKAGGS. Mr. Speaker, amending the Constitution is always very serious business. The balanced budget amendment is particularly serious when, as proposed in the contract, it is to be joined with an increase in military spending, a cut in taxes, and a promise not to touch Social Security. And, to boot, we are supposed to make it almost impossible ever to consider even an emergency tax increase on upper income Americans if that were necessary to reach balance. In other words, it is all to be done, all $1 trillion-plus, by 2002 by cuts in spending.

Now the advocates of this approach say it can be done. Assuming they are speaking in good faith, that must mean they have some plan for getting it done, and if they have such a plan, it seems to me they ought to let the American people know what is in it.

Let us know where this road leads before we start down it, promising to get to the other end. And if they do not have a plan, then let us know that now too.

Unfortunately, however, the Committee on Rules refused to make in order an amendment that would give the American people the right to know.

ACTIONS SPEAK LOUDER THAN WORDS

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

Mr. WELLER. Mr. Speaker, last night this Chamber was treated to quite a speech. At times it sounded as though the President had finally heard the message that the American people sent last November. Americans want smaller government and less taxes. In fact, there were times I was expecting the President to pull out his copy of the Contract With America and put his signature on it.

But, Mr. Speaker, actions speak louder than words. If the President is truly serious about reducing the burden and size of the Federal Government, I challenge him to join with the new Republican majority and help pass the balanced budget amendment. Only with a balanced budget amendment will Congress have the backbone and discipline to end the irresponsible and wasteful spending that has engaged this body in the last 2½ decades.

WE NEED TO GET OUR OWN HOUSE IN ORDER

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

Mrs. KENNELLY. Mr. Speaker, last night the President was gracious in his calls for bipartisanship whenever possible in doing the people's business. One area for such bipartisan approach is the areas he suggested for tax deductions for postsecondary education. This is in the best tradition of this country, because we know that the surest route to success is education.

However, before we can do the people's business, we have to get our own house in order. It does no one any good to have someone come to this floor and impugn the patriotism of the President of the United States. Freedom of speech is the basis of our Government. It is what every one of us stands for. But when someone unfairly attacks the President of the United States on this floor, we weaken our Government, we weaken each and every one of us on whatever side of the aisle. It should end, it is unacceptable, and it is wrong, and the people do not want it.

PASS THE BALANCED BUDGET AMENDMENT

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

Mr. BUNN. Mr. Speaker, today, the House of Representatives takes up the balanced budget amendment again. This House has repeatedly rejected the balanced budget amendment. In that time our Government has grown ever larger, our taxes continue to increase, and the crushing burden of debt has reached the breaking point. Either this House will pass the balanced budget amendment, or we will continue to condemn future generations of Americans to a lifetime of penance for our mistakes.

Mr. Speaker, the American people have grown cynical about the ability of their Government to control spending, and why should they not? For decades we have raised taxes rather than making the tough decisions necessary to cut spending and balance the budget. Now we have one last chance to force the Government to live within its means. We must pass the balanced budget amendment and save our grandchildren from a debt they did not run up and they do not deserve.

PROTECT SOCIAL SECURITY IN BALANCED BUDGET AMENDMENT

(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, while some Republicans talk about buckling knees, President Clinton's stance last night was bold and firm: Cut the deficit and balance the budget, but not on the backs of our senior citizens and children.

The Republicans' so-called balanced budget amendment requires $1.2 trillion in cuts. But get this, they will not tell us how they are going to get there. We do know one thing for sure: Republicans will not exempt Social Security and Medicare. In fact, during a recent hearing on the balanced budget amendment in the Committee on the Judiciary, every Republican but one voted against an amendment to protect Social Security from the budget ax.

I understand that Speaker GINGRICH has said in an interview recently that Social Security is off the table. If this is so, then why are his Republican colleagues voting against such an amendment and why in the past has Speaker GINGRICH himself said that ''everything is on the table''? Everything includes Social Security.

Mr. Speaker, the President's words rang very true last night when he said the elderly have made us what we are. And unlike the Republicans, the President's words were very clear and unequivocal when he said ''My budget cuts a lot, but it protects education, veterans, Social Security, and Medicare.''

Mr. Speaker, rather than just talk about balancing the budget, I challenge the Republicans to bring their real budget cleaver out from underneath the table.

DEMOCRATS ADJUSTING TO MINORITY STATUS

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

Mr. LAHOOD. Mr. Speaker, I must say that the Democrats are adjusting well to their new minority status. I thought it would take them at least several months to completely marginalize themselves in this Chamber, but they appear to have accomplished this in record time.

While Republicans have busied ourselves at making good on out promises to the American people to end unfunded mandates and pass a balanced budget amendment, the Democrats have put all of their energy into creating an atmosphere of cynicism and mistrust.

But the delay tactics of the Democrats will not prevent us from working the will of the American people. We Republicans will pass an unfunded mandates bill, and, we will pass a balanced budget amendment.

Someone once noted that cynicism is frustrated idealism. Last November, the Democrats witnessed the total repudiation of their ideals. Now, they have reduced themselves to a cynical display of class-envy and obstructionism.

□ 1210

BALANCED BUDGET AMENDMENT

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

Mr. HOYER. Mr. Speaker, last night President Clinton spoke of a covenant of rights and responsibilities between Government and the American people. Today we begin again the renewal of our responsibility to manage our Nation's money with common sense and discipline.

The issue of balancing the budget is not a conservative or liberal one, nor is it an easy one, but it is an essential one for us in this House, for the American people, and most assuredly, for future generations.

The 1980's saw an explosion of debt in Government, in business, and in personal finances. It threatened our economic health and strength. We dramatically addressed this crisis in 1993, and the debt is receding, but we must ensure that the competing demands for Federal resources do not erode our fiscal covenant of responsibility. That is why I believe it so important for us to adopt the Stenholm-Schaefer balanced budget amendment.

CONGRESS NEEDS A THREE-FIFTHS TAX LIMITATION ON THE BALANCED BUDGET AMENDMENT

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

Mr. FORBES. Mr. Speaker, the families in my home area, Suffolk County, must live within their means and spend only what they take in. They have to live on a balanced family budget, and in the seven towns and the villages and

the school districts, they also must live within their means and on their budgets as well.

Only in the Nation's Capital is the notion an oddity, living within a balanced budget. For decades now the Congress only seems to know about increased spending, and to feed that addiction with increased taxes.

The Republican majority, in response to the American people and in concert with them, have charted a new course, a course that embraces a balanced budget with a tax limitation provision. This is a course that seems unique only in Washington, DC, but commonplace everywhere else in the country.

Like an errant child who needs discipline, Congress needs a three-fifths tax limitation for that discipline. Let us pass it before over taxes again.

CONGRESS SHOULD ACCEPT THE PRESIDENT'S CHALLENGE AND BEGIN TODAY TO GET TO WORK FOR AMERICA

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

Mr. LUTHER. Mr. Speaker, President Clinton's message last night was the message I heard from the Minnesotans I represent throughout last fall's campaign: If you work hard and play by the rules, you should be rewarded by a chance at achieving the American dream.

As a new Member of this body, Mr. Speaker, I came here to achieve results on a bipartisan basis for the people of my district. I applaud this Congress for its quick action on congressional reform but, Mr. Speaker, I say to the Members, that is just the beginning.

We must now get to work and fight to improve the lives of everyday Americans. Middle-class families are crying out for jobs that pay a liveable wage, for an education that provides the tools for the future, for affordable health care for themselves and their kids, and for streets free of violence and drugs. These are the reasons we were elected, to improve the lives of our fellow Americans.

Mr. Speaker, let us accept the President's challenge, stop the gridlock and bickering, and get on with making a better tomorrow. Let us begin today.

THE TAX LIMITATION BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

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

Mr. BARTON of Texas. Mr. Speaker, today is a historic day. We are going to consider the tax limitation balanced budget amendment to the Constitution.

No one, perhaps except President Clinton and some of his senior economic advisers, seriously questions whether we should balance the budget anymore. The question is how to do it.

In the Contract With America, the Republican majority says we should balance the budget with a three-fifths requirement to raise taxes, and put the emphasis not on raising taxes but on cutting spending. Why is this?

If we look at Federal spending over the last 40 years, there has been no year in which Federal spending went down. Every year Federal spending has gone up. In the years that we have had major tax increases, and we have had 16 major tax increases in the last 30 years, Federal spending has gone up and the deficit has gone up also.

Therefore, the American people want a real change. They want a tax limitation balanced budget amendment that puts the emphasis on balancing the budget by cutting spending, not by raising taxes.

Mr. Speaker, I hope my colleagues will vote for the Barton-Hyde-Dade-Geren balanced budget amendment to the Constitution with the three-fifths requirement for a tax increase.

CONGRESS MUST BALANCE THE BUDGET, BUT DO IT IN THE RIGHT WAY

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

Mr. TUCKER. Mr. Speaker, last night the President addressed us. We have heard some of our colleagues indicate that he was equivocal, that he had one speech for the left and one speech for the right.

Indeed, however, Mr. Speaker, the President was very lucid last night. He was very clear. What he said is that he believes in balancing the budget, but the devil is in the details.

What he said, Mr. Speaker, is that yes, he embraces some of the principles in the Contract With America, but, Mr. Speaker, as every good lawyer and, indeed, as every good lawmaker should know, a contract is only as good as its terms and conditions. You must look at the specificities.

The Republicans have not offered us any specificities on how they intend to balance the budget. All they can tell us is if we do not balance the budget, we will indeed be paying for it with our children's future. If we balance the budget on the backs of our children, on the backs of our Social Security recipient, they will indeed by paying for it in their future.

Mr. Speaker, we must be conscientious. We must listen to the President of the United States. We must do it right, but we must do it rightly.

CONGRESS MUST PASS THE BALANCED BUDGET AMENDMENT TO PROTECT THE AMERICAN WAY OF LIFE

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

Mr. DIAZ-BALART. Mr. Speaker, history puts so much in perspective and in context. We are going today to bring forth before this House a constitutional amendment to require that our Federal budget be balanced.

Very prosperous countries in the past, very wealthy countries, even in this hemisphere, for example, Argentina, if we look at the history in the early part of this century, Argentina was among the most prosperous countries in the world. If we look now at the dilemma that we are faced with in Mexico, an economy that is part of NAFTA, and it is a very thriving economy, these instances in our recent history and in the recent history of this hemisphere point to the fact that fiscal irresponsibility can destroy even prosperous, even very growing economies.

When we realize that even Keynes, Mr. Speaker, never envisioned permanent deficit spending, we realize that we must put our budget under constraints. We must put ourselves under constraints, as every family in America has to. We must pass this amendment to balance the budget.

URGING THE PRESIDENT TO HELP IMPLEMENT REFORMS CONTAINED IN THE CONTRACT WITH AMERICA

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

Mrs. WALDHOLTZ. Mr. Speaker, Republicans in this Chamber have vowed to keep faith with the American people. The Contract With America lays our specific guidelines to reform the way the Federal Government conducts its business.

By ending unfunded mandates, our Government will stop the process whereby the Federal Government simply dictates policy to the States, whatever the cost. And, by passing the balanced budget amendment, the Federal Government will be forced to live within its means, a responsibility that American families accept everyday.

Mr. Speaker, Americans have overwhelmingly endorsed this reform agenda. We urge the President to help implement this agenda to restore to the Federal Government the basic values of accountability, responsibility, and individual liberty.

□ 1220

BATTLE OF THE CONTRACTS

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

Mr. DURBIN. Mr. Speaker, stay tuned America for the battle of the contracts today on the floor of the U.S. House of Representatives. In one corner the Republican contract, which

will bring us today the balanced budget amendment. And what is included in the amendment which my Republican colleague applauds? Opportunities to make deep, slashing cuts in Social Security and in Medicare. In fact, every version of the Republican contract on the balanced budget amendment leaves Social Security and Medicare vulnerable.

How vulnerable? In my home State of Illinois some 30 percent in cuts in Medicare are projected, reducing the benefits for senior citizens, more out-of-pocket payments and the closing of rural and inner-city hospitals.

And in the other corner the Roosevelt Democratic contract. Roosevelt's contract for Social Security, 60 years now of dignity and independence for senior citizens, and a Democratic contract on Medicare, which makes sure that seniors do not have to worry, as they did in the past, about the payment of medical bills.

As Speaker GINGRICH and others reminisce about FDR, they might want to reflect on his values and the time-honored contract he made with the American people, today, in this debate.

HOW TO SHRINK THE FEDERAL BUDGET

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

Mr. SOLOMON. Mr. Speaker, here is a balanced budget, not a balanced budget amendment, but a balanced budget that we voted on last March. Do my colleagues know what? This budget did not raise taxes, did not cut Social Security, did not cut into veterans' contracts or obligations that we owe them.

What it did was shrink the size of the Federal Government. It eliminated 150 programs like the Interstate Commerce Commission. It privatized 25 government agencies like the Federal Aviation Administration. It downsized the Department of Education, which has not produced anything in education, from 5,000 employees down to 500. Thirty-six thousand Commerce Department employees have not produced one nickel of profit in America, and we cut them from 36,000 down to 3,000.

That is how to shrink the size of the Federal Government. We do not cut Social Security; we do not have to, and my colleagues know that.

BALANCE THE BUDGET WITHOUT A CONSTITUTIONAL AMENDMENT

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

Mr. CONYERS. Mr. Speaker, balancing the budget is a good idea, but using our country's most precious and time-honored document, the Constitution, to do it is a bad idea. It is unnecessary. It would delay the budget balancing, and could impede rather than advance economic growth. And the 60-percent supermajority on budget matters, revenue, and public debt policy would mean the minority, not the majority, would control, and gridlock over our most important fiscal decisions would result.

During the last Congress we adopted a budget to cut a record $500 billion from the deficit. Contrast that with the new Republican majority proposal to put off the budget balance in exchange for a promise in the Constitution to do it after 7 years and two presidential elections.

And in fact, the new majority has steadfastly refused to put its budget-cutting numbers on the table. We know why. Our knees would buckle, the States' knees would buckle, but most importantly, the American citizens' knees would buckle.

CUTTING THE FEDERAL BUDGET

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, my Democrat colleagues make a strange argument against the balanced budget amendment. They say do not pass it because if we do, we will have to cut spending.

The corollary of that is that they think it is wise to continue to increase the deficit $100 to $300 billion every year for the next decade.

Two, this year the estimates are down, but Members know a well as I do it is only a couple of years until they zoom up to $400 billion a year.

Yes, a balanced budget amendment will mean that we will have to cut spending, and to he extent that we do it honestly by downsizing agencies, by raising the retirement age so that Federal employees retire when the rest of the world retires, by means testing Medicare premiums, by doing sensible, realistic, honest changes in Federal public policy, to that extent, you bet we will be able to protect Social Security, health care security for our seniors, and those programs critical to the American people.

TRUSTING THE AMERICAN PEOPLE TO MAKE DECISIONS ON A BALANCED BUDGET

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

Mr. MILLER of California. Mr. Speaker, earlier this year the Republicans got quite upset when people called their Contract With America a contract on America. Today we are finding out, in fact, those who called it a contract on America were more accurate, because it is a contract on our senior citizens, both to their Social Security payments and to their health care coverage given to them under Medicare.

The gentleman held up a budget just a minute ago that he said would balance the budget. The only problem was only 73 Members voted for that. The fact of the matter is that the people were not prepared to vote for it.

What we see now is the effort of them to rush the balanced budget amendment through, but not have the courage of their convictions to tell Americans in advance where they will cut the budget. The last time they tried to do this only 73 Members voted for it. So what do they want to do now? They want to rush the balanced budget through, not have the courage, the ultimate cynicism of not trusting, not trusting the American people to look at their plan and make a decision whether they want it or not.

It is balanced budgeting in the dark, not in the open as they pledged to do.

KEEPING AMERICANS IN THE DARK ABOUT THE BALANCED BUDGET AMENDMENT

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

Ms. WOOLSEY. Mr. Speaker, last night the President said that his budget "protects against any cuts in education."

But, the President's determination to preserve education funding is on a collision course with the Republican Contract on America. This contract promises to balance the budget, cut taxes, and increase military spending, all at the same time. Clearly this contract is a puzzle which is missing most of its pieces.

Today on the House floor we will be debating one piece of this devious puzzle—the balanced budget amendment. Mr. Speaker, if Republicans stick to their contract, they will have to cut more than $1.3 trillion in nonmilitary programs in the next 7 years.

I ask the Republicans—why won't you educate the American people about the cuts you plan to make in our children's education? Mr. Speaker, our children and their parents have a right to know the fine print of the contract.

The Republicans say they want openness in government, that they want to shine some light on this institution. But in this week's debate on the balanced budget amendment, they are keeping America in the dark about the future of children.

BALANCED BUDGET AMENDMENT

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

Mr. DOYLE. Mr. Speaker, I rise in support of the only bipartisan, bicameral balanced budget amendment. I speak of the Stenholm-Schaefer amendment, House Resolution 28, of which I am a cosponsor. I cosponsored this resolution because I believe it is absolutely imperative that the 104th

Congress pass a balanced budget amendment this year.

Today, we will begin the debate on several different proposals that have been introduced as possibilities. All of these proposals have merit—and I believe that all of them are serious efforts at formulating the best possible amendment to the Constitution.

However, I am concerned that we do not lose sight of our goal. As we engage in this debate, and examine the strengths and weaknesses of the various proposals, I urge my colleagues to remember how important it is to pass a balanced budget amendment. Our debt currently exceeds $4.3 trillion. Since this House last voted on a balanced budget amendment last March, our debt has increased by more than $160 billion.

This country needs a balanced budget amendment and the Stenholm-Schaefer amendment is our best hope. While all other proposals will be dead on arrival in the Senate—the Stenholm-Schaefer amendment has the bipartisan support needed to actually pass in the Senate and I urge my colleagues to support it.

□ 1230

THE BALANCED BUDGET AMENDMENT

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

Ms. MCCARTHY. Madam Speaker, as debate begins on the balanced budget amendment, there are two issues we need to keep in mind.

First, the mere ratification of the balanced budget amendment will not balance the budget. Between ratification of the amendment and the year 2002—when the amendment would come into force—we will continue to face yearly deficits of $200 billion. That is why it is imperative that we stipulate how the deficit will be reduced and why we need to be up front with the American people and explain the detailed steps we will take in balancing the Nation's books.

Second, we have to guarantee that we will not balance the budget on the backs of the States. Shifting spending from the Federal Government to State and local governments is not the answer and—despite the Rules Committee not placing in order my amendment on cost shifting-our State and local governments deserve to be protected from any such attempt to do so.

THE CONSTITUTION: A DOCUMENT INTENDED TO ENDURE FOR AGES TO COME

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

Mrs. CLAYTON. Madam Speaker, over a period of more than two centuries, we have amended the Constitution 27 times, 27 times in more than 200 years.

Madam Speaker, the text of the 27th amendment was prepared September 25, 1789, and was not ratified until May 19, 1992, 203 years later.

With this amendment and the amendment for term limits, the majority proposes to ratify the Conmstitution two times in 100 days. The House Committee on the Judiciary approved the balanced budget amendment in exactly 1 week after we convened the 104th Congress. The Senate Judiciary Committee approved it 1 week after the House did.

Now, 3 weeks after we have convened, we are being asked to actually amend the Constitution and send it to the States. This impetuous pace, this haste, is a far cry from John Marshall's of the Constitution as the document intended to endure for all ages.

Madam Speaker, amending the Constitution is a serious matter. It is not to be done in haste.

CREATE LOAN GUARANTEES HERE AT HOME

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

Mr. FLAKE. Madam Speaker, this morning we have spent a great deal of time in Banking talking about a $40 billion potential guarantee to Mexico. We heard arguments that the reason we ought to do this is because it is good for America; it is good for Mexico, because Mexico is on our borders; it will create jobs.

As I listened to the discussion, and I give consideration to the fact that so many of us are talking about reductions in various programs, welfare and other programs, I could agree with that if we could also make the same kind of passionate arguments for the creation of loan guarantees in this Third World nation within our borders. If we could conglomerate those communities, give loan guarantees to create small businesses, then those persons we bring off of welfare would have job opportunities in the communities in which they live. When the loans are repaid, we take that money, reinvest it in those communities, create more jobs, create more job opportunities, and then we do not have to worry about growing welfare or other entitlement programs.

Madam Speaker, I believe if we are looking for a way to be able to solve the probelm of the growing budget in this area, then the best way to do it is let us talk about loan guarantees, not just for Mexico. If it is good for Mexico, it ought to be good for America to do it here at home.

THE NATIONAL DEBT AND THE BALANCED BUDGET AMENDMENT

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

Mr. DEFAZIO. Madam Speaker, we cannot go on as a nation piling debt on debt year after year. The national debt is nearly five times higher today than it was when Ronald Reagan became President in 1981. That is a disgraceful, bipartisan legacy of irresponsible spending and tax giveaways.

The total debt of the Federal Government totals more than $4.6 trillion, more than $16,000 for every man, woman, and child in America. Interest alone will total more than $225 billion, more than 10 times all the Federal funds spent on all education programs and assistance by the Federal Government.

Some oppose the balanced budget amendment over genuine concern for the fate of Social Security, child nutrition, education funding, or other meritorious programs. An honest assessment of these programs shows us they have not done well while we accumulated $4 trillion in debt these last 12 years.

There is not a penny in the Social Security trust fund. It has all been borrowed and spent, replaced by a pile of IOU's.

Twenty percent of my State's children live in poverty and go to bed hungry every night.

We all know the shortfall in education funding. It is time to balance the Federal budget.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 17, TREATMENT OF SOCIAL SECURITY UNDER ANY CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET, AND PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1, PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 44 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 44

Resolved, That at any time after the adoption of this resolution it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget, if called up by the majority leader or his designee. The concurrent resolution shall be debatable for one hour equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

SEC. 2. At any time after the disposition of the concurrent resolution made in order by the first section of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States. The first reading of the joint resolution shall be dispensed with. Points of order against consideration of the joint resolution for failure to comply with

clause 2(g)(3) of rule XI are waived. General debate shall be confined to the joint resolution and shall not exceed three hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the joint resolution shall be considered as read, shall be debatable for one hour equally divided and controlled by Representative Barton of Texas and an opponent, and shall not be subject to amendment while pending. No further amendment shall be in order except those designated in section 3 of this resolution. Each amendment may be offered only in the order designated, may be offered only by the named proponent or a designee, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If more than one amendment is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted, except that if the amendment in the nature of a substitute recommended by the Committee on the Judiciary is one of the amendments receiving the greater number of votes then it shall be the amendment considered as finally adopted. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. The further amendments that may be offered after disposition of the amendment in the nature of a substitute recommended by the Committee on the Judiciary are those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII with the following designations: (a) the amendment numbered 4 by Representative Owens of New York; (b) the amendment numbered 1 by Representative Wise of West Virginia; (c) the amendment numbered 25 by Representative Conyers of Michigan; (d) the amendment numbered 29 by Representative Gephardt of Missouri; and (e) the amendment numbered 39 by Representative Schaefer of Colorado.

□ 1240

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

Mr. SOLOMON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the very distinguished gentleman from Massachusetts [Mr. MOAKLEY] pending which I yield myself such time as I may consume.

During consideration of this resolution, all time is yielded for the purpose of debate only.

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

Mr. SOLOMON. Madam Speaker, today we begin consideration of what may well be the most important matter this Congress will consider over the next 2 years, a balanced budget constitutional amendment. In order to make it perfectly clear right up front that the budget is not to be balanced by cutting Social Security, this rule first makes in order a resolution designed to protect Social Security.

The concurrent resolution directs the committees which will be proposing legislation to implement the requirement for a balanced budget to leave Social Security alone.

The concurrent resolution will be debated for 1 hour, and then the House will vote on that issue.

Next, the rule provides the most open and the most fair process that has ever been used by this House to consider a balanced budget amendment.

The record shows that very clearly.

The rule provides 3 hours of general debate on the balanced budget amendment. After general debate, the rule provides first for a vote on the committee amendment in the nature of a substitute. This is the Barton version of the balanced budget constitutional amendment. It the version which includes the requirement for a three-fifths' vote to increase tax revenues; it is this version that I strongly support.

We need to balance the budget, but we need to do it without making it easy to raise taxes. That really is what this debate is all about. After the vote on the committee substitute, there will then be votes on the five additional substitutes, four of which are to be offered by the Democrats.

This process is much more fair to the minority than at any other time the House has considered a balanced budget amendment. Each of the six substitutes will be debated for 1 hour, with a separate vote taken on each one. And the one that receives the most votes is the version that will be put to a final vote; that is, requiring a two-thirds majority, or 290 votes, to pass.

Finally, the rule provides a motion to recommit, which will give the minority one final chance to offer any amendment which complies with the standing rules of the House.

Mr. Speaker, the numbers of the national debt in this Nation have grown so large that they have become difficult for most of us to really comprehend, even those here, those of us who deal with it every day, much less the American people.

Madam Speaker, the Federal debt has tripled during the last 10 fiscal years to almost $5 trillion in accumulated debt.

How much debt is that? It is just almost incomprehensible. It is a thousand billion dollars, not a thousand million dollars but a thousand billion dollars five times over. That is how much the accumulated debt is in this country.

The interest alone is projected at $235 billion for the current fiscal year. That is almost as much as we spend on the national defense of this country, which is the primary reason we formed this Republic of States in the first place, to provide for a common defense.

Here we are spending just on the interest alone $235 billion this year. And if interest rates rise, heaven help us. But even if they do not, in just 4 or 5 years the interest we pay out annually to foreign countries, like the Netherlands and Great Britain and other countries that hold our national debt, the interest will rise to $400 billion a year. What are we going to do to help people who are truly in need then, when all the money is going out either for national defense or just to pay the interest on the annual debt service?

Madam Speaker and Members, the deficit for this year is projected at $176 billion, and that is underestimated. Next year it is projected to rise to $207 billion, and that is underestimated. And by the year 2000 it is projected to be almost $300 billion unless we do something about it. That is in spite of that huge tax increase in 1990 under President Bush and that huge tax increase in 1992 under President Clinton. We are still running debts annually of $300 billion. What is going on around here?

Madam Speaker, the first step we can take is enacting a real balanced budget amendment.

Now, you have heard these 1-minute speeches here today. The opponents of these constitutional amendments will say that amendments are not necessary because Congress can control the problem any time it wants. That is a true statement.

Well, let me just tell you this: In the last Congress I offered an alternative, and here it is right here. I offered an alternative budget resolution which would have reduced the deficit to zero in just 5 years, and listen to this: Without raising taxes, without cutting Social Security, and without cutting contractual obligations to our veterans.

We balanced the budget and are left with an $8 billion surplus at the end of 5 years. Let me tell you something: That budget provided for tough spending cuts. It included language saying if Congress did not like the specific spending cuts that are in there—and they are specific and scored by the Congressional Budget Office—Congress could do whatever it wanted. Congress could always substitute those cuts for others. That is what we are going to have to be doing after we enact this constitutional amendment.

But was that adopted? No, this budget was not passed, not on your life. It only got 73 votes; 55 or 56 Republicans and 17 Democrats.

Madam Speaker and Members, we have come to a point where those of us who care about our children and care about our grandchildren—and I have 4 grandchildren, along with 5 children—we are going to have to take a very serious step to put an end to the irresponsible deficit spending that we have been talking about here this morning

and which is drowning this country in a sea of red ink. And it is totally, totally irresponsible. A balanced budget amendment will do just that.

Madam Speaker and Members, no one proposes that such a solution be taken lightly. The problem requires drastic action, and the time is now, it is right now today. The longer we wait the deeper in debt this Nation will be and the more difficult it will be to get out of it. It is almost too late now.

Madam Speaker, Congress has repeatedly shown that it is not prepared to deal responsibly with the problems without some kind of a prod. The enactment of a balanced budget amendment will help to give Congress—and this is the point—it will help to give Congress that prod, that spine, that backbone and, for some who need it, the excuse to do what the American people have to do, and that is to live within our means.

I urge you to vote ''yes'' for this rule and then for the American people, please vote for the balanced budget amendment. Let us give it to the people to let them ratify it.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I thank my good friend from New York, Mr. SOLOMON, for yielding me the customary 30 minutes.

Madam Speaker, I rise in strong opposition to this very closed rule.

Madam Speaker, I am hearing a lot of double talk these days, especially around the word ''open.'' When my Republican colleagues were in the minority, they said that nearly every rule we granted was closed, including rules that provided for time caps and required amendments to be printed in the RECORD. But now that they are in the majority, Republican Members have changed the meaning of the word ''open'' 180 degrees.

Now a rule that cuts off debate, restricts amendments and refuses to allow Members to work together as the President urged us last night is not just called an open rule but a most open rule. I do not know what that means.

Madam Speaker, Republican flipflops are enough to give a weather vane whiplash.

I have heard my colleagues compare this rule to other balanced budget rules, but what they do not tell you and they do not tell the American people is that every one of the balanced budget rules is the result of either a discharge petition or reported to preempt discharge, and closely imitated the discharge rule.

What they do not say is that I opposed those rules too because they were too restrictive. Check the record.

The last time the discharge rule allowed only the amendments that were made in order the Congress before, I led the opposition because I knew that new Members and other people had new ideas on the topic and were being stifled. Unlike my Republican colleagues, my position has been consistent.

Madam Speaker, the Republicans would have us believe that constitutional amendments must be considered under a gag rule, that they always are considered under a gag rule. I would like to take this opportunity to say to the American people that this is not true.

□ 1250

In fact, constitutional amendments are usually considered in the Committee of the Whole under an open rule. This tradition, Madam Speaker, began in the very first session of the First Congress when the Bill of Rights was considered. People offered amendments, including perfecting amendments. Some were accepted, some were rejected, and none of them were printed in advance in the RECORD. If an open rule worked for the first 10 amendments to the U.S. Constitution, Madam Speaker, if an open rule worked for our Founding Fathers, it should work for us here today with the balanced budget amendment.

Over the past 30 years, Madam Speaker, every single rule reported from the Committee on Rules on a constitutional amendment has been an open rule except those that arrived as a result of a discharge petition or rules designed to preempt discharge. I am talking about rules for amendments dealing with Presidential succession, direct election of the President, granting the vote for 18-year-olds, the Equal Rights Amendment, D.C. congressional representation, and let me repeat, Madam Speaker:

Every one of those rules were open.

But today things have changed. I ask my colleagues to look at what has been excluded by what the Republicans call a most open rule. Look at the new ideas denied debate:

A bipartisan substitute on unfunded mandates; a substitute offered by the gentleman from Alabama [Mr. HILLIARD] protecting civil rights legislation; a substitute offered by the gentleman from Wisconsin [Mr. OBEY] excluding Social Security and allowing Congress to waive the requirements in case of a recession; a substitute offered by the gentleman from Arkansas [Mr. THORNTON] excluding capital investments providing long-term economic returns; a substitute offered by the gentleman from Colorado [Mr. SKAGGS] on judicial review; a substitute offered by the gentleman from Pennsylvania [Mr. FOGLIETTA] requiring a three-fifths vote to reduce funding for low income health, education and employment programs; an amendment offered by the gentleman from Pennsylvania [Mr. FATTAH] on natural disasters; amendments offered by the gentleman from New York [Mr. NADLER] clarifying the phrase ''increasing tax revenues; an idea offered by the gentleman from Utah [Mr. ORTON] to use sequestration to bring us back to balance.

Madam Speaker, the list goes on, and on, and on.

Let me tell my colleagues all is not lost. There is a chance really to fix this rule. If we defeat the previous question, I will then offer a germane amendment to the rule that will be an open rule and will give us an opportunity to consider a truth-in-budgeting perfecting amendment.

In closing I urge all my Members to vote no on the previous question and then vote yes on the amendment to consider balanced budget under an open rule and to allow the truth-in-budgeting perfecting amendment.

Madam Speaker, I reserve the balance of my time.

Mr. SOLOMON. Madam Speaker, I yield myself 30 seconds to respond to the gentleman from Massachusetts [Mr. MOAKLEY] my good friend.

As my good friend knows, A Democrat Member on his side of the aisle had a balanced budget amendment pending before our Committee on Rules in both the 102d and 103d Congresses, and our committee deliberately stalled it and never let it come to the floor.

Madam Speaker, I yield such time as he may consume to the very fine gentleman from Kingsport, TN [Mr. QUILLEN], the chairman emeritus of the Committee on Rules.

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

Mr. QUILLEN. Madam Speaker, in my 32 years here in this House, I have always tried to be helpful in passing a constitutional budget amendment. I think it is absolutely necessary that we act today favorably, and that we pass this constitutional amendment without any delay. The people of this Nation demand it, the majority of this House demands it, and I think the majority of the States will ratify it, not only the majority in total, but the majority required. Some of the 50 States today have some kind of a balanced budget amendment, meaning that they cannot spend any more than they take in.

Madam Speaker, Tennessee is a good example of that. We have had it for years, and it works. The Federal Government should have it, and it will work. We should give it a try, and today is the day that we are going to do just that.

I commend the members of the Committee on Rules in the majority for bringing this to the floor of the House, and I know that these amendments, which will be discussed in full, embrace all of the ideas that were introduced that the gentleman from Massachusetts [Mr. MOAKLEY] alluded to. I know that we will have an opportunity to discuss those issues, and in the end I certainly hope that this House will act responsibly and favorably and pass this constitutional budget amendment without delay.

Mr. MOAKLEY. Madam Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip of the Democrat Party.

Mr. BONIOR. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], my friend, for yielding this time to me, and I thank my colleagues on the Committee on Rules and on the other side of the aisle for the good work they have done so far this year.

Madam Speaker, the American people have a right to know how we are going to balance the budget, and they are not going to be fooled by fig leaves. They are not going to be distracted by simple solutions. As my colleagues know, in a poll that was released just yesterday, 86 percent of the American people said that Republicans should specify what they intend to cut before passing a balanced budget amendment, and in the President's State of the Union Address that night one idea that went off the charts was the idea that we should be honest with the American people and spell out exactly what is going to be cut to balance the budget.

I say to my colleagues:

''Now the question isn't whether or not you support a balanced budget. The question is, and always has been, how do you intend to get there?''

Now balancing the budget is going to require a mammoth cut totaling over $1.2 trillion. This will affect every man, every woman, every child in this country for years to come. The American people have a right to know:

''How are you going to get there?''

''How much are you going to cut from Social Security?''

''How much are you going to cut from Medicare?''

''How much are you going to cut from student loans?''

''How much are you going to cut from veterans' benefits?''

Madam Speaker, the American people want to know.

My friend, Madam Speaker, the gentleman from New York [Mr. SOLOMON], just went like this, and we are not going to cut anything. But then he offered a substitute on the budget just last year, let me tell my colleagues what he did cut:

He wanted to eliminate all ag subsidies except for dairy, he wanted 50 percent cut in job training, and he had $140 billion over 5 years cut in Medicare. I say to the gentleman, ''We need to know what you're about doing with this balanced budget amendment.''

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

Mr. BONIOR. I will when I finish with my statement.

Now, Republicans say it is unreasonable, unreasonable to ask us where these cuts are going to come from. Madam Speaker, I guess I was brought up under a different set of rules. I was taught if I were going to do something, I ought to have the guts to say how I am going to do it.

I say to my colleagues, ''It's cowardly to say that you're for a balanced budget and then to leave it to future Congresses to figure out how that budget is going to be reached. It's like something a retired auto worker in my district once told me. He said, 'Think about this in common sense terms.' He said, 'I wouldn't sign a mortgage without first knowing how much the monthly payments are going to be. I wouldn't like a mechanic to do major work on my car without first getting an estimate on what the repair bill is going to be.' So he said, 'I don't see why it's so unreasonable to say that before we have a constitutional amendment to require a balanced budget, we first have some idea how that budget will be balanced.' ''

Madam Speaker, I know the majority leader says that, if the American people saw the details, that our knees would buckle. Well, I say to my colleagues, ''I would guess that, if your bank gave an estimate on your monthly mortgage payments that would cause your knees to buckle, you might think twice about buying that home.''

We all know what is going on here. We all know why knees would buckle. My colleagues do not want to come clean with the American people because they do not want them to know the truth, and the truth is they are going to slash Social Security, they are going to slash Medicare, they are going to slash veterans' benefits, they are going to pick the pockets of our seniors and balance the budget on the backs of senior citizens and children because that is what the Republicans have done traditionally, and if that is not true, if I am wrong, then show us it is not true. I say to my colleagues, ''Show us your hand. Show us how you intend to balance the budget.''

Each and every one of these substitutes that we have before us today and tomorrow should be forced to reveal exactly what cuts they intend to make to balance the budget.

□ 1300

Madam Speaker, they way this rule is written right now, that is not the case. I urge my colleagues to defeat the previous question and let us bring an open rule that applies a truth test to every substitute that is before us today. The American people deserve better than what I think this gutless bill we have before us now provides. They want to know, and they deserve to know, the truth.

I think, Madam Speaker, it is way past time that we gave it to them.

Mr. DIAZ-BALART. Madam Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. GOSS], a very distinguished member of the Committee on Rules.

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

Mr. GOSS. Madam Speaker, I thank my distinguished colleague, the gentleman from Florida [Mr. DIAZ-BALART], for yielding me this time, and I congratulate the chairman of the Committee on Rules for revealing the true specific plan to achieve a balanced budget, showing that it can be done.

Madam Speaker, on November 8 of last year, the American people elected us to fulfill a contract. That contract includes allowing a vote on a balanced budget amendment to the Constitution. And not just any balanced budget amendment, but specifically one that would permanently protect the American taxpayer from further unwarranted tax hikes—tax hikes like the one in President Clinton's 1993 reconciliation—that come in the name of deficit reduction. The American people signaled on November 8 that they want us to vote on the Barton amendment, and to require a three-fifths supermajority to raise taxes. And that's what we will do here today—as promised. Today's modified open rule is fair. It provides guidance to navigate through the 44 substitutes offered—including many overlapping proposals—by bringing forward four Democrat substitutes and one bipartisan alternative. There was ongoing consultation with the minority, and the minority leader was given the opportunity to designate priority amendments. There is some merit in all of the proposals—notably the Schaefer substitute, which offers a well-known balanced budget amendment that this House has come close to adopting several times in the past. But make no mistake, this debate focuses on the version of the balanced budget amendment that Americans said they wanted, the one included in the Contract With America. Some in this minority will no doubt complain that one or another specific proposal is left out of the process. But the American people understand that this debate should focus on the big ideas—and we won't be sidetracked by those who oppose balancing the budget and are using every excuse to slow down passage of the balanced budget amendment. American's did not vote for delay—they voted for action—now.

Madam Speaker, as a member of the bipartisan Commission on Entitlement Reform and as a Representative from Florida, I am quite familiar—if not acutely aware—with the situation facing Social Security. According to all the experts, the Social Security trust fund will continue to run a surplus until at least 2012—and it is not expected to add to the deficit until 2029. The idea that passage now of the balanced budget amendment will mean immediate and drastic cuts in Social Security benefits is a scare tactic pure and simple. That is just not the truth. In fact, as demonstrated by the Entitlement Commission findings, the greatest threat to Social Security comes from our annual red ink and mounting debt—if allowed to continue, interest payments on the debt alone could eventually squeeze all other programs—Social Security included—out

of the picture. Make no mistake, Social Security is off-budget, and it will stay that way. The Flanagan resolution—House Concurrent Resolution 17—made in order under the rule, shows our firm resolve in this respect. The situation is serious: We are currently in debt to the tune of $4.6 trillion, a figure that continues to grow by over $200 billion a year. Madam Speaker, in light of this I was startled to hear the ranking minority member of the Judiciary Committee testify to the Rules Committee that the national debt is currently being reduced. I'm not sure how he arrives at this, since every year that we run a deficit, we add to our national debt. Surely the minority is not advocating still bigger debt for our children to bear. In closing I urge my colleagues to support the rule and the Barton amendment.

Mr. MOAKLEY. Madam Speaker, I yield 4 minutes to the gentleman from California [Mr. BEILENSON].

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

Mr. BEILENSON. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], former chairman of the Rules Committee, and our ranking member, who has so ably helped us protect the rights of the minority and the citizens of our country through his work on this committee. I thank the gentleman very much for yielding me this time.

Madam Speaker, this is certainly not the open rule that we had been promised, and while it is not entirely closed, we are all disappointed in the restrictive nature of this resolution for the consideration of a measure so momentous as an amendment to the Constitution of the United States.

As has been well noted by the gentleman from Massachusetts [Mr. MOAKLEY], the history of the manner in which constitutional amendments have been considered, clearly shows that the use of the open rule is the wisest approach, and the one that appears to have been most often used when the threat of a discharge petition was not pending, as is currently the case.

Even more disappointing, under this rule no perfecting amendments are allowed. If even a few of the proposed perfecting amendments had been made in order, we could have accommodated most of the major concerns about the legislation, and given Members of the House a chance to express their feelings on a number of very important additional issues—issues which are precluded from considering under this proposed rule.

This is an immensely significant matter that we are dealing with, and we should do everything in our power to ensure that we take this step—if, in fact, we are going to do it—as carefully, and as thoughtfully, as possible.

There clearly were a handful of very fundamental and important issues that should have been allowed to be considered as perfecting amendments, such as one to consider alone the three-fifths requirement to increase tax revenue—a perfecting amendment proposed by Mr. VOLKMER—and another to require truth in budgeting proposed by the gentleman from Michigan [Mr. CONYERS].

In addition, several substitutes that were not made in order would have provided us with the opportunity to further improve the final product of this debate.

I refer particularly to the substitute offered by the gentleman from Arkansas [Mr. THORNTON], which sought to define capital budgets by going beyond investments for physical infrastructure alone, to include also investments in developmental capital such as education and training.

We should also have been allowed to consider, either as a perfecting amendment or as a substitute, the suggestion of the gentleman from Ohio [Mr. HOKE] for keeping the minutiae and complexity of changes in the budget process itself out of the Constitution, allowing it to be handled separately as legislation, and thus providing us with a choice for a simpler constitutional amendment.

And, the gentleman from Colorado [Mr. SKAGGS] offered several good proposals, including one that would allow Congress to approve an unbalanced budget during a time of national security emergency, short of a declaration of war, which is required in the pending proposal.

This rule, unfortunately, does not give us that opportunity, and it should be rejected.

Madam Speaker, through the course of this debate, however, I hope that it will become abundantly clear why the House should not give final approval to any of the alternative versions of this legislation.

As a longstanding proponent of eliminating Federal budget deficits, and as a Member who has acted to achieve that result by supporting and voting for many, many unpopular measures to reduce deficits over the past dozen years, I share the feelings of frustration which have led most of our colleagues to conclude that amending our Constitution is our only hope for solving the Federal Government's persistent budget deficit problem.

The enormous deficits the Government has run for the last decade and a half are, without a doubt, the leading policy and political failure of our generation. By running huge deficits, we have produced a soaring debt which requires that we spend 14 percent of annual Federal budgets on interest payments. We have done a grave disservice to future generations of Americans who will be saddled with that debt; and we have damaged our Nation's economic prospects by allowing the debt to consume more than $200 billion a year that could otherwise be used for much-needed investment, in both the private and public sectors.

These huge deficits, and the debt they create, are also a large part of the reason why voters are angry at Congress and why so many feel that our political process just does not work.

But the solution to the deficit problem is not to amend the Constitution; writing a balanced budget requirement into our Constitution does nothing in and of itself to bring revenues and spending into balance. The solution is to act to cut spending and, if necessary, raise taxes. That is what the President and Congress did successfully in 1993, and that is what we should do this year and in the years ahead until the Federal budget is finally balanced.

Voting for a constitutional amendment to balance the budget is easy; it does not require cutting any spending program or raising anyone's taxes. It sounds good, and it allows us to say that we are for balanced budgets. But the truth is, it is bad policy.

Passing a constitutional amendment to balance the budget would give Congress an excuse not to reduce the deficit until the year 2002. It would allow us to say that we have done something about the deficit when, in fact, we will have done nothing real about it.

In fact, if the House and Senate approve any of these proposals, what we will have done is relegate the responsibility for deciding Federal budget policy to the States. They will have to debate whether they want to ratify this amendment; they will have to decide if Congress is capable of bringing Federal revenues and spending into balance; they will have to guess how Congress is likely to act in response to a balanced budget requirement. At a time when we are trying to reach out and improve relationships with our counterparts at the State level, passing this amendment will undermine all of our efforts to come to terms with which responsibilities to our citizens should be handled at the Federal level, and which by the States.

I believe that it is highly unlikely that three quarters of our States will ratify any version of this constitutional amendment. They know that if the Federal Government is under a balanced budget requirement, they are likely to face deep cuts in Federal aid—cuts which will require them to make substantial cuts in spending or to raise taxes at a time when most of them already face that unpalatable choice.

Moreover, States will realize that the balanced budget requirement for the Federal Government will be far more onerous than those that the States themselves operate under. Most States require a balanced operating budget, but allow borrowing for capital spending. To the extent that they are able to categorize spending as part of their capital budget, they are able to borrow extensively. Unless the substitute offered by Mr. WISE is adopted, there will be no such distinction for the Federal budget.

But if, in fact, enough States ratified the amendment, Congress would undoubtedly go to great lengths to find ways not to comply with it. Recall what happened under the Gramm-Rudman-Hollings Act, which Congress passed in 1985; when the President and Congress operated under a requirement to reduce deficits to specified levels each year and produce a balanced budget within 5 years, we did everything possible to circumvent the requirement and avoid hard choices. We used unrealistic economic assumptions to produce inflated estimates of revenues, we moved programs off budget, and we delayed payments into future years. When we ran out of creative bookkeeping methods, we changed the deficit-reduction requirements and, finally, abandoned the requirements altogether.

Just as our inability to comply with Gramm-Rudman-Hollings in an honest way fueled public cynicism toward Congress, so too

would our almost-certain response to a constitutional requirement to balance the budget.

The reason that Congress would try to find ways to avoid complying with a balanced budget requirement is the same reason we did not comply with Gramm-Rudman-Hollings, and the same reason we are not voting to balance the budget right now: there is no political support for the deep program cuts and large tax increases that would be required to bring spending and revenues into balance. We may agree, in the abstract, that want to balance the budget, but we also realize that the draconian spending cuts required—if the budget is balanced through spending cuts alone—are not supported by most Americans.

A constitutional requirement to balance the budget is not going to suddenly give us the political support and the political will to cut spending cuts and raise taxes. In fact, I would point out that many of the Members of the House who are most enthusiastic about a constitutional amendment to balance the budget are the same Members who are equally, if not more, enthusiastic about cutting taxes. And, not surprisingly, they are finding themselves unable to develop a plan to show how we can produce a balanced budget by the year 2002.

Even if all tax-cut proposals were abandoned, Congress would need to cut spending or raise taxes from projected levels by more than $1 trillion between now and 2002 to balance the budget. There is no doubt in my mind that if we were voting on an amendment which also contained the actual measures—the spending cuts and tax increases—which would balance the budget by 2002, there would be very few votes for it.

There is another reason we ought not to enshrine a balanced budget requirement in the Constitution: A balanced budget is not always good economic policy. A requirement that would force Congress to cut spending or raise taxes in the middle of a recession could be disastrous for our economy. We need flexibility in Federal budget policy to counter the swings in the economy and the negative effects they cause. Some of the alternatives before us would allow Congress to override a balanced budget requirement by majority vote; but, if that is the case, what is the purpose of such a constitutional amendment?

On the other hand, the alternative proposed by Representative STENHOLM anticipates the possible need for deficit spending by allowing expenditures to exceed revenues if three-fifths of both Houses of Congress vote to approve deficit spending. That provision, however, would enable a minority of Members—whether partisan, regional, ideological, or otherwise—to control the outcome of a decision on this matter, just as the Barton alternative, requiring a three-fifths vote to raise taxes, would do on that question.

By giving minorities in both Chambers the power to demand concessions in return for their votes—and the power to veto, in effect, legislation supported by a majority of Members—this provision would make it extraordinarily difficult for Congress to govern. It would severely constrain Congress in its ability to respond effectively, and in a way supported by a majority of Americans, to the problems facing our Nation.

Finally, we have little understanding of how a constitutional amendment requiring a balanced budget would be enforced—what would happen if Congress failed to match revenues and spending. It is not clear whether the President or the courts will enforce this—or whether it could be enforced at all. If the resolution of a budget imbalance is left to the courts, it would put unelected Federal judges in the position of deciding our Nation's fiscal policy.

Mr. Speaker, for all of these reasons, the proposals before us to amend the Constitution to require a balanced budget should be rejected, and the rule before us, as I said at the beginning of my statement, should be rejected as well. Let us resolve, instead, to build on the work we began last Congress when we enacted legislation that is, in fact, reducing deficits by half a trillion dollars over 5 years.

Ms. PRYCE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Claremont, CA [Mr. DREIER], a member of the committee.

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

Mr. DREIER. Madam Speaker, I would like to begin by thanking my friend, the gentlewoman from Columbus, OH [Ms. PRYCE] for yielding me this time, and I rise to congratulate the gentlewoman as well as the gentlewoman from Utah [Mrs. WALDHOLTZ], the gentleman from Florida [Mr. DIAZ-BALART], and the other new members of the Rules Committee for the superb work they are doing, joining the force of SOLOMON, QUILLEN, GOSS, and so forth.

Let me say that on this issue of the balanced budget amendment, it is fascinating to listen to the arguments that are being made in opposition to this rule by a number of my friends. I think it is important for us to take an historical perspective in looking at this issue.

□ 1310

I know my friend, the gentleman from Florida [Mr. GOSS], raised a number of these points. But it is worth noting that over the past 14 years, we have seen the balanced budget amendment brought up to the House floor on four different occasions. Never once, never once did the Committee on Rules report out a rule that provided the wide range of options that are being provided under this rule.

The other thing, there was a fascinating argument made upstairs, and my friend, the gentlewoman from Colorado [Ms. SCHROEDER], raised great concern about this. The Committee on the Judiciary only had an 8-hour markup on this measure when they met. In previous Congresses, they did not allow 8 minutes of markup, much less 8 hours. So to argue that there was not an opportunity for wide ranging debate in this markup is preposterous.

I think when we listen to the overwhelming hue and cry that has come from across this country to balance the budget, we have the President who spoke here last night, and most of us concluded that it was not the President's finest hour. In fact, it was not the President's finest 2 hours here last night. It seems to me that we need to note that they are all calling for us to immediately provide a list of exactly how we plan to balance the budget.

Well, I say to my friends on the other side of the aisle, they are well aware of the way the budget process works. We have a Committee on the Budget. The responsibility for outlining those things lies with that committee, not with a particular piece of legislation like this amendment.

Clearly we know that we have the responsibility to bring those proposed cuts forward, and it is going to be done under the standing rules of this House, something which tragically in the past have been ignored, but something which we are doing our darnedest to stick to just as well as we possibly can.

I also am concerned about the fact that behavior in the past has seen the other side use that ridiculous king-of-the-hill procedure, whereby the last standing measure, the last one voted on, even though it may not have gotten the greatest number of votes in the House, is carried. We have modified that so-called king-of-the-hill procedure so that the provision which has the highest number of votes will be the one that carries. It seems to me that we need to realize that we are, were the deliberative process, bringing this forward in a fair way, and I urge my colleagues to support this balanced approach to the balanced budget amendment.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Madam Speaker, I too rise in opposition to this rule. My colleagues on the other side of the aisle claim that this rule is some sort of move toward openness. But let us look at what the rule actually does.

This is a closed rule. The Committee on Rules received 44 requests for amendments from Members of this body, yet only 5 were made in order, in addition to the committee substitute.

Debate is choked off on many, many issues that directly affect the American people. People want to know what the programs are that will be cut under this amendment. Will they lose their Social Security, what is going to happen to Medicare, what about programs like disaster relief, education benefits, or crime prevention? How much are we going to have to cut defense?

I have part of one of the largest air bases in the world in my district. What is going to happen to that air base under this particular amendment?

We need to be fair and up front with ourselves and with the American people. Therefore, I am going to vote against the previous question, which allows us to bring up a resolution known as the truth-in-budgeting resolution. This resolution simply requires us tell the American people what programs will be cut in order to achieve a balanced budget.

I do not think that is too much to ask. I am particularly concerned with the effects of this balanced budget

amendment on some of our successful antipoverty programs. According to the Children's Defense Fund, a balanced budget amendment could result in approximately 7.6 million children losing school lunches, 6.6 million children losing Head Start opportunities, and 231,000 blind and disabled children losing basic income supports through SSI. And the list goes on and on.

There is no doubt that balancing the budget requires tough cuts and very difficult choices. But that debate should take place in an open forum, truthfully, and up front.

I offered a number of amendments to the rule yesterday in the Committee on Rules, allowing Members' ideas to be brought to the floor and debated. Those amendments had to do with Social Security, taxes, low-income programs, civil and human rights and the disabled. They were defeated every time by a partisan vote.

Let us really show the public we can have an open and fair debate. Vote against the previous question, and vote ''no'' on this closed rule.

Ms. PRYCE. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, today marks another historic day in the life of the 104th Congress as the new Republican majority continues working to fulfill its promises to the American people. On opening day, we adopted a sweeping set of congressional reforms to make the House more open, efficient, and accountable. Last week, we overwhelmingly approved a long-overdue measure to bring this institution into compliance with the same laws it imposes on the rest of society.

Last Thursday, as part of our plan to reduce the burden of Federal regulations, we began debate on discouraging the practice of imposing costly, unfunded, Federal mandates on States, local governments, and the private sector. And today, as we proudly begin debate on this historic rule, the House moves one step closer toward adopting a constitutional balanced budget amendment, the very cornerstone of our contract's plan to restore fiscal sanity to the congressional budget process.

Madam Speaker, Congress can and should balance the budget without being forced to do so. But the fact remains, it hasn't. And with a Federal debt nearing $5 trillion and budget deficits in 33 of the past 34 years, it is clear that Congress is unable to solve the Nation's fiscal crisis entirely on its own. Some Members just don't have the stomach or the desire to make the tough decisions.

The time has finally come to give constitutional expression to a policy practiced by thousands of families and businesses across America every day: learning to live within our means. Without constitutional constraints to deficit spending, future generations of Americans will be forced to bear the costs of our excesses. We should be ashamed to leave this legacy to our children and grandchildren.

Madam Speaker, let me say that I fully appreciate the seriousness of this legislation. And the rule which we have recommended is abundantly fair as it allows the House to consider six different versions of the balanced budget amendment, four sponsored by Democrat Members, one by Republicans, and one bipartisan proposal.

The fact that the House will soon consider a balanced budget amendment just 3 weeks after opening day is proof positive that the new Republican majority is serious about keeping its promises to the American people. I congratulate Chairman SOLOMON and the leadership for bringing this fair rule to the floor today. In terms of fairness it is light years ahead of what we've seen in Congresses past. I strongly urge its adoption by the House.

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

Madam Speaker, I would like to read a statement: ''With every closed rule, millions of voters are disenfranchised when their duly elected representatives are prevented from offering relevant amendments to bills we consider.''

These are the words stated by the gentlewoman from Ohio [Ms. PRYCE] at a press conference held by the Rules task force on April 23, 1993.

Madam Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Madam Speaker, for some time I have been a supporter of a balanced budget amendment to the U.S. Constitution. In the 16 years I have served in this body, I have seen the public debt triple to well over $4 trillion and have watched as the Congress has struggled to bring the Federal budget and the deficit under control. Until recently, we in the Congress, working with Presidents both Republican and Democratic, have had only limited success in curbing the spriraling growth of Government spending. Thanks to the policies instituted in the last Congress, we are now witnessing a steady downward path of the deficit, but I remain convinced that stronger measures are called for if we are to finally, once and for all, bring the budget of this Nation into balance. And, for that reason, I will support passage of a constitutional amendment when the House votes tomorrow.

However, Madam Speaker, in spite of my record of support for just such a constitutional amendment, I must rise in opposition to this rule. My Republican colleagues made a number of points yesterday during our markup of this rule saying that it provides for the consideration of more options than have been considered in the past few years.

□ 1320

But I would like to clarify a point. In the past the rules providing for consideration of balanced budget constitutional amendments have not been reported from the Committee on Rules. Rather, they have been considered by discharge petition or the Committee on Rules has simply reported a rule tracking the provisions of a discharge petition about to reach the floor, thereby limiting the terms of debate.

My Republican colleagues will respond by saying this rule provides for the most free and open debate ever granted to a constitutional amendment to balance the budget. But I would like to say that this rule does not really provide for the free and open debate promised by Republican candidates for election to the 104th Congress. This rule reported by the Republican majority has limited the opportunities for Members to express their views on how to bring about fiscal restraint. The chairman notified the Members of the House that the committee might limit the consideration of amendments to those printed in the CONGRESSIONAL RECORD last Friday as well as to those amendments submitted in the form of amendments in the nature of a substitute. Yet the Republican rule contains a provision providing for the consideration of a concurrent resolution which not one Democratic member of the committee saw until yesterday, just prior to our markup.

The Republican majority on the Committee on Rules recommended a rule that included consideration of five substitutes to the joint resolution. The Republican majority on the Committee on Rules rejected 23 amendments offered to the rule by the Democratic members of the committee during our markup. Not one single amendment was agreed to during the markup by the Republicans.

A variety of reasons were offered. Time constraints prevented additional debate on further amendments. The rule makes in order four Democratic alternatives as well as one bipartisan alternative. Debate in previous Congresses was far more restrictive.

Madam Speaker, I do not understand the need to limit debate.

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

Mr. FROST. I yield to the gentleman from New York.

Mr. SOLOMON. Madam Speaker, with all due respect, and the gentleman is one of the most respected Members of this House, in the Congresses that he has been here for 16 years, he has voted for every one of those restricted rules that far more restrict Members on both sides of the aisle.

Mr. FROST. Reclaiming my time, Madam Speaker, I point out to the chairman that his party ran on a platform of open rules. I know that this gentleman is sincere. I know that this gentleman intends to have open rules. But for some reason we did not have an open rule in this particular case.

For that reason, I must oppose the rule.

Mrs. WALDHOLTZ. Madam Speaker, I yield 2 minutes to the gentleman

from Miami, FL [Mr. DIAZ-BALART], a member of the committee.

Mr. DIAZ-BALART. Madam Speaker, as we debate this fair rule for consideration of this very important constitutional amendment, I ask the question: Why is there a very serious financial crisis in Mexico today that we are dealing with precisely in this Congress because of its worrisome effects? Because of lack of confidence by the international financial community on the ability of Mexico to pay on debt that will shortly be coming due. Investors will no longer buy bonds there due to uncertainty regarding whether they will be paid, whether those bonds will be paid when they mature. In other words, when they come due.

Now, if our own debt continues to increase indefinitely, even though, for example, even economists like Keynes, who believe in stimulation of the economy through deficit spending occasionally, he never, for example, supported permanent deficit spending.

If our debt would continue to grow indefinitely, $4 trillion, $5 trillion, $6 trillion, $7 trillion, theoretically, and then there would one day be doubt as to our creditworthiness, God forbid if that ever happened, who would bail us out, Madam Speaker? Who would bail us out? The International Monetary Fund? No, we pay more into the International Monetary Fund than anybody else? Germany, Saudi Arabia? Who would bail the United States of America out, Madam Speaker? Is it acceptable to depend on other countries to theoretically bail us out? No, it is not.

We must stand on our own for our children and for their children and their grandchildren, and we owe it to them to be able to stand on our own and maintain due to fiscal responsibility now and an end to fiscal irresponsibility, the economic security into the future that we require, that is why we need to pass this rule and this constitutional amendment.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Madam Speaker, I would like to put this debate in perspective for the American people. The Constitution empowers the Congress of the United States to balance the budget. But the Congress evidently cannot do that or does not want to do that anymore. So the Congress wants to empower the Constitution to balance the budget.

Now, Members would think by now Congress might have learned. It started out with Gramm-Latta, then it went to Gramm-Kemp, then it went to Gramm-Rudman. Now it is going to be Gramm-constitution in a 2-minute drill no less.

I say to the Congress, this is going to turn into Gramm-bankrupt. Because Congress has to balance the budget. And let us look at the facts. The American people are saying, OK, we gave the Republican Party the authority.

You are in charge. You want a balanced budget. You chair the committees. Bring out the balanced budget. We know you cannot do that with a $300 billion deficit, $5 trillion debt and $300 billion of interest payments. But in 10 years from now the Constitution is going to balance the budget with $7 trillion of national debt, $500 billion in interest on that payment, but the Constitution is going to do it.

It is not the Constitution, Congress. It is the Tax Code. It is not the Constitution, Congress. It is the trade laws.

The President did not mention the $153 billion record trade deficit yesterday and 20,000 jobs for every $1 billion in deficit, that is 3 plus million jobs at $30,000 a piece.

Congress should be wise to remember history. There was a popular saying during the depression by working people that said, Harding blew the whistle, Coolidge rang the bell, Hoover pulled the throttle, and all American jobs went to hell.

By the way, if Thomas Jefferson had a constitutional requirement to balance the budget, Thomas Jefferson would not have been able to consummate the Louisiana Purchase.

It is the Tax Code and trade policies, Congress. We are killing jobs. We are penalizing achievement. We are rewarding dependency, and we are insulting the intelligence of the American people.

Let me say this: No Hail Mary pass at the last minute to empower the Constitution to balance the budget is going to solve our problems. It is jobs. You will find them in our Tax Code and our trade laws. And why do we not start dealing with it.

Mrs. WALDHOLTZ. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, today we have an opportunity to prove that we hear the people's voice demanding real change in this Congress and could keep our commitment to them. As families sit down to plan their household budget, to pay the rent or the mortgage, to buy back-to-school clothes for the kids, or to repair the car, they want to know why Congress does not have to do what they have to do, balance their budget.

Families make priorities. They give up some things they would like to do for things they need to do. And as Congress moves to balance its budget, as we must do, we are going to have to make some difficult choices.

But I have great faith in the American people that not only do they expect us to make these decisions but they will support us in making these decisions if we work with them and talk with them and listen to them and spend their money wisely on things they value most.

We need to pass a balanced budget amendment to give this Congress the fiscal discipline it has repeatedly proven it does not have.

The rule that we have reported provides for the most inclusive, open, honest debate on a balanced budget amendment in the history of the Congress.

Of critical importance, this rule will allow us to reaffirm, through Concurrent Resolution No. 17, our commitment to our seniors that we will not use Social Security to balance the budget.

□ 1330

Seniors will not pay the price for this Congress' past mistakes. The fearmongering by those less concerned about the peace of mind of our seniors than their own political agenda should end.

At the same time, Madam Speaker, this rule will allow us to protect our children by ending Congress' reprehensible habit of spending away their future. Madam Speaker, it is long past time to pass a balanced budget amendment, and this rule will allow us to do that. I urge my colleagues to join with me in keeping our word to the people who sent us here, and to support this rule and pass a balanced budget amendment

Mr. MOAKLEY. Madam Speaker, I yield 1 minute and 20 seconds to the gentleman from Arkansas [Mr. THORNTON].

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

Mr. THORNTON. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member, for yielding time to me.

Truth in budgeting is important. It is important to know what programs will be cut and priorities will be protected.

Last night President Clinton told us of the heroic act of Jack Lucas and commended all veterans who are willing to risk their lives for us, and he said, ''We owed them a debt we could never repay.'' He then challenged us, as we make cuts in Government spending, to remember our obligations to our children, parents, and others who have risked their lives by protecting education, Social Security, and Medicare, and veterans' benefits from those cuts.

Madam Speaker, my proposed amendment would have accomplished those goals. Last night, Madam Speaker, I was pleased that this suggestion received a standing ovation from both sides of the House, for these are truly nonpartisan goals.

That is why I am so puzzled by the Committee on Rules' decision not to allow a vote on this balanced budget amendment, which has bipartisan support and would accomplish all of these goals. I find it truly amazing that even though our veterans put their lives on the line in defense of our democracy, we are not allowed today to even have a vote on whether to honor our commitment to those who have risked their lives for our democracy.

Madam Speaker, I wanted to point out that truth in budgeting is important. We need to know where the cuts will fall.

The refusal to allow a vote to protect education, Social Security, Medicare, and veterans' benefits means that those benefits are fair fame for the budget ax. We need an open rule so we can have truth in budgeting.

Mrs. WALDHOLTZ. Madam Speaker, I yield 2 minutes to the gentleman from Lakewood, CO [Mr. SCHAEFER].

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

Mr. SCHAEFER. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I rise in support of House Resolution 44. Madam Speaker, I want to commend the leadership and the Committee on Rules for putting together a rule that fulfills two items that, I believe, are the cornerstone of our party's Contract With America.

The first is an early vote on the balanced budget amendment, and for the first time ever, we have not had to resort to end-running a reluctant leadership for trying to get a balanced budget amendment on the floor. I think this rule does that.

It is the first item of business that brings up the contract version of the BBA sponsored by my good friend, the gentleman from Texas [Mr. BARTON]. I strongly urge every one of my colleagues to support the three-fifths tax limitation version of the amendment.

The rule also fulfills another cornerstone of the contract, and that is of open and fair rules. This carefully crafted rule ensures that we let the American people know who does and does not support tax limitation, while at the same time maximizing the likelihood that this body will send a balanced budget amendment to the States for ratification.

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

Mr. SCHAEFER, I yield to my good friend and colleague, the gentleman from Texas [Mr. STENHOLM], who has worked long and hard on this issue.

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

Mr. STENHOLM. Madam Speaker, I rise in support of the rule today. While I had offered a suggestion for a little different kind of a rule, I believe on close analysis this is a fair rule for purposes of debating the relevant issues that will come before us today.

Madam Speaker, I would say, as one of the coauthors of the Schaefer-Stenholm amendment, to those who are concerned about Social Security benefits, education, and all of the other extremely important endeavors, there is nothing in our substitute that has anything to do with a negative effect on any of those issues. That will be brought out in general debate.

Madam Speaker, I rise in support of House Resolution 44 allowing for the consideration of House Joint Resolution 1, as well as five substitute amendments to that language.

I want to commend the Republican leadership for its prompt consideration of this critical matter. As this body knows, it has taken herculean efforts on the part of many Members, both Democrat and Republican, to bring this issue to the floor during the last three Congresses. In each case, we filed discharge petitions to the rules allowing for the consideration of these matters. In each case, we crafted rules which granted a fair and open debate on the major contending approaches to amending the Constitution for purposes of requiring a balanced Federal budget. And in each case we, unfortunately, fell just short of the two-thirds support necessary for passage.

I am supporting this rule because I believe it allows for debate on those relevant issues of greatest concern to House Members. While I had suggested an alternative way to handle the rule which the committee did not adopt, I believe that this rule is fair and I am pleased, Chairman SOLOMON, to be able to support it today.

My great, great hope is that this year, at last, will be the final time to deliberate this issue. It is time for us to get the amendment behind us so that all of this energy can be focused, instead, on the actual process of achieving a balanced budget.

All of the hours my staff and I, not to mention so many others, have been required to put into this issue notwithstanding, I know that our forbears showed remarkable wisdom and foresight when they made it so difficult for us to amend the Constitution. This is no minor task we will be undertaking for the next 2 days.

When we Representatives take our oath of office, we swear to uphold the Constitution of the United States. That oath must not be taken lightly. This is no place for games-playing. It is no place for seeking political advantage. It is no place for irresponsible, short-sighted self-interest.

I hope that the remarks which fill the debate of the next 2 days, regardless of whether the speaker be favorably or negatively inclined toward the amendments, reflect the seriousness of our endeavor.

Because when these 2 days are over, regardless of the final outcome of these votes, we will find ourselves still facing the cancer of debt which is destroying the fiscal flesh and bones of our country. Regardless of whether you vote yea or nay on House Joint Resolution 1 or on any of the amendments, each individual Member must be willing to say, ''This is what I did today to make our country a better place.''

I appeal to both sides, let us deliberate this issue straightforwardly and honestly. Especially to the freshmen Members I would say, please evaluate this issue on its merits, not on its internal or external politics. There is no such thing as an easy vote on a constitutional amendment.

I come here prepared to work hard these next 2 days and my hope is that the hard work will pay off with 290 votes on final passage. But as I said last year at the beginning of this debate, come Friday I'll have the same gameplan whether the BBA wins or loses and whether the tax limit wins or loses. Regardless of how many votes there are, I'll be working hard for the rest of the year to chip away at our monstrous deficit. Next week I'll be working with PETER VISCLOSKY to develop a revised enforcement implementation plan. This spring I'll be working with Chairman KASICH amd Ranking Democrat SABO on the first installment of the 7-year glidepath to a balanced budget. Teaming up with JANE HARMAN and CHET EDWARDS, I will push for some of those budget process reforms that we believe will make a difference in the way business is done around here. Joining with DAVID MINGE, DAN MILLER, and other porkbusters I will seek to keep our appropriations bills clean and lean.

My wish is that even those who vote against the constitutional amendment—in fact, especially those who vote against a constitutional amendment—are ready to join me in saying, ''This is what I did this Congress, this year, this day, to take the debt off of my children's shoulders.''

Again, Madam Speaker, I urge my colleagues to support this rule and, subsequently, to support the balanced budget amendment.

Mr. SCHAEFER. Madam Speaker, I urge support of the rule.

Mr. MOAKLEY. Madam Speaker, I yield 1 minute to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Madam Speaker, I rise to oppose the rule proposed for House Joint Resolution 1, the balanced budget amendment. I support balancing the Federal budget, but I believe, as an elected Representative of the people, that I owe them the responsibility and respect to tell them how I will do so. This balanced budget amendment does not do that.

The Republican leadership, as the new majority, made a commitment to procedural rules for open debate and fairness. But sadly, the rule before us now is closed. Closed.

I have an amendment that I would like to offer. It provides for rainy day funds for purposes of emergencies, natural disasters. But I cannot offer it on the floor of this House today, even though I think it is a very worthy amendment, especially for folks in California, where I am from, where we are suffering tremendously. We cannot do that. That is a closed rule.

Madam Speaker, we have to admit that we really have entered the world of Alice in Wonderland when Democrats end up fighting harder than Republicans to keep Republican promises.

It is time, Madam Speaker, that we try to do the people's work and give the people their day in court. It is a slap in the face to our constituents when we cannot even come up here and to propose amendments that are valuable and will affect the Nation's course of history, because we are talking about an amendment to the Constitution.

Madam Speaker, I urge everyone to vote against this rule.

Mr. SOLOMON. Madam Speaker, I yield 1½ minutes to the gentleman from Georgia [Mr. LINDER], a member of the Committee on Rules.

Mr. LINDER. Madam Speaker, this is an extraordinary day for those of us

who have held dear to the Reagan-Bush axiom that the Federal Government is too big and it spends too much. For too long Government has been incapable of managing its finances in a responsible manner, and the passage of a balanced budget amendment is an important first step in assuring that this Nation is fiscally sound as we move into the 21st century.

Madam Speaker, I also strongly support the rule, which will allow consideration of a constitutional amendment to balance the budget. Many duplicate amendments were offered to the Committee on Rules, but I am pleased that six distinct constitutional amendments will be considered on the House floor in the coming days.

Madam Speaker, it is important to note that in the past the House refused even to hold a markup on this bill. I believe that the Committee on Rules has been extraordinarily fair and prudent in approving twice as many minority amendments as majority amendments in this debate.

The balanced budget amendment with the three-fifths tax limitation provision will force Congress to curb its spending, and will go a long way toward eliminating Government waste and Government abuse of taxpayer dollars.

Mr. MOAKLEY. Madam Speaker, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Madam Speaker, I rise in strong opposition to this closed rule. In this and the last two Congresses, I have filed a balanced budget amendment which is not a dilatory amendment. It is a substantial amendment which the Committee on Rules refuses to allow to be brought here to the floor and voted upon.

Madam Speaker, it is a unique concept. It is the only amendment which requires actual receipts and outlays to be balanced, the only amendment with an actual enforcement mechanism. When presented to the Committee on Rules, the chairman said ''We have 46 amendments. We can't possibly take them all to the floor.'' Why not? Why not? Is it because there are other issues in the contract to discuss?

This is the Contract With America, the Constitution of the United States. Only 16 times in the last 200 years have we amended this Constitution. There is nothing more important.

Suppose that Thomas Jefferson had taken, then, the floor of the Constitutional Convention and said ''We don't have time to listen to all of you. We are going to take 5 ideas, debate them, and then vote.''

□ 1340

We would have never have had the opportunity to hear of the great compromise which created the House and Senate. We would have never had this Constitution.

Oppose the rule. Vote against the rule. Allow us to bring all of the ideas about changing this document.

Mr. SOLOMON. Madam Speaker, yielding myself 30 seconds, I would point out to the gentleman from Utah that Thomas Jefferson was not at the Constitutional Convention; he was the Ambassador to France at the time. The gentleman from Utah last year voted for the very closed restrictive rule. Now he is complaining about it.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. I thank the gentleman for yielding.

Mr. Speaker, I would like to recognize the gentleman's leadership for the fight in the balanced budget amendment. He has been a very dedicated soldier in this regard.

Madam Speaker, I rise in support of the rule. The deficit this year is forecast to be $176 billion. This is actually down from several years of deficits well in excess of $200 billion.

The accumulated national debt is now $4.7 trillion. This includes both debt held by the public and debt owed to the trust funds. If we do nothing, the deficit situation will grow far worse. Current CBO projections show the annual deficits increasing to over $300 billion a year after the turn of the century.

Madam Speaker, I strongly support the balanced budget tax limitation amendment included in the Contract With America, the Barton language. If that version fails to garner 290 votes, I will support the alternative language offered by my good friend from Colorado, DAN SCHAEFER.

The current amendments before this House are directed at ending annual deficits. This is great. It means that in 2002 we will at least have stopped adding to the accumulated debt. But by then, we will still have an accumulated national debt of over $6 trillion, and our children will have to pay interest on this accumulated debt for every year in the future. That interest will force Federal taxes to be higher than they should be.

Under current CBO forecasts, Federal spending will grow an average of 5.3 percent a year. In order to achieve a balanced budget, we must hold that rate of growth at 2 percent, and we can still pay for the tax cuts. This means that instead of spending $2.5 trillion more than if we froze spending, we can spend $1 trillion more. It is clear to me that we can and must do this for our children.

Last November the American people sent a clear message to Congress. They want us to pass the toughest balanced budget amendment that we can. This is how I will cast my vote.

Mr. SOLOMON. Madam Speaker, might I inquire as to the time remaining on both sides of the aisle?

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The gentleman from New York [Mr. SOLOMON] has 3 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 4 minutes remaining.

Mr. SOLOMON. I would just say to the gentleman from Massachusetts [Mr. MOAKLEY] that we will be closing on this debate.

Mr. MOAKLEY. Madam Speaker, I yield 4 minutes to the minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. SOLOMON. Madam Speaker, may I inquire, is the gentleman yielding his remaining time to the minority leader?

The SPEAKER pro tempore. Yes. The gentleman from Massachusetts had 4 minutes remaining and has yielded 4 minutes to the gentleman from Missouri.

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

Mr. GEPHARDT. Madam Speaker, I urge my colleagues to defeat this gag rule so that we can shred the veil of secrecy that shrouds this amendment and tell the American people what is really at stake in this debate.

My colleagues, when we talk about tacking amendments on to the Constitution of the United States, we are talking about the most sacred responsibility we have as legislators: To ensure that the document that has steered our ship of state for more than two centuries advances the goals we share as a nation, openness, fairness, opportunity for all. That is why I think it is crucial that a balanced budget amendment, an amendment that would touch on every aspect of the lives of our constituents, is considered in an open, fair, and honest manner.

I would urge and urged yesterday an open rule for this debate, one that allows every amendment that has been presented to be considered by the House, every argument that has been presented to be heard, and every avenue for having a constitutional amendment to be understood.

How else will the American people know that we looked before we leapt? You see, for Democrats, the question is not whether we balance the budget, the question is how we balance the budget, and who is affected and how they are affected.

When we ask our friends on the other side of the aisle what gets cut, whose belt will be tightened, to borrow the words of my good friend the Republican leader, ''Their knees buckle.''

So we say we are not signing this contract until we can read the fine print. That is why I asked for a vote during this consideration of the balanced budget amendment on a statute that I call the honest budget bill that would force the Congress to say in a budget resolution exactly how we want to balance the budget before the amendment is sent out to the States. But this rule refuses to allow us to consider that legislation.

So my question is, is there a hidden agenda here? Is there somewhere in here a veiled attack on Social Security

or Medicare which some of our friends on the other side have threatened in the past? Our States have a right to know. And our people, most importantly, have a right to understand how this budget will be balanced.

I know the Republican majority is trying to move fast on the contract. I think it is because the contract is losing ground with every passing opinion poll. The reality is the more that the people know about the contract, the less they like it, and I sympathize.

But is this not what democracy is all about? Giving people the information that they deserve to make informed, educated, choices about their own lives? Even if it means sometimes our contracts, our ideas, our proposals, are rejected and we have to go back to the drawing board.

I urge Members, vote for the previous question, defeat this gag rule. If this amendment is not good enough to withstand the bright light of truth, then, my friends, it is not good enough for the American people.

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

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

Mr. MOAKLEY. I think the minority leader misspoke. We want to vote against the previous question.

Mr. GEPHARDT. Vote no on the previous question. The gentleman knew what I meant.

Madam Speaker, let me end with this last point. This is perhaps the most important legislation we will consider in our whole time in the Congress. There is not a more important, far-reaching bill or bills than this set of proposals.

I urge Members to allow the fullest possible debate. This bill will affect our people's lives more than anything we will vote on in the time we are in the House of Representatives.

Vote no on the previous question, vote against the gag rule. Let all of the alternatives be debated in a completely open rule.

Mr. SOLOMON. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. SOLOMON. Madam Speaker, I would just say the distinguished minority leader is absolutely right, this is probably going to be the most important vote we will cast in our career in this Congress. The balanced budget amendment is going to do what the American people want us to do for a change.

I would just have to take exception with the minority leader calling this a gag rule. He has been here longer than I have, but for the last 4 successive, preceding Congresses, he has voted personally, as has everyone on his side of the aisle, for a much more restrictive gag rule than this one will ever be.

□ 1350

This is a fair rule in which we took into consultation the minority leader and other Members of his party.

Let me just say this, Madam Speaker, the Democrat minority leader is using the faulty argument that we should not require a balanced budget until Congress adopts a detailed plan for balancing that budget.

Using that kind of logic, if today's House Democrats had been in charge at the time of Pearl Harbor, we would still be debating today over a detailed plan for winning the war in the Pacific, before we could vote on a declaration of war.

That is what this is, the same analogy, the deficit is the war we are fighting today. We are not going to be forced to deal with it until we recognize we are under attack, declare war on it, and then set about mobilizing and planning to win that war.

Having said that, Madam Speaker, before I close and move the previous question, let me explain that since we reported the rule yesterday, it has been called to our attention that there is a discrepancy in the Committee on the Judiciary report between the total votes cast for and against amendment No. 6 on the actual number of the Members listed by name as voting for and against the amendment. I appreciate the minority calling this to our attention so we can correct this mistake by way of an amendment to this rule.

We hope we can work cooperatively in insuring that our new accountability rules will work for the good of the House and for the public.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Madam Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: On page 2, at line 19, insert after ''clause (2)(g)(3)'' the following: ''or clause 2(l)(2)(B)''.

Mr. SOLOMON. Madam Speaker, out of courtesy to the minority, I ask unanimous consent for 10 additional minutes for this rule, and that I be permitted to yield 5 minutes of that time to the gentleman from Massachusetts [Mr. MOAKLEY] for the purposes of controlling that time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I have already explained the amendment, and I reserve the balance of my time.

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

Madam Speaker, the proposed amendment to this rule waives clause 2(l)(2). This clause reflects changes made on opening today to require that committee reports accurately reflect all rollcall votes on amendments in committee.

Madam Speaker, the point of order that lies against the Committee on the Judiciary report is the very same point of order that applied to the unfunded mandates bill.

The Committee on Rules majority also failed to waive the point of order on the unfunded mandates bill.

On January 19 the gentleman from Pennsylvania [Mr. KANJORSKI] made a parliamentary inquiry to establish for the RECORD that the point of order applied, but he did not press in that point of order.

The minority does not wish to obstruct, but it is our responsibility to call the majority as it tries to circumvent the very rules we adopted on opening day.

If the new majority believes it is important to require an accurate tally of each rollcall vote on amendments in committee, they should do it. At a minimum they should include a waiver in the rule when they do not live up to their own requirements.

To depend on our good graces not to press points of order week after week just cannot be acceptable.

I thank the gentleman from New York for yielding me the time.

Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Madam Speaker, I rise in opposition to the rule. This restrictive rule did not allow many important and substantive substitutes. One of the substitutes offered and not allowed was one that I offered.

My substitute mirrored other balanced budget substitutes requiring the Federal Government to achieve a balanced budget. It would have required a three-fifths majority to raise taxes. However, it contained one important difference. It would also have required a three-fifths majority to cut spending for programs supporting the safety net for the poor.

Specifically, it would have protected these programs respecting subsistence, health, education, and employment. It is my belief that these programs which comprise the safety net for America's most vulnerable citizens deserve protection.

Programs likely to be slashed include LIHEAP, Head Start, mass transit, and the list could go on and on. Too often poor families and their children are the least heard in Washington. They deserve to be heard and they deserve to be heard on my substitute.

I urge my colleagues to defeat this rule.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Madam Speaker, I thank my friend from Massachusetts for yielding me the time.

Madam Speaker, I want to point out to my friends and colleagues here this afternoon, we started off this session

with the first two rules being closed, and then we adopted a package of rule reforms, some of which we agreed with, some of which we did not.

Our point here today is to make it clear to you that we intend to make you live by the rules and the reforms that we instituted on that first day of session.

We had one other chance to do what we are raising this afternoon and that is to raise a point of order on the rule as it came out of the committee on the unfunded mandates bill. We did not do that because we knew it would delay, and we could not go on with the business of the House, and we let it go. The issue was basically the same as it is today, that the report language coming out of the Committee on Rules was not complete, in fact it was inaccurate.

So, I just want to make it very clear this afternoon that we are determined to speak up and to protect the rule reforms that were instituted in this House and to prevent our Members from being gagged, from discussing these important issues as they come before this body. We are not going to tolerate further points of order requests without proper consultation and consideration for the needs of the people on our side of the aisle.

Mr. MOAKLEY. Madam Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The gentleman from Massachusetts [Mr. MOAKLEY] has 30 remaining seconds.

Mr. MOAKLEY. Madam Speaker, I yield 30 seconds to the gentleman from New Mexico [Mr. RICHARDSON], our Ambassador to Korea.

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

Madam Speaker, I wish to add my voice to the opposition to this rule for two reasons that have been stated very eloquently. First, the rule does not protect programs important to the public, from severe cuts; and, second, I think that truth-in-budgeting provision is critically important to have.

Madam Speaker, I rise in opposition of the rule for two reasons: Although I support a balanced budget, this rule does not protect programs like Social Security and Medicare, important to the public from severe cuts. Second, this rule precludes the truth-in-budgeting pension—we need to explain what programs we are cutting and be honest about what a balanced budget means.

Madam Speaker, when we are facing a possible total of $1.2 trillion in cuts from this amendment over the next 7 years, an open rule to fully examine the impact of those cuts and to protect important programs is certainly in order. Many of the substitutes denied by the Rules Committee would have helped protect Social Security and other programs important to health and education. Apparently, the Rules Committee would like to continue the illusion that passing a balanced budget amendment will mean no pain for any parts of our population in actually getting to a balanced budget.

Madam Speaker, what is wrong with leveling with the American people about what programs could be cut while balancing the budget? Many hard-working Americans rely on programs such as Medicare and Social Security to give them economic security and a safety net in times of trouble.

Madam Speaker, we should defeat this rule and allow for one that would bring about careful consideration of the impact of this amendment and help protect programs important to the public from deep budget cuts. We need a rule that reduces the rhetoric and increases honesty in cutting the budget. That's what the public wants to see.

Mr. MOAKLEY. Madam Speaker, I just will say, when the gentleman makes the motion on the previous question I hope that the Members will vote no on it, so we can get an open rule that the gentleman from New York will be proud of. If he thinks this is the most open rule, we are going to give him a most, most, most open rule.

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

But let me just say to my good friend, this may not be a completely open rule, but it is the most fair rule that ever came to this floor for a balanced budget amendment.

Let me just say the minority whip had mentioned that the report coming out of the Committee on Rules was in error. It was not a report from the Committee on Rules. We do not make errors. It was out of another committee. Second, I would just point out that what this is all about is that there was a miscalculation on counting the yeas and nays on a recorded vote in the Committee on the Judiciary. This simply is to take care of that little miscalculation.

Second, we want to abide by these rules. You know, we have one which now requires committee reports coming out of the committees to simply record the yeas and nays of the individual members and how they voted. That is part of Speaker GINGRICH's orders to this House to be open and fair and accountable and let the American people, and I will use the word again, ''be accountable.'' Let the American people know how we vote here on the floor of this House and in committees.

There were a great many proposals developed by the gentleman from California [Mr. DREIER] and the committee that I served on concerning the reform of Congress that went on to, as you know, to shrink the size of this Congress itself by a third, cutting off 700 jobs and shrinking it, shrinking this Congress, setting the example of what we are going to do to the Federal Government in shrinking Government and returning it to the private sector.

There were a whole slew of these. I will not get into all of those now. I do appreciate the consideration of the gentleman.

Mrs. SCHROEDER. Mr. Speaker, it is particularly important that we have full and open debate on the balanced budget amendment on the floor of the House, because we most assuredly did not have full debate in committee. Amending the Constitution is a step we should not take either lightly; I cannot think of a matter which is more deserving of our most thoughtful and careful deliberation.

The Subcommittee on the Constitution gave this amendment less than 7 hours of time in actual debate and markup. We spent less than 6 hours, if you exclude the time the majority spent with amendments perfecting their own version of the bill. This is astounding—I have spent more time making my children's Halloween costumes than I was allowed to spend in committee debating an amendment to our fundamental document of governance. The Constitution of the United States deserves better from all of us.

When debate in subcommittee was arbitrarily cut off, without any advance notice that there would be a limit to debate, significant issues had yet to be debated by the committee, including:

The effects of the amendment during times of recession, and whether the amendment would result in pro-cyclical, rather than counter-cyclical, spending;

The role of the courts in interpreting and enforcing the amendment, including questions of standing; and

What changes the amendment would bring about in terms of Presidential authority.

Further, the debate the committee did engage in left very significant questions unanswered. We ended the committee process without clear answers to questions of basic definition and implementation, including what is a tax revenue, and what isn't, and what is an outlay.

The most fundamental question that remains unanswered is one that every American is entitled to have answered, because every poll on this issue shows that it determines whether or not Americans support this amendment, and that is what cuts will be made to balance the budget. Polls show that Americans support this amendment if it means cuts in defense, but not if it means cuts in Social Security or Federal support for education. What are we saying to the American people? ''Trust us; we'll tell you about the cuts later?'' That is paternalism, not democracy. And we Members of Congress cannot know what those cuts might be, because our knees will buckle. Instead, we hear only that they will be draconian if Social Security is off the table, as everyone says it will be. Mr. Speaker, it is indefensible to ask the Members of this House to vote on a matter before we have the details.

We need full and open debate, and must guarantee that Americans will have the details on how the budget will be balanced before the constitutional amendment goes to the States for ratification.

Our duty to the Constitution is paramount. It is essential that the floor debate provide us with what the highly abbreviated committee process did not: a thorough examination of what this amendment would mean to the American people in terms of the budget cuts it would bring about. I urge my colleagues to vote against this rule.

Mr. SOLOMON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The question is on ordering the previous question on the amendment and on the resolution.

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

PARLIAMENTARY INQUIRY

Mr. MOAKLEY. Madam Speaker, I have a parliamentary inquiry.

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

Mr. MOAKLEY. How does the gentleman go about getting a vote on the previous question, a separate vote on the previous question?

The SPEAKER pro tempore. The motion is not divisible.

Mr. MOAKLEY. I am sorry, on the amendment to the rule.

The SPEAKER pro tempore. The Chair is putting the previous question by voice vote. Those in favor will say ''aye,'' those opposed will say ''no.''

In the opinion of the Chair, the ayes have it.

Mr. MOAKLEY. I have a further parliamentary inquiry.

The SPEAKER pro tempore. The previous question is ordered.

Mr. SOLOMON. Are we now putting the question on the amendment to the resolution and not on the resolution itself or on the previous question?

Mr. MOAKLEY. I object. I am sorry.

The SPEAKER pro tempore. The previous question has just been ordered by voice, and the gentleman from Massachusetts is on his feet.

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

The SPEAKER pro tempore. The gentleman from Massachusetts objects to the vote on the ground that a quorum is not present, makes a point of order that a quorum is not present. A quorum is not present, and under the rule, the yeas and nays are ordered.

Pursuant to clause 5(b)(1) of rule XV, the Chair may reduce to a minimum of 5 minutes the time for any electronic vote, if ordered, on the amendment to the resolution and on the resolution. Those in favor of the question will vote aye, those opposed will vote nay.

Members will record their votes by electronic device on the question of ordering the previous question on the amendment and the resolution.

The vote was taken by electronic device, and there were—yeas 233, nays 196, not voting 5, as follows:

[Roll No. 37]

YEAS—233

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
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
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
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
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)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
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
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
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

NAYS—196

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
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
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—5

Bishop
Cubin
Fields (LA)
Gibbons
Smith (MI)

□ 1420

Mr. WILSON changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mrs. JOHNSON of Connecticut). Accordingly, the previous question is ordered on the amendment to the resolution and on the resolution.

The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON] to the resolution, House Resolution 44.

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

RECORDED VOTE

Mr. MOAKLEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. As announced earlier, this is a 5-minute vote, and the Chair may reduce to a minimum of 5 minutes the time for electronic voting if the next vote is called for.

The vote was taken by electronic device, and there were—ayes 253, noes 176, not voting 5, as follows:

[Roll No. 38]

AYES—253

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
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)
Hancock
Hansen
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
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
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
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

NOES—176

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—5

Bishop
Cubin
Fields (LA)
Gibbons
Rose

☐ 1430

Mr. MEEHAN and Mr. SKELTON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. MOAKLEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to rule 5(b)(1), this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 255, noes 172, not voting 7, as follows:

[Roll No 39]

AYES—255

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
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)
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
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
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
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—172

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
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)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder

Schumer	Thompson	Ward
Scott	Thornton	Waters
Serrano	Thurman	Watt (NC)
Skaggs	Torres	Waxman
Skelton	Towns	Williams
Slaughter	Traficant	Woolsey
Spratt	Tucker	Wyden
Stokes	Velazquez	Wynn
Studds	Vento	Yates
Stupak	Visclosky	
Tejeda	Volkmer	

NOT VOTING—7

Bishop	DeFazio	Stark
Chenoweth	Fields (LA)	
Cubin	Norwood	

□ 1439

Mr. CRAMER changed his vote from ''no'' to ''aye.''

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. KOLBE). The gentleman will state it.

Mr. FATTAH. Mr. Speaker, I am a duly elected Member of this House, and I am a member of the Committee on Government Reform and Oversight, which is ably chaired by a fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. CLINGER]. We have been in a markup for a good part of today on a line-item veto, a very serious legislative matter to come before the House. We just recessed so that we could come to the floor in response to the bells ringing.

I would like to know whether there is some opportunity or protection in the rules that would allow Members like myself to be here for the debate on the floor on what is an important matter and hear the debate so that we are casting votes that are informed votes rather than to be handling one matter of business someplace else and then rushed to the floor.

I think this is a matter than should be of concern to Members on both sides of the aisle. I admit that I am new. I come from the Pennsylvania Senate, but this is at least, in my perception, no way to run a railroad.

The SPEAKER pro tempore. The gentleman from Pennsylvania will be advised that yesterday the House adopted a motion permitting committees to meet during the 15-minute debate.

Mr. FATTAH. Mr. Speaker, I thought that was in the Committee of the Whole.

The SPEAKER pro tempore. It is the responsibility of the gentleman from Pennsylvania to vote in the House, and how he works out his time otherwise between his committee and the floor is a matter for him to decide.

Mr. FATTAH. Mr. Speaker, further parliamentary inquiry. I thought that the motion that was handled in the House yesterday that the Chair referred to had to do with the carrying on in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman is correct.

Mr. FATTAH. Mr. Speaker, are we in the Committee of the Whole?

The SPEAKER pro tempore. No, we are not in the Committee of the Whole. This is the House meeting.

It is the responsibility of the gentleman from Pennsylvania to cast his vote in the House. It is his responsibility to decide how he allocates his time between committee and the House floor.

Mr. FATTAH. Mr. Speaker, I thank the Chair. I hope that the House will consider my comments.

TREATMENT OF SOCIAL SECURITY UNDER ANY CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET

Mr. FLANAGAN. Mr. Speaker, pursuant to House Resolution 44, as designee of the majority leader, I call up the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 17 is as follows:

H. CON. RES. 17

Resolved by the House of Representatives (the Senate concurring), That, for the purposes of any constitutional amendment requiring a balanced budget, the appropriate committees of the House and the Senate shall report to their respective Houses implementing legislation to achieve a balanced budget without increasing the receipts or reducing the disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund to achieve that goal.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] will be recognized for 30 minutes and the gentleman from Michigan [Mr. BONIOR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FLANAGAN].

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

Mr. Speaker, there are those who claim that adding a balanced budget amendment to the U.S. Constitution would jeopardize Social Security benefits. The truth is the other way around, failure to pass a balanced budget amendment is what will harm Social Security.

It is the evergrowing Federal debt and interest payments that truly threaten Social Security. The balanced budget amendment is a way to put a halt to the spendthrift ways of Congress. Dr. Robert Myers, Social Security's former chief actuary and deputy commissioner has given his support to a balanced budget amendment as a means to protect Social Security. Dr. Myers has stated the case clearly as to how the Government's fiscal irresponsibility threatens Social Security. Dr. Myers said:

> In my opinion, the most serious threat to Social Security is the federal government's fiscal irresponsibility. If we continue to run federal deficits year after year, and if interest payments continue to rise at an alarming rate, we will face two dangerous possibilities. Either we will raid the trust funds to pay for our current profligacy, or we will print money, dishonestly inflating our way out of indebtedness. Both cases would devastate the real value of the Social Security Trust Funds.

Mr. Speaker, Mr. Jake Hansen, the vice president of government affairs for the non profit organization, the Seniors Coalition, recently elaborated on Dr. Myers' comments in a speech he gave to the National Taxpayers Conference. Mr. Hansen's speech, entitled, ''The Balanced Budget Amendment: Key to Saving Social Security,'' was published in the January/February 1995 issue of the Senior Class, a bimonthly publication of the Seniors Coalition.

But more to the point today, Mr. Speaker, I bring to the House floor Concurrent Resolution 17, a resolution that places Members of Congress clearly on record as being committed to fulfilling the promises of the past when the Federal Government established Social Security.

Specifically, this resolution directs the Congress to leave the Federal Old Age and Survivors Insurance trust fund and the Federal Disability trust fund alone when it is forced to comply with the balanced budget amendment.

House Concurrent Resolution 17 is a straightforward resolution that does two things: First, it directs the appropriate committees of the House and Senate to report to their respective Chambers implementing legislation to achieve a balanced budget amendment; and second, it requires that in doing so, the committees shall not do anything to increase Social Security taxes or reduce benefits to achieve that goal.

Mr. Speaker, what that means is that the budget cannot be balanced on the backs of those currently paying Social Security taxes or on the backs of those currently receiving Social Security benefits.

The majority leadership thought it appropriate to report my resolution to the floor today before the House considers House Joint Resolution 1, the balanced budget amendment. Their reasoning, with which I completely agree, is that this resolution is necessary to fend off attacks by the critics of a balanced budget who claim that somehow proponents of a balanced budget amendment have secret plans to slash Social Security. Mr. Speaker, this has no basis in fact. Most Members of this body, including myself, have already been on record as pledging to protect the retirement benefits of the elderly. My resolution simply ensures that Members of Congress keep their Social Security protection pledge.

As an original cosponsor of House Joint Resolution 1, I believe the best

way to ensure retirement benefits are safe from the budgetary ax, now and in the future, is for the Congress to pass and the States to ratify a balanced budget amendment to the U.S. Constitution.

Mr. Speaker, many of us, on this side of the aisle, felt that it was necessary to bring forth this resolution as a way to offset the incorrect claims of critics who portray proponents of the balanced budget amendment in a false light. We were afraid that their fear mongering about the balance budget amendment would disseminate into the public as fact. The truth is, Mr. Speaker, a balanced budget amendment will be the first step toward guaranteeing the financial security of American retirees.

Some Members of Congress support a version of the balanced budget amendment which specifically carves out Social Security. This may be smart politics on the surface, but it is certainly not sound public policy.

Because Social Security is a program established by statute and not referred to in the Constitution, amending that historic document to provide an exclusion from balanced budget computations just creates an opportunity for potential, future mischief. Since Congress possesses the legislative authority to change statute, irresponsible lawmakers could, at some point in the future, by-pass balanced budget requirements by merely redefining future spending programs as, quote, ''Social Security.'' Under this loophole, Congress could evade its responsibilities to balance the budget by making all manner and forms of spending Social Security programs.

Mr. Speaker, Members of Congress do not have to meddle with the Constitution in order to protect the Social Security trust funds. Instead, they could support House Concurrent Resolution 17 and vote for the balanced budget amendment. Mr. Speaker, I note that when I yield, it is for the purpose of debate only.

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

□ 1450

Mr. BONIOR. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this resolution is definitive proof that the Republicans intend to cut Social Security. There is no question about it.

However, if they really wanted to exempt Social Security from the balanced budget chopping block, they would have written that promise into their constitutional amendment. They would make it explicit that Social Security would not be cut. However, this resolution does no such thing. In fact, the resolution before us is more remarkable for what it does not do than what it does.

The Flanagan resolution does not exempt Social Security from the chopping block. It does not bind the House to exempt Social Security. It has no point of order to prevent cuts in Social Security. It does not ask the President to sign legislation to say Social Security will not be cut, and it does not impose sanctions if Social Security is cut. It has no teeth to prevent Social Security from being cut.

In fact, Mr. Speaker, there is nothing in this resolution to prevent Social Security from being cut at all.

Mr. Speaker, this resolution is nothing but one big, giant fig leaf, one, big, giant fig leaf. It is one great big, trust me. All it says to the seniors of America is ''Take our word for it, we won't slash Social Security.''

I am sorry, Mr. Speaker, that is not good enough. Republicans have proven time and again in the past that we cannot take their word on Social Security.

During the 1980's two Republican Presidents tried to slash Social Security and Medicare time and time again. In 1986, the gentleman from Georgia [Mr. GINGRICH] himself offered a bill to eliminate Social Security as we know it. As recently as 2 weeks ago, Mr. GINGRICH said he expects Social Security to be on the table in 5 years.

In 1984 the gentleman from Texas [Mr. ARMEY] called Social Security a bad retirement, a rotten trick, and said it should be phased out over time. Mr. Speaker, this is from a man who based his first campaign for office on abolishing Social Security. This year, on the 27th of September, Mr. Speaker, the gentleman from Texas [Mr. ARMEY] said ''I would never have created Social Security in the first place.''

This mind-set that I have just described has trickled down through the Republican ranks. Social Security is not exempted from the Republican balanced budget amendment. In fact, in the one chance, the one chance that Republicans had to exempt Social Security in this Congress, in the Committee on the Judiciary 1 week ago, every Republican but one voted to keep Social Security on the chopping block.

Now, Mr. Speaker, they come here with this empty resolution and they ask the American people to take their word for it. Mr. Speaker, I may have been born at night, but I was not born last night. If Members truly want to exempt Social Security, the language must be in the amendment. It is that simple.

The way to do that is to support the Gephardt balanced budget amendment. Unlike this resolution, the Gephardt amendment explicitly takes Social Security off the table.

Mr. Speaker, 60 years ago Franklin Roosevelt made a solemn, a solemn promise to the American people. He called Social Security a sacred trust that must never, never be taken away.

The senior citizens of this country have given a lot to America. They fought in our wars, they built our economy, they struggled to give us a better life, and now many of them are struggling on $680 a month on their Social Security check.

We are not going to let the other side balance this budget on their backs. We are not going to let the other side pick their pockets to fulfill this Contract. The American people are not going to be fooled by this fig leaf.

I suspect all of us are going to support this meaningless amendment, but the true test, the true test of whether we are serious about protecting Social Security is whether or not we vote to make that promise part of the constitutional amendment.

Mr. Speaker, I urge my colleagues, vote for this amendment, but do not be fooled by a fig leaf, because the American people will know where Members on the other side stand, and it will be in a few days.

Mr. FLANAGAN. Mr. Speaker, I thank the gentleman for his comments and his support.

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

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

Mr. EWING. Mr. Speaker, I rise today in strong support of this resolution, and I want to congratulate the gentleman from Illinois [Mr. FLANAGAN] for bringing it to our attention, and bringing it here to this House.

It is important that the seniors in this country know that we are not going to touch their Social Security with the balanced budget amendment. Republicans have said this over and over again. I come to the well today to say it again, because we hear so much rhetoric from the other side which is totally inaccurate.

This says nothing about cutting Social Security. In fact, we have proposed repealing the tax that the President and his party helped put on the senior citizens last year.

There is no reason for Social Security to be touched to balance the budget. We can easily balance the budget if we control spending. If we would grow our spending only 3 percent a year, instead of 5.4 percent, we could balance the budget.

Mr. Speaker, I wonder if most seniors know that in fact today the deficit is really the greatest threat to their continued receipt of Social Security. We are getting a surplus every year in the Social Security fund, but we use it to apply to the deficit.

Mr. Speaker, we have in the Social Security trust fund a giant drawer full of IOU's from the Federal Government. We are going to need those investments in the year 2013 to try and pay Social Security as it comes due. It will not be there if we have these continued deficits.

Mr. Speaker, it is a cruel hoax on the American senior citizens to continually bad-mouth the attempt to balance the budget as a way to cut Social Security.

I would say to the gentleman from Illinois [Mr. FLANAGAN], I reiterate that this is a good resolution. It states our

purpose. I thank the gentleman for bringing it to us.

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

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

Mr. CONYERS. Mr. Speaker, we must consider four questions if this is to be considered as a serious and compelling force to constitutionally bar cuts in Social Security benefits.

First, is it true that Social Security is currently off budget? Answer: Yes. In 1991 the Budget Enforcement Act did that.

Second, it is not true that the Balanced Budget Act puts the Social Security trust fund back on budget? Answer: True, it does.

Third, is it not true that even with the Flanagan amendment, Congress could subsequently raid the trust fund to balance the budget under the Balanced Budget Act without penalty? Answer: True.

Is it not true that the only ironclad protection for the Social Security trust fund is to write it into the balanced budget amendment, into the text, that Social Security would not be counted as either outlays or receipts?

Unless we do that, Mr. Speaker, what we are doing here is merely a rhetorical exercise of stating good intentions that will lead us no further along this compelling question, in the resolution of it, than we were before this concurrent resolution was adopted.

Please, Mr. Speaker, let us wait for the Gephardt amendment that would actually take care of this problem.

□ 1500

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HASTERT]

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

Mr. HASTERT. Mr. Speaker, I am particularly pleased to rise in support of this concurrent resolution. I have long been a supporter of the balanced budget amendment. But one of the nagging concerns of some of my constituents and myself has been Social Security.

Although the record of the Republican Party has clearly shown that we have no intention of harming the Social Security program, it seems like not everyone believes us. The passage of this resolution will show the American people that we are serious when we say we are going to balance the budget and we are not going to do it by robbing the Social Security trust fund.

Mr. HASTERT. Here is what the resolution says:

''That, for the purposes of any constitutional amendment requiring a balanced budget, the appropriate committees of the House and the Senate shall report to their respective Houses implementing legislation to achieve a balanced budget without increasing the receipts or reducing the disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Trust Fund to achieve that goal.''

We also are not going to raise taxes to do it. That is the other part of the resolution.

Mr. Speaker, balancing the budget is a day-by-day, step-by-step process. If we start today by trimming away useless and wasteful programs, we are going to succeed in balancing the budget without resorting to new taxes.

I want to thank my good friend, the gentleman from Illinois, for offering this resolution. The American people have been demanding a balanced budget amendment for a long time. When the House passes that amendment this week, Americans will know that we do not need to raise taxes and that we do not intend to cut Social Security.

I strongly urge my colleagues to support the resolution.

Mrs. SCHROEDER. Mr. Speaker, I yield 3 minutes to the wonderful new freshman, the gentleman from Texas [Mr. DOGGETT].

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

Mr. DOGGETT. Mr. Speaker, as I look at this resolution, it is a little flimsy. It is a little short. It is only a sentence long. I do not think it is big enough to cover what is happening with reference to this resolution.

I thought it particularly curious to learn in the rather unyielding remarks of my colleagues from Illinois that the majority leader had suggested this resolution to guarantee that once again the Republicans are not going to have their fingers in the social Security system, that the majority leader was the one who inspired House Concurrent Resolution 17.

For it was only a few months ago, on an important day in the history of this country, September 27, 1994, when so many of our colleagues were out smiling on the steps of the Capitol with their contract that the majority leader was asked to take the pledge in public not to cut people's Social Security to meet these promises that were made here on the Capitol steps, and his response on public television September 27 was, ''No, I'm not going to make such a promise.''

The Republican Party has had a record of looking at the Social Security system askance and this is simply a way to cover for what is about to happen with the balanced budget amendment.

It was particularly unusual that—I think it is particularly curious that a Republican Member, a freshman Member would come forward with a commemorative resolution of this type, because this resolution will have the same effect as some of the other resolutions that Republicans have offered to this body.

I refer to National Quilting Day, Travel Agent Appreciation Day. These are commemorative resolutions very much like this document. They have absolutely the same effect. They will not allow for a point of order to stand. They are purely political cover and not real protection for those with Social Security.

You can tell how serious our colleagues are on the subject of protecting Social Security because they did not even bother to print it in TV Guide which we have learned to be the source of most of what we know about the future of government in the United States today.

There are, of course, different versions of this resolution that may come about. I understand the final copy will be on the finest parchment in the land, will be read, interlined, will be in the archives of the United States. Perhaps a copy will be available to mount on the wall of the gentleman from Illinois to point to with everyone who has a Social Security card in this country, that they will have protection as a result of this resolution, a testament to the skill of his legislative hand.

But I would suggest that today in America, there are other people out there working with their hands. Men and women, many of whom have only a Social Security check to look for. And those people and their hands are left out of this resolution.

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

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

Mr. FUNDERBURK. Mr. Speaker, I am pleased to support House Concurrent Resolution 17 of my friend, the gentleman from Illinois [Mr. FLANAGAN] to help fulfill the promise of the Contract With America by pledging to protect Social Security.

Mr. Speaker, the minority is at it again. Once again they are doing their level best to scare senior citizens into thinking that Republicans are out to destroy Social Security.

Mr. Speaker, that ploy did not work in November and it will not work now.

Even though the American people have changed managers of this House, the minority is still trying to use every available opportunity to make Social Security a frightening wedge issue. It should be said again that the Republican Party has taken Social Security off the table. The budget can and will be balanced by the year 2002 without touching the program most vital to our senior citizens.

The balanced budget amendment will protect Social Security because there will be no more borrowing from the trust funds which truly protect our Nation's retirees.

Compare that to what is happening now. Skyrocketing budget deficits guarantee that the Government will continue to borrow from trust funds to mask the deficit. Sooner or later we will have to begin paying back the trillions we have borrowed. Every dollar we borrow further burdens Medicare and other priority programs. Each time we borrow, the Congress feels more of

an urge to raise working people's taxes to make up for its fiscal irresponsibility.

While the other side talks a good game about protecting seniors, it was their 1993 budget which imposed $25 billion in higher Social Security taxes on senior citizens. Now they want to create more mischief. If Social Security is excluded from budget calculations, it means that Congress will have to raise payroll taxes and make serious adjustments in Medicare and other senior programs to make up for the shortfall.

Let there be no mistake. A balanced budget is the first step toward guaranteeing the financial security of retirees. It puts a stop to trust fund borrowing and stops the deficit explosion. The best way, Mr. Speaker, to protect seniors and Social Security is to balance the budget now.

Mr. Speaker, I rise in support of the Flanagan resolution.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the wonderful gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, the item that we are discussing right now is a concurrent resolution to protect Social Security. Yet as every Member on this floor knows, this resolution is powerless if this body decides to cut Social Security.

I also remember when many new Members were paying allegiance to the contract that some of them did have a caveat, and that caveat was that Social Security is off the table. That is because they realize that Social Security is a contract with the American people. There are benefits that the American people worked for week in and week out, and they expect to collect on their retirement.

That means that the Congress does not have the right to balance the budget at the expense of Social Security. Social Security did not bring about this deficit and Social Security should not be used to eliminate the deficit that we have before us and is so troublesome to all of us.

Let us protect Social Security. I think we all agree that that is a good thing to do. But let us do it for real, and we will have an opportunity later to, in this debate. But do not do it by a concurrent resolution. No matter how good is sounds, it is powerless to protect Social Security.

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

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

I want to salute the gentleman for the introduction of this resolution and try to clarify apparently some misunderstandings about where Republications are coming from. We appropriately have taken the Social Security trust fund off budget and that is where it should always reside. That does not mean it is a sacred trust, because we have to remember that we have done this with other trust funds and we must remember our Democratic colleagues slashed $56 billion out of Medicare funding and we have got to remember our Democratic colleagues put that tax increase on Social Security without a single Republican vote in support of either of those two positions.

□ 1510

So, we are going on record, we have made it clear where we are coming from, and I simply want to congratulate my colleague, the gentleman from Illinois [Mr. FLANAGAN], for introducing this resolution.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the dynamic gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, last night, in an eloquent State of the Union Address, President Clinton asked Americans to forge a new covenant based on inalienable rights and solemn responsibilities.

The President urged Members of this body to work together to pass welfare reform, tax relief, and reduce wasteful spending. He also emphasized the need to balance the budget. We agree.

But, like the President, we're here to draw the line. We will not balance the Federal budget on the backs of seniors. We will not cut Social Security and Medicare to balance the budget.

Senior citizens built this country. They have worked hard, raised families, fought wars, and forged strong communities. Our senior citizens have lived up to their responsibilities. And, they have earned the right of a decent and dignified retirement.

We need a leaner, not a meaner Government. That's where Democrats and Republicans part company. While the Speaker has promised to spare Social Security, the Republican balanced budget amendment shows Social Security no mercy.

Instead, the Republicans have put forth the Flanagan fig leaf resolution we now have before us. This resolution does nothing to protect Social Security—it has no force of law. It does not ensure we will achieve a balanced budget that does not attack Social Security, because it does not guarantee a constitutional bar against cuts in Social Security benefits. So the Social Security trust fund surplus will still be used to mask the real size of the deficit.

The President was right last night. The final test of everything we do should be a simple one: Is it good for the American people? All of the American people. The Republican balanced budget amendment does not pass that test, and our senior citizens will not be fooled by this Flanagan fig leaf resolution.

Mr. Speaker, we are not trying to make Social Security a wedge issue. My Republican colleagues are trying to fool seniors into believing that this resolution will protect their benefits. This resolution ought to be called: Seniors beware, your benefits are in trouble.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time and for introducing this bill.

Mr. Speaker, I listened with great interest to the comments from the other side of the aisle. One of the previous speakers was quite correct to point out that before there was this contract there was enacted a solemn contract with the American people that we call Social Security. And I rise in strong support of the Flanagan resolution. In contrast with my colleagues on the other side of the aisle, I cannot classify this as a fig leaf, for I remember, though I was not a Member of this body, in the 103d Congress, I remember a very clear record in that Congress, when the former majority rose and struck down benefits for seniors and taxed seniors' benefits, and strove to cut Medicare.

Friends, that is the real history of what has transpired, and this resolution serves to guide us always, to make sure that we understand the solemn commitment of the intergenerational contract with this Nation's seniors.

Mr. Speaker, actions speak louder than words. We saw terrible actions in the last Congress. This Congress has a strong commitment to preserve the rights of seniors.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I rise in strong opposition to the resolution under consideration. It represents, in my opinion, the worst aspects of politics, even as we deliberate an issue as central to this country as amending the Constitution to require a balanced budget, what we are considering is a fraud.

Mr. Speaker, I favor a balanced budget amendment with one essential precondition and that is that the Social Security trust fund be placed off limits, not used to bail out unrelated Government spending.

In words alone, both parties agree, all Members are saying Social Security is off limits. Indeed, however, there are deep divisions within this body. Some of us will only support a balanced budget amendment if the Social Security trust fund, independent status of this vital program is protected. Unfortunately, the majority opposes this independent status.

If we all agree Social Security is off limits, let us get it in writing. If we buy a car, we buy a house and promises are made, we get them in writing. We get them in writing so that we can bind the contract in the future.

That is why the balanced budget amendment test has to clearly protect Social Security. It is the only way we

can bind this Congress, let alone a future Congress. The resolution is despicable, because it pretends to put in writing a Social Security commitment, but it does nothing, nothing at all. It is not worth the paper it is written on.

This amendment is politics at its worst because what it says in reality is you have a point on Social Security. You have every reason to be concerned about Social Security, but we are not going to deal with your problem. We will pass a meaningless resolution, we will pretend to deal with your problem. It could just as well say we think those of you who care about Social Security can be tricked. We can fool you into thinking we have protected Social Security when we have done nothing, nothing at all for your concerns.

Well, the people are not tricked by this resolution, Mr. Speaker. The National Committee to Save Social Security, the second largest advocacy group for seniors in the country, has called the Flanagan resolution meaningless and they state, and I quote ''Seniors will not be fooled.''

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois, Mr. HENRY HYDE, chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I thank the gentleman for the 1 minute and I congratulate him for this resolution. I would just suggest to my friends who think this is a waste of time and the equivalent of a commemorative resolution, that they vote ''no.'' They put their money where their mouth is and vote ''no'' on this and send a message that they are intellectually honest. You are not going to condemn it as a nothing and then vote for it, surely.

As far as I am concerned, I am going to vote for it, because it is in writing and when I vote that is my signature to the writing that says we are not going to touch Social Security. That is a solemn promise. It is an undertaking of mine that I would recommend my next opponent or the next six of them call me to account on if I break my word.

This is something. This is a statement of policy for all of those who sign it and for those who sign, know, it is a statement of their policy.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding me this time.

Let me answer the prior speaker that was in the well.

The reason that it does not matter how anybody votes on this is because this side of the aisle is going to go on and do the real thing. We are really going to take Social Security off the chopping block. Obviously, if Social Security were not on the chopping block, we would not need this resolution at all. And we know that this little piece of paper, this House Concurrent Resolution which is nothing more than what we use to declare National Pickle Day, has exactly the same impetus as National Pickle Day.

For those of us who have been around a long time, it took us a long time to get Social Security out of the general budget. We got it out of the general budget in 1991. And this resolution is a concession that this balanced budget amendment puts it back in the whole thing for the deficit. And that is, in other words, you would not need it.

Mr. HYDE. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just have a higher regard for the gentlewoman's vote than perhaps the gentlewoman does herself. When you vote for this, you are making a statement you are not going to touch Social Security. I believe you. I believe you.

Mrs. SCHROEDER. I tell my chairman I not only am not not going to vote for this resolution, I am going to do it; and I am going to go on and vote for a real amendment that says we are not going to let any constitutional amendment do it, because as a parent I know what this is about. This is about the theory of Congressmen saying later on to Social Security recipients, but the Constitution made me do it, and they are hoping that the people will not figure out how the Constitution made them do.

Today is the day we are voting on the amendment that will say that the Constitution will make us do it and nothing will change that unless we vote for a real amendment to that constitutional amendment that takes Social Security out.

I hope all Members vote for the real thing. This is a play thing, and let us be perfectly clear, we are just playing with a play thing.

□ 1520

The SPEAKER pro tempore. The Chair will advise the Members the gentleman from Illinois [Mr. FLANAGAN] has 16 minutes remaining and the gentleman from Michigan [Mr. BONIOR] has 12 minutes remaining.

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. WAMP].

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

Mr. WAMP. Mr. Speaker, I rise in support of the Flanagan resolution and thank my colleague from Illinois for bringing this issue into the balanced budget amendment debate in a productive manner.

The same special interests who have for years tied up the balanced budget amendment debate are now resorting to scare tactics to try to get older Americans on their side in opposition to the balanced budget amendment. They have scared seniors in my district by saying that balanced budgets will require cuts in their Social Security benefits, cuts in their fixed incomes, and threaten their way of life.

But this is not true. In fact, the Seniors' Coalition, a national organization, supports the balanced budget amendment, because they know that spiraling deficits are the biggest threat to our national well-being.

We can achieve a balance without touching Social Security. Our party and our leadership are on record opposing cuts in Social Security—opposing cuts—and so am I.

Now, passage of this resolution would do three things. First, it would hold our feet to the fire in passing budgets under the balanced budget amendment that do not use the Social Security trust funds to mask the deficit or to raid those funds for other purposes, whether increased spending or deficit reduction.

Second, it would force each Member of this House to go on record by voting their intent to leave Social Security off the table once a balanced budget is passed.

And, third, it would allow us to debate the merits of a balanced budget amendment in this Chamber without restrictions from the distortions our opponents would like to throw at us about how this is all some evil attempt to steal someone's Social Security benefits. It is not.

What better guarantee can we give older Americans and all Americans that we have the political will and the strength of our convictions to balance the Federal budget without affecting Social Security or raising taxes than to pass this resolution first, then proceed to passing the Barton version of the balanced budget amendment?

I respectfully urge your ''yes'' vote on both measures.

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

Mr. TUCKER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, the prior speaker, asked the appropriate and relevant question: What better guarantee can we give our senior citizens that Social Security will be taken off the table? This is not the better guarantee, Mr. Speaker. The better guarantee is the Gephardt amendment to the constitutional amendment.

Now, we understand that there are going to be many Members who are going to vote for this to put their intent on the record. It is a pledge, it is a promise or a note. But what we want to see, Mr. Speaker, is for them to step up to the plate and them to really put their intent into purposes and into effect; that is on the Gephardt amendment which says we will have an amendment to the constitutional amendment that will emphatically and unequivocally take Social Security off the table.

They talk about their intent, Mr. Speaker. We have heard their intent

flop back and forward. They said it was on the table, they said it was off the table. Now it is time for them to put their money where their mouth is.

They say the are the party of action and not the party of words. Let us take action not on a mere symbolic commitment, not on a mere symbolic one, Mr. Speaker, like the Flanagan amendment, but a real-teeth amendment, enforceable amendment, like the Gephardt amendment.

Mr. FLANAGAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, it is important that today we shed light on the scare tactics that are being used by some in the political arena to frighten America's senior citizens. Broadcasting false cuts in Social Security, these fearmongers are needlessly scaring our society's most vulnerable citizens by tying Congress' efforts of balancing the budget to alleged efforts to cheat seniors out of their hard-earned Social Security. This is inaccurate information purposely being delivered to the elderly in an attempt to conjure up false images of bone-chilling results at the cost of our American senior citizens.

These individuals who are painting the dark, inaccurate picture are doing so in an attempt to confuse and scare America's senior citizens of the reality, the true changes, that are taking place here on Capitol Hill.

Mr. Speaker, I strongly support the balanced budget amendment and commend my colleague, the gentleman from Illinois [Mr. FLANAGAN], of the Land of Lincoln, the State of Illinois, for his initiative to put everyone's name with an ''aye'' or a ''nay'' and put us all on the record in saying whether or not we want to protect Social Security.

Republicans have made it clear that Social Security msut not be touched as we work to balance the budget.

I urge my colleagues on the Democratic side of the aisle to join with us in our commitment to America's senior citizens by voting to adopt the Flanagan resolution to protect Social Security.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the wonderful gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am very grateful for every opportunity I get to protect Social Security.

But I want to do it with law, not with smoke and mirrors. Now, this is a feel-good resolution. But, of course, it means nothing, absolutely nothing.

Now, I like to do things that feel good, but I am paid to legislate. If my colleagues want to protect Social Security, let them do something real; let them vote for the three balanced budget amendments that protect Social Security.

Let us, all of us, earn our pay, not just feel good.

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time, and I commend him for bringing this important resolution to the floor.

Mr. Speaker, with the Flanagan resolution we resolve that in our efforts to bring fiscal responsibility to this institution we will not balance the budget upon the backs of older Americans.

Let us not forget that America's older citizens have borne great burdens for this country. It was my mother's generation who won World War II. Their stout hearts crushed the twin evils of fascism and communism and built a half century of prosperity at home. It is that generation of older retired Americans we have to thank for advancing this country to her rightful place of leadership in the world. They have served this country valiantly and have planned their retirement based on the Social Security system.

We shall not repay their sacrifices by threatening the incomes of older Americans. The real party that wants to cut Social Security is the party of Alice Rivlin, the Democratic Party.

The only plan to cut Social Security that came out in the last election was in President Clinton's secret memo to drastically cut that program. The Clinton administration's record is clear. They taxed Social Security. No Republican voted for that. They cut Medicare. No Republican voted for that.

Let us set the record straight: Democratic fearmongers are wrong. This Republican Congress will never, never, never, vote to cut Social Security benefits.

We can and will balance the budget without touching Social Security. If my colleagues in the Democratic Party are sincere, they will quickly vote unanimously to pass the Flanagan resolution and protect older Americans and then pass the balanced budget amendment to protect the country from runaway debt caused by 40 years of tax-and-spend policies.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, this resolution has no more meaning and no more use than side pockets on a cow. This is a fraud. This is a sham.

My Republican colleagues are suddenly concerned that the senior citizens have discovered that nowhere in this amendment to the Constitution which they are pushing is there any protection for senior citizens on Social Security. So all of a sudden they come forward with this wonderful document, but this document means nothing. It has no more significance than the soup made from the shadow of a pigeon which stood in place yesterday.

It affords no protection to the senior citizens of this country whatsoever. It can be ignored at any time the Congress chooses. It has no enacting clause. It has no force and effect on the rules of the House or Senate.

□ 1530

It has no constitutional meaning, it is absolutely nothing, it is a sham, it is a fraud, it is nothing.

I will tell my Republican colleagues: You can run but you cannot hide. And, you assuredly cannot hide behind this nonsensical piece of hooey.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD].

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

Mr. Speaker and ladies and gentleman, I do not know a politician anywhere in America, not one, not one Democrat, not one Republican anywhere in this House that wants to cut Social Security. The biggest fig leaf is to have the distinguished Democratic whip come on the floor and offer 4 minutes and 50 seconds of remarks speaking against the resolution and then tell us he is going to support it. He does not want to cut Social Security; I do not want to cut Social Security, no Republican wants to cut Social Security. The gentlewoman from Colorado does not, I know. Nobody does. So do not stand there, do not come to the floor, do not accuse us of wanting to do that.

Help us pass the resolution.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

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

Mr. WYDEN. Mr. Speaker, it seems to me that it is very revealing that when my Republican friends feel strongly about the budget, they enshrine their views in the Constitution. But when it comes to protecting senior citizens, for the last half hour we have heard every manner of argument as to why Social Security really does not need constitutional protection.

I am of the view that on a bipartisan basis Social Security deserves legally binding, constitutionally protected safety. Unfortunately, this resolution does not do that.

Senior citizens deserve better, and on a bipartisan basis we should make sure that it gets done.

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

Mr. WYDEN. I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

I really appreciate what the gentleman was saying because he is absolutely right. We all do not want to touch Social Security, and there is one way we can guarantee it, and that is to vote for the amendment that says in

the Constitution it is not on the chopping block. When it comes to these resolutions, we have a statement from Mr. CLINGER about a prior resolution of this order, who said it was totally devoid of substance and offered little more than a parliamentary parlor game. That is what resolutions are, they are something that you hide behind but they do not stop a budget knife.

So we may not want to touch it, but the budget knife can go ahead and touch it unless we do the real thing.

I really thank the gentleman from Oregon [Mr. WYDEN] for yielding and for pointing that out because we want to make that point. We want to do the real thing, and that is to protect Social Security with a protecting amendment.

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. CHAMBLISS].

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

Mr. CHAMBLISS. Mr. Speaker, when I was elected to this Congress in November, I felt a tremendous sense of honor and pride to have the opportunity to represent the many good people of Georgia's Eighth District. I was excited to advance the contract that I made with the people of my district, in particular the piece of legislation we will take up today, the balanced budget amendment.

Poll after poll reflects the same truth, Mr. Speaker: The people want this Congress to deal with the deficit, and they want us to pass a balanced budget amendment.

Mr. Speaker, the American people elected a new leadership that will take up the critical issues that will effect the type of change demanded in every town hall and around every kitchen table in America.

Now that the former leadership is reduced to a minority status, they have taken on a new strategy for killing the amendment: scare tactics. It seems odd that the Democrats are such experts in telling the American people and the new majority what programs it must cut to balance the budget when it has been utterly incapable of doing so in recent memory. I have a news flash for the old leadership: We can balance the budget, and we will balance the budget. But make no mistake about it, we will not sacrifice the future of our senior citizens to do it.

I commend the gentleman from Illinois for offering this well-meaning resolution as our way of assuring the elderly of our society that this leadership will not renege on this Government's contract to provide for seniors, one of whom is my mother, in their sunset years.

I would also like to personally take this opportunity to assure the seniors that I represent, seniors in my home town of Moultrie, and in towns like Cochran, Eastman, and Pearson that our Contract With America is for real and that this balanced budget amendment is for real. We will not turn our backs on the men and women who worked so hard to make this country the greatest democracy the world has ever known, and so I urge Members to adopt this resolution.

Mr. Speaker, let us send a message of assurance to seniors of this great Nation.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the dynamic gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

Mr. Speaker, I offered a free standing substitute that would have protected Social Security and would have met the argument that, ''Oh, you could then call anything Social Security.''

I offered an amendment to the Committee on Rules which would have taken the Barton amendment and simply added language that said, ''When you calculate whether or not there is a surplus or a deficit, you exclude Social Security,'' and defined it to be an old age and survivors program with payments.

So it was not open to that.

The Committee on Rules said ''No.'' I know now why they took Claude Pepper's picture down. They did not want Claude Pepper looking on when they killed an amendment that would have protected Social Security. But then they had second thoughts. They came up with about as meaningless a resolution as I have ever seen. Members keep saying, ''We don't want to cut Social Security.'' But you are trying to pass a constitutional amendment that will create an incentive to cut Social Security because under the amendment being offered, if there is a deficit elsewhere, it could be offset by a Social Security surplus.

We have had the Speaker of the House say that we must recalculate the consumer price index so that it provides less. That is primarily a means of reducing cost-of-living increases for Social Security recipients.

Put the two together.

The Speaker threatens the Bureau of Labor Standards and says, ''You had better cut the CPI.'' The main fiscal impact of reducing the consumer price index is to reduce the cost-of-living increase for Social Security recipients, which then swells the surplus, which you then, under your constitutional amendment, without our language, will use to hold down that deficit.

So this piece of paper, being on Social Security and knowing that you are going to create a constitutionally driven incentive to reduce benefits to help with the surplus, is like being on the Lusitania and getting word that the Titanic has just set sail to save you.

You have an entirely meaningless resolution, not binding on anybody, that is supposed to offset a constitutionally created incentive that people will have to cut Social Security.

Mr. FLANAGAN. Mr. Speaker, I thank the Titanic speaker for his remarks.

Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. BRYANT.]

(Mr. BRYANT of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Tennessee. Mr. Speaker, in the debate over a balanced budget amendment, we are hearing from the opposition a worn-out and failed argument. They use it every time we try to bring spending under control.

They are trying to prevent fiscal responsibility and change.

The opponents of a balanced budget amendment are now saying it will cut into Social Security.

Mr. Speaker, that just is not true and is misleading.

Mr. Speaker, our budget can be balanced without touching Social Security.

Social Security benefits will not be affected by a balanced budget amendment. I would not support one if it did.

I do not want to hurt the 900,000 people in my State who benefit from Social Security.

Mr. Speaker, we owe those who have paid their hard-earned dollars into Social Security their benefits.

Mr. Speaker, for those out there who would like to vote for this, I commend this resolution to my colleagues for their full support.

□ 1540

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, Members, I thank the gentlewoman from Colorado [Mrs. SCHROEDER] for yielding this time to me.

Mr. Speaker, Members, all this rhetoric this afternoon would not be necessary if, in fact, the Committee on Rules would have adopted the amendment offered by the gentleman from Massachusetts [Mr. FRANK] or my amendment to the Barton bill which would provide an exclusion from Social Security in the balanced budget amendment. So, all this talk of protection and all the other rhetoric we are hearing, would not have been necessary, but let me quote for my colleagues from some senior citizen organizations which have written to us in the past couple of days. Probably the most respected is the Association of Retired Persons, AARP.

They indicated that the House Committee on the Judiciary voted to keep Social Security on the table. To exclude it, according to its chairman, would require us to make spending cuts more sweeping than currently contemplated. This scare tactic is a quote from our chairman of the Committee on the Judiciary, and it is from a senior citizen group who represents seniors throughout the country who received a news release here from the National Committee to Preserve Social

Security. They indicate that this rule shows, and I quote:

''This rule shows it's gimmicks as usual. Instead of allowing a simple up and down vote on Social Security, the House instead will vote on the meaningless Flanagan concurrent resolution. Seniors will not be fooled.''

Here is a senior group indicating that.

Another senior group did a poll nationally, not of only seniors, but of all Americans, and they indicated that a national poll shows that 80 percent of the voters want Social Security excluded from the balanced budget amendment. So, these are people who are asking us to include it as part of the balanced budget amendment and not this meaningless resolution.

What is a sense-of-Congress resolution? As the gentlewoman from Colorado indicated, the way that we made this pickle National Pickle Week was to pass a resolution just like this. So the resolution we are going to vote on shortly has the same effect as making this pickle National Pickle Week.

The seniors will not be fooled. That is what the effect is.

Does this go into the statutes? No.

Does the President sign it? No.

I am reminded of the commercial of kids sitting around the table. The leadership looked, and they found out they needed to have this introduced, and they said, ''Let Mikey do it.''

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Speaker, my colleagues on the Democrat side of the aisle continue to engage in political maneuvering, but, Mr. Speaker, the facts are very simple. For 25 years the Democrats could not or would not balance our budget. For 25 years the Democrats played games with America's books. For 25 years they recklessly placed Social Security in jeopardy.

Well, at long last there is finally some good news because we Republicans will stand firm for all of our people, especially our seniors. Republicans will ensure we have a real balanced budget in place and that Social Security will be soundly protected. We are not going to play games and flap at the jaw like the Democrats who could not produce in 25 years.

I say to my colleagues, ''Work with us, and watch us do it right before your eyes now, in real time, so that all of our people, especially our seniors, folks like my mom and dad who are counting on Social Security, will say, 'Thank goodness we have a new Republican majority'.''

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. HILLEARY].

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

Mr. HILLEARY. Mr. Speaker, I rise in strong support of the House Concurrent Resolution 17 and congratulate the gentleman from Illinois [Mr. FLANAGAN] for raising this important issue.

The folks in my district have been frightened by some interest groups into believing that the balancing of the Federal budget will mean cuts in Social Security benefits. Social Security actually takes in more taxes than it pays out in benefits. The real threat to the future of the Social Security system is the annual budget deficits of $200 billion.

As long as the Federal Government continues to fund wasteful and inefficient programs, the Social Security trust fund, which had a surplus of over $50 billion in 1994, will continue to fund wasteful projects. The best way to protect the trust fund is to restrain deficit spending and to balance the Federal budget.

This legislation before us makes it clear that the Congress cannot touch Social Security benefits as it makes the tough decisions to cut programs and balance the budget. Our job, my colleagues, is to support this resolution.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. ENGLISH].

(Mr. ENGLISH of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in support of the resolution offered by my colleague from Illinois.

During my campaign, Mr. Speaker, I promised the voters in my district that I would work to balance the Federal budget. The new reform Congress has an unprecedented opportunity to put a decisive end, once and for all, to the Government's unlimited power to spend and borrow. It is time we apply to the Federal budget the common discipline of the family budget. I have yet to meet a single individual in my district who does not agree that Government spending is out of control and that something needs to be done about it.

We actually hear Members of this body who will argue that a balanced budget amendment is a dangerous idea. How do they justify this argument? They will prey on the vulnerabilities of the voters. They will say that those in favor of this amendment will balance the budget at the expense of older Americans by cutting Social Security. This is simply nonsense.

We need to streamline Government in areas which have been abused, inflated and mismanaged before even considering sacrificing a fragile vital program like Social Security. At a time when some are talking about a new covenant we should signal our clear intent to honor our social contract with those who have participated in and contributed to the Social Security system.

I support this amendment.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I rise in strong support of this resolution offered by my neighbor, the gentleman from Illinois [Mr. FLANAGAN].

Before we recess tomorrow, Mr. Speaker, this body should pass a strong balanced budget amendment. Passage of the Flanagan resolution will help ensure the balanced budget amendment meets its goal of protecting senior citizens.

Mr. Speaker, it is our enormous national debt that places Social Security at tremendous risk, not a balanced budget amendment. It is the trust fund behind that debt that allows Congress to mask the true size of that debt, and big spenders in Congress are too often tempted to dip into these critical reserves to fund their big government initiatives. This resolution makes clear that Congress will work toward a balanced budget amendment that ultimately protects, not endangers, American senior citizens.

I join my colleagues in supporting this resolution to ensure that the budget will not be balanced on the backs of seniors, and it will ensure that future retirees will have Social Security.

Mrs. SCHROEDER. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE. Mr. Speaker, this is a trust. This is a trust we have with the American people.

In talking to a person in my district who worked in a simple, hard-working job; he asked if he would be able to have the confidence that Social Security exists when he retired. Mr. Speaker, I think it is most important that we uncover the coverup. We really need to talk about bipartisanship. We can get to the bottom of this by supporting the Gephardt-Bonior Social Security protection.

Mr. Speaker, it is so very important that we acknowledge that this could be easily repealed. Mr. Speaker, let us support the Gephardt-Bonior amendment.

Mrs. SCHROEDER. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], our distinguished Democrat leader.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Missouri is recognized for 2½ minutes.

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

□ 1550

Mr. GEPHARDT. Mr. Speaker, I urge my colleagues to defeat the Flanagan resolution, to defend one of the greatest acts of Government that this Nation has ever known, the Social Security Act. Social Security needs to be defended, because Republican Members of the House are pushing a balanced budget amendment that could open the

floodgates to devastating cuts in this program.

Let us be clear about what is at stake: Social Security is not just another line on a spreadsheet. It is not just a poker chip to be bargained away while Republicans renegotiate their faulty contract. Social Security is every American's guarantee of dignity and decency and security in their golden years.

That is why this party, the Democratic Party, fought to create it 60 years ago. And now, six decades later, it is incomprehensible that an elderly American would die in poverty. That is our contract with the American people, a contract not forged in a focus group, but on the bedrock of decency and humanity that has always been at the heart of this country.

For years now we have been saying let us balance the Federal budget. Let us pass a constitutional amendment even to do it. But let us not balance our books on the backs of the senior citizens of this country.

The fact is Social Security pays its way. And if we try to use it to close the deficit, we threaten the program's very solvency and integrity.

When we ask Republicans what gets cut, who gets hurt, they squirm in their seats. When we say promise us you will not cut Social Security, they say trust us. They give us the Flanagan resolution, a nonbinding, noncommittal, and in my view, nonsensical fig leaf that promises nothing and accomplishes nothing.

We can do this. We can defeat this see-through resolution and include an amendment that will truly exempt Social Security. If we want to pass a resolution, if Social Security is so important that we need this resolution, why would we not put this in the Constitution? If it is important enough to say in the Constitution we are going to balance the budget, let us put into the Constitution we will not balance the budget on the backs of the senior citizens of this country.

Do not vote for a fig leaf. Do not vote for a see-through resolution. Vote for the real thing. Vote for the Gephardt amendment and put the exemption in the Constitution of the United States of America.

Mr. FLANAGAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 2½ minutes.

Mr. FLANAGAN. Mr. Speaker, we have heard the arguments for and against this resolution and, in my opinion, the proponents have won the day. I see no reason why anyone would object to this piece of legislation which states in a loud and clear voice, that the Social Security trust fund is off limits when complying with the balance budget amendment.

My resolution, along with House Joint Resolution 1, the Barton-Hyde-Tate balanced budget amendment, are important first steps in guaranteeing that the retirement benefits of the elderly are preserved and protected.

Mr. Speaker, never-ending deficit spending compels Congress to keep piling more annual budget deficits on top of the current $4.6 trillion national debt. Consequently, the Government must continue to borrow from the Federal old-age and survivors insurance trust fund and Federal disability insurance trust fund. If that trend continues through 2013—the year Social Security benefit payments are projected to exceed what the system collects in payroll taxes—Congress then will have to decide what benefits will be reduced or which payroll taxes are raised.

Mr. Speaker, we must stem that tide now and affirmatively state that these trust funds will be held harmless in budget balancing considerations.

The only way Congress can keep its promises to the American people, including Social Security, Medicare, student financial aid, and a whole host of other Federal programs, is for the Congress to balance the budget. House Joint Resolution 1 will do just that, and House Concurrent Resolution 17 will help ensure that senior citizens will not have to be sacrificed to obtain deficit reduction.

The important thing is that we protect Social Security against being altered solely for the purpose of balancing the budget. And that's exactly what this resolution does.

Mr. Speaker, I urge all my colleagues to support my resolution, as well as the Barton-Hyde-Tate balanced budget amendment.

Mr. REED. Mr. Speaker, I rise in support of protecting Social Security, but I would like Rhode Island's senior citizens to realize that the Flanagan resolution, House Concurrent Resolution 17, is weak, nonbinding, and political cover.

Supposedly, House Concurrent Resolution 17 puts the Congress on record as opposing cuts in Social Security to achieve a balanced budget. However, nothing could be further from the truth.

Unfortunately, House Concurrent Resolution 17 is the same kind of nonbinding resolution that was used in past Congresses to commemorate ''National Pizza Week''—concurrent resolutions are not law and they certainly do not supersede the Constitution of the United States.

If Members truly want to protect Social Security from the cuts needed to achieve a balanced budget, they should vote for the WISE, GEPHARDT, OWENS, or CONYERS versions of the balanced budget amendments. These proposals would really protect Social Security because they would prohibit Social Security cuts under the Constitution.

Indeed, if resolutions and laws are enough to protect Social Security, why aren't they sufficient to force Congress to balance the budget. As a wise person once said, ''what's good for the goose is good for the gander.''

Mr. Speaker, I will vote for the Flanagan resolution, but more importantly I will support those versions of the balanced budget amendment which provide constitutional protection for Social Security.

Mr. YOUNG of Florida. Mr. Speaker, as one who has protected the fiscal integrity of Social Security Program as vigorously as any Member in this House, I rise in strong support of this resolution.

Social Security is a self-financing program where the payroll taxes paid by employees and employers go into a separate, actuarially sound trust fund and can only be use to pay retirement benefits to retired and disabled workers and their families. The Social Security trust funds cannot be used to provide for our national security, to pay for health care, or to build roads or bridges or anything else—except—Social Security. They can only be used to pay the benefits promised to retired workers.

This resolution expresses the sense of this Congress that in implementing a constitutional amendment providing for a balanced Federal budget, the Social Security Program and trust fund should be off limits. It reaffirms what I have long said and supported that in reducing the Federal budget deficit we should look to cutting spending in those areas which are driving our Nation deeper into debt. That certainly is not the Social Security trust fund which actually runs an annual surplus, last year which totaled $61 billion.

The passage of this legislation prior to the general debate on the balanced budget amendment reaffirms our commitment to protect our Nation's Social Security recipients from attempts to balance the Federal budget at their expense. Instead, with the passage of the balance budget amendment, Congress will be forced to make the tough choices to reduce Government spending, the kind of votes I have made time after time in this House, instead of succumbing to the temptation to raid the Social Security trust funds.

As a Member who probably represents more Social Security beneficiaries than any Member of this House, I am well aware of the tactics that have been used by those who want to kill the balanced budget amendment by scaring older Americans into believing that it will have a severe impact on the Social Security program. As I said time after time, I believe a balanced budget amendment actually ensures the financial security of the Social Security trust fund and benefits for current and future retirees.

Without the fiscal discipline imposed by a balanced budget amendment, Congress will allow the national debt to continue its upward spiral, driving our Nation deeper into debt as the annual interest payment to finance our deficit spending continues to be the fastest growing component of the Federal budget.

These rising interest payments, estimated to be $339.1 billion in the current fiscal year, coupled with the past inability of Congress to set fiscal priorities and make the tough decisions about which programs to fund and which programs to eliminate, are the real threat to older Americans, not the balanced budget amendment.

Rather than cast the tough votes to cut spending and reduce the reach of the Federal Government required to get our fiscal house in order, Congress has continued to spend now and worry about the deficit later. The day of reckoning, however, that I have long warned about has arrived as our Nation faces a rising mortgage payment on our Nation's debt. The discipline imposed on Congress by a balanced budget amendment will force the House and

Senate to once and for all eliminate those programs our Government can no longer afford, to permanently reduce spending and bring the Federal budget into balance. This relieves the future threat to the Social Security Program because Congress will wean the Federal Government off American tax dollars by cutting spending on programs, rather than by cutting Social Security benefits or raising Social Security payroll taxes.

There are those who say that the balanced budget amendment should include a reference to the Social Security trust fund. Just the opposite is true, however. By writing into the Constitution an exemption for the Social Security Program, Congress will leave a loophole to shelter a whole host of other programs for scrutiny. Congress could later move program after program under the veil of the Social Security trust fund to provide protection from the reach of the balanced budget amendment. In the end, the fiscal integrity and independence of the Social Security Program would be violated, not protected. Equally important, Congress would once again avoid casting the tough votes on those programs that are the cause for our rising national debt.

s the founder and chairman of the bipartisan Social Security Caucus, I have long led the battle to preserve the long-term financial stability of the Social Security trust fund and ensure that the promised retirement benefits will be available to current and future generations of American workers. A constitutional amendment to require a balanced Federal budget will remove any incentives for Congress to tamper with Social Security benefits, by finally forcing Congress to make the tough decisions required to address the threat posed to all of us by an ever-increasing national debt. Social Security is not the cause of our Nation's growing debt. It certainly should not be and will not be a part of the solution as long as this Member serves in the House.

Mr. Speaker, I support this legislation today to reaffirm the commitment of this Congress to protect the Social Security Program while at the same time taking definitive action to eliminate Federal deficit spending with the enactment of a balanced budget constitutional amendment.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. KOLBE). The gentleman will state it.

Mr. FATTAH. Mr. Speaker, I would like to know the legal effect of the resolution in front of us. Is it binding?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. FATTAH. I am trying to understand the distinction between a concurrent resolution as it is presently before the House.

The SPEAKER pro tempore. Pursuant to House Resolution 44, the previous question is ordered on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

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

Mr. FLANAGAN. 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 pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 18, not voting 4, as follows:

[Roll No. 40]

YEAS—412

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
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
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
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
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
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
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
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
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
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—18

Clay
Dingell
Fattah
Gephardt
Geren
Kennedy (MA)
Kleczka
Moran
Murtha
Pelosi
Poshard
Scott
Skaggs
Stenholm
Tucker
Visclosky
Watt (NC)
Williams

NOT VOTING—4

Bishop
Fields (LA)
Thornton
Torricelli

□ 1613

Mr. MORAN and Mr. KENNEDY of Massachusetts changed their vote from ''yea'' to ''nay.''

Mr. HASTINGS of Florida and Mrs. MALONEY changed their vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 44 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union

for the consideration of the joint resolution, House Joint Resolution 1.

□ 1615

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as read the first time. Under the rule, the gentleman from Illinois [Mr. HYDE] will be recognized for 1½ hours, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 1½ hours.

The chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. HYDE. Mr. Chairman, it is clear, judging from the minority party's reactions, that our quest to achieve a balanced budget has already encountered fierce resistance. This is evidenced by the cascade of amendments they have offered to the legislation barring unfunded mandates and to the balanced budget amendment itself.

Why this lip service to the concept, Mr. Chairman, but genuine obstruction to the process? Mr. Chairman, as I was asking, why do the Democrats give lip service to these concepts of banning unfunded mandates and having a balanced budget amendment, but yet the process seems to be strewn with land mines?

Mr. Chairman, I think, and this is just my personal opinion, they do not want a balanced budget amendment, despite what they say, nor do they want to forego unfunded mandates, because it is through their mandates and deficit spending that Government grows bigger and bigger and bigger. The minority party has a long-standing romance with big Government, and unfunded mandates and deficit spending are the flowers and the candy they keep bestowing on their beloved.

Why do we need a balanced budget amendment? The current statistics, the figures, the money, are both inescapable and staggering. Federal debt is now $4.7 trillion and growing; the 1995 deficit, $176 billion, and by the year 2005 the deficit will be, if current expenditure rates continue, $421 billion. As a matter of fact, Mr. Chairman, the Federal Government has run deficits in 33 of the last 34 years.

Mr. Chairman, interest on the national debt is 14 percent of Federal spending. It is the third largest item in the budget after Social Security and defense. It now totals $235 billion, and next year debt service will jump to $260 billion. By the year 2000 it will be $310 billion and still counting, and still mounting.

□ 1620

Foreign creditors now own 20 percent of our debt. That is the reality lurking behind this romance with ever-bigger Government that seems to consume the Democrats.

The balanced budget amendment is much more than a mere symbol. It would establish a binding, legal framework, a disciplined structure requiring Congress to make the tough choices with a bias toward cutting spending, not increasing the debt and not increasing taxes.

In 1982, I wrote an op-ed piece expressing skepticism about a balanced budget amendment. Thirteen years later, that skepticism has dissipated. I am convinced nothing is going to work short of a balanced budget amendment. To date we have rejected all serious efforts to hold back this tidal wave of red ink that threatens to inundate us all. In the past 10 years, three major legislative efforts have sought to reverse our chronic deficit pattern. Two of them have failed and the third is destined to do so. I am convinced only a long-term permanent legal commitment provided by a constitutional amendment will harness a runaway Congress in pursuit of a balanced budget amendment.

In short, this amendment is essential to force Congress to make the kind of difficult choices it has evaded for years. It is a last gasp of a fiscal policy suffocating from overspending.

The balanced budget amendment is a procedural enforcement tool. It is not a detailed plan.

Much has been made about the failure of our amendment to specify where the cuts are going to come and when they will be made.

I suggest that a constitutional amendment should never include a laundry list of spending cuts. It is a statement of general principles, not an inventory of details. It is irresponsible for balanced budget amendment critics to demand in a single legislative vehicle a specific balanced budget plan covering the next 7 years as a precondition for passing the amendment. Making complete and accurate spending and revenue projections covering the entire 7-year timeframe is impossible at this time and they know it. It would be the sheerest speculation and more misleading then informative.

As George Will has said, ''The Constitution stipulates destinations. It doesn't draw detailed maps.''

This year as part of the annual budget process, Congress will begin to identify what specific cuts need to be made between now and 2002. Passing the balanced budget amendment will give Congress the opportunity to reexamine virtually every function of Government. Like the base closing commission, it will impose a systematic reform that will force elected officials to make those tough decisions. The result will be what the voters said they want, a smaller, less intrusive Government and more power to reside where it belongs, with the States, with local communities, and with American families.

The long-neglected 10th amendment will be resuscitated and so will our economy. What we need to do is to convince America that we will make the cuts and that we have the will to make the cuts necessary to bring the budget into balance. That was the clear signal of November 8 last year.

We have heard so much about Social Security and we have heard it from the party that has taxed Social Security in the last budget, taxed the Social Security benefits that they so cavalierly refer to as sacred. It seems to me that was a violation of sanctity, but nonetheless, that is their problem.

Social Security is off-limits. It is not on the table. The Republican Party, the Republican leadership has made it clear that Social Security will not be cut.

The budget can be balanced by the year 2002 without touching Social Security.

One of my authorities for that is the distinguished gentleman from Texas and a fine Democrat named CHARLES STENHOLM.

It should be noted that a balanced budget amendment will provide greater protection for each American's investment in Social Security because by balancing the budget, no additional Government bonds will have to be issued to finance the deficit. Thus, there will be no more borrowing from the trust fund which truly protects the future of our Nation's retirees.

In contrast, if there is no amendment, starting in the year 2013, the Federal Government will have to begin paying back from general revenues the trillions it will have borrowed by then from the trust funds. Congress will then have to face the inevitable task of raising payroll taxes and/or reducing benefits.

The Contract With America clearly supports senior citizens. It helps seniors in several ways. It raises the Social Security earnings limit to $30,000 over 5 years. It repeals the onerous Clinton/Democrat tax increases on Social Security retirees. It provides a $500 elder care tax credit and tax incentives to help individuals purchase private long-term care insurance.

Not only will the balanced budget amendment protect our seniors but it will protect our children and their children as well. We steal from them by thrusting the metastasizing Federal debt on their shoulders. We will continue to commit generational larceny if we fail to reduce the debt. It can only be done with the help of a balanced budget amendment.

One of the most interesting lines last night in the President's State of the Union speech was this: ''None of us can change our yesterdays, but all of us can change tomorrows.'' Well we better be careful how we change tomorrows,

by lightening the debt on our grandchildren's backs or by exacerbating it. If we do not have a balanced budget amendment, you know what is going to happen and it is no present our grandchildren or future generations.

Slowing the rate of growth of spending is the answer. Under current policies, spending will increase by 5.4-percent annually over the next 7 years and total spending during that period amounts to $13 trillion. We can balance the budget by 2002 if we hold spending growth to about 3-percent annually.

If we do not act, what is going to happen? The longer we put this off, the tougher it gets. Where will we find the money for essential Government services and programs when the debt service grows to 30 percent or 40 percent of Federal spending? How will the private sector finance business startups, job creation, with debt service eating up almost half of the private investment funds generated each year? What will we do when the foreigners close their checkbooks?

The American taxpayer deserves and demands relief. We need bold action to regain the confidence of the investment community here and abroad. More dollars will be available to the private sector. Savings rates will increase. Interest rates will be lower. Capital investment will be encouraged. More jobs available for more Americans.

If the last election did not convert you, perhaps you are beyond redemption. But to the rest I say, seize the day, and now is the day.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to House Joint Resolution 1 and have long opposed the concept a constitutional amendment to balance the budget because it seeks to trivialize our most fundamental document by inserting an ill-defined and unenforceable promise about budgetary policy. The Constitution deals with real—not illusory—promises to safeguard the rights and liberties of all Americans. And while many are quick to point to simplistic Gallup polls indicating widespread support for such an amendment, they severely underestimate the real desire of the American people to see their Government take real responsibility for reducing the deficit—rather than simply taking credit for promising to do so after two more Presidential elections have passed into history by the year 2002.

Make no mistake. All Members of this body want to see the Federal budget balance. Its crushing weight will dampen the dreams of our children, constrain capital flows, increase interest rates, and exert often regressive influences on the economy. Only using the Constitution both tivializes that precious document and delays action for 7 years. in the past 2 years, President Clinton and the Congress didn't delay but acted on a budget that has brought us 3 consecutive years of deficit reduction for the first time in modern history.

That is the way it should be, but that is not what House Joint Resolution 1 is all about. The proposed amendment is the epitome of ''trust me'' politics. It rightfully is the heart of the Republican Contract With America—because it is all style and symbolism, and no substance.

Most significantly, the new majority refuses to put its money where its mouth is by supporting the truth in budgeting concept. Not only that, they blocked our right to offer that measure as a perfecting amendment. Why is that? Are Republicans hiding the real numbers because as one of their leaders said that the ''Congress may buckle,'' or because as one of the majority members in the Judiciary Committee said that the ''States may buckle?''

What I object to most is the fact that I believe that its proponents, relying largely on public opinion polls, are trying to buy their budget cutting wings on the cheap. And because they are not answering fundamental questions raised by the amendment, they are selling the American people a pig in a poke. Well, I am from Detroit, and we know that when buying a car, we first need to look under the hood.

This budget is going to force over $1 trillion in cuts, but no one will say from where. Will our military have to be cut in half'' Will Medicare be on the chopping block. Will veterans' benefits be up for grabs? How about student loans. When we tried to provide protections for these programs in the Judiciary Committee, the Republicans in lockstep said no. And, yes, what about Social Security?

Upon taking office, the new majority promised that Social Security would be protected from the hemorrhagic budget knife which must surely follow if the proposed balanced budget amendment to the Constitution passes.

Less than 7 days later, one of its chief lieutenants, the respected Judiciary chairman, HENRY HYDE, said during committee markup of the measure, that Social Security couldn't be taken off the table because if it was, the cuts in other programs would be ''too draconian?''

Senior citizens of America beware. The balanced budget amendment removes current ''off-budget'' protections of Social Security and places the program on the chopping block. It is clear and simple. House Concurrent Resolution 17, a Republican proposal to provide implementing legislation without touching Social Security is a mirage, totally unenforceable, without any sanction if Congress fails to do it. The only way, I repeat the only way to protect Social Security from cuts under this amendment, is to put it in the text of the constitutional amendment.

Proponents, and particularly Republican proponents, are telling Governors and other States' representatives that any fears that Washington will cascade Federal responsibilities to States in the form of unfunded mandates—a scenario many consider inevitable if the amendment becomes law—are magically resolved by the imminent passage of unfunded mandates legislation.

You've got to be kidding. In the 103d Congress I chaired the committee with jurisdiction over unfunded mandates. So I know that whatever unfunded mandates legislation Congress passes now, can and most likely will be superseded with subsequent legislation passing the responsibilities—but not the bucks—to the States. The amendment, in fact, is the mother of all unfunded mandates. The only way to stop that from being so is to say in the text of the constitutional amendment. But Republicans in lockstep said no to that. They stopped us from an amendment on the floor to that effect also. Starting to get the picture?

It's great to say we'll balance the budget in 6 or 7 years—well after two more Presidential elections—but how are we going to do it? Is defense going to be cut in half—even as Republicans state they'll seek increased funding? Will Medicare, veteran's benefits, student loans, or agricultural subsidies be reduced and by how much?

That evasiveness may make for good politics but do not make for good economic policy and could turn a mild recession into a dramatic economic downturn. Many countercyclical entitlement program for instance, such as unemployment benefits, require budgetary flexibility to keep our economy strong when its runs sour. Today a 1 percent increase in unemployment would increase the deficit by $57 billion—both because of declining taxes and increasing demand for benefits. With such a proposed constitutional amendment, the Federal Government would be forced to increase taxes or cut benefits by $57 billion during an economic contraction. This would dramatically aggravate the economy, create economic pressures increasing rather than decreasing the deficit, and generally make a bad situation far worse.

Had the constitutional amendment been ratified in 1991 when the recession combined with the savings and loan crisis created a $116 billion shortfall in receipts, the amendment would have plunged this country into a devastating economic contraction which would have been bad for all our goals, including deficit reduction.

And the amendment's failure to provide definitions for ''receipts'' and ''outlays'' would only mean more chaos. Are loan guarantees or contingent liabilities of Government corporations considered ''outlays''? We do not know from the text of the amendment. What about zero coupon bonds on the revenue side? Does Congress have the prerogative to declare certain items off budget, or outside the traditional ''receipts'' and ''outlays'' categories. It's unclear.

Further the mechanics of such an amendment are not spelled out. The budget identified in the amendment requires only estimates of overall spending and revenues, which are always inaccurate because of unanticipated economic circumstances. So what happens if revenues fall short, or there are overages in entitlement outlays at midyear? Does Congress enact a supplemental appropriations bill? Does the President impound funds despite statutory requirements to provide outlays? Do the courts step in?

Finally, there is nothing in the proposal before us to explain what the enforcement mechanism will be if Congress fails to honor its promise to balance the budget. Do the courts step in on their own initiative and start making budget decisions will-nilly? Do impacted States and taxpayers have the right to bring suit to make Congress keep its Contract with America? Does a sequestration procedure kick in which would cut back all expenditures by a fixed amount? Do the capital markets ''go on hold'' while the international monetary system is kept in suspense about whether the U.S. Government will be brought to a halt? I think what this amendment does is to pass the buck ultimately to a unaccountable Federal judiciary whose role is not to decide how much the American people should be taxed and on what tax dollars should be spent. Isn't it ironic that one of the first promises of the Republican contract is to abdicate budgetary responsibility to another branch of Government. Make no mistake, if the amendment is ratified, critical decision about taxes and Federal spending could be made in a secret chamber without any checks whatsoever.

Do individuals affected by any of the above courses of action have the right to sue? Much of our information about the level of outlays on the mandatory side of the budget are not even calculable until 3 months after the fiscal year.

In the past weeks the Republican leaders have publicly admitted that they will not spell out what cuts will be necessary to bring the budget into balance because Congress' knees would buckle, or because the States' knees would buckle or because the American taxpayer's knees would buckle. Well buckle or not, the American people have a right to know. And the amendment I will be offering later will require Congress to specifically enumerate how it will eliminate the deficit in the next 7 years before it will go into effect.

Well, do not fear: By passing the amendment before us, we are on a ''glide path'' to a balanced budget, because that's what the Republicans say—but do not vote to specify—about the effect of the proposed amendment after only 2 weeks of consideration by Congress.

This effort is not serious, and by its snake oil promises, does not augur well for the accountability which Americans have demanded in this new Congress.

□ 1640

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

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, the balanced budget amendment is a question of discipline. It is a question of financial discipline on a Congress which has had none.

Amending the U.S. Constitution is strong medicine, and in past history has occurred only to correct deficiencies in the Constitution, which was adopted in 1787, to abolish slavery, to give women the right to vote, and in other important matters such as the Bill of Rights.

I would submit the strong medicine is in order to force Congress to put America's fiscal house in order. Congress has tried and failed in the past to put discipline on itself in a statutory manner.

In 1990 we had the Bush budget agreement with discretionary spending caps and firewalls. That lasted 3 years before it was replaced by the 1993 Clinton agreement.

In 1985 we had the Gramm-Rudman law, which was amended twice before it was repealed, because the shoe started to pinch too hard.

In 1981 we had the Gramm-Latta, and in 1978 we the Harry Byrd law that required Congress to balance the Federal budget by 1981.

To my knowledge that law still is on the books, and since 1981 the national debt has increased by almost $3½ trillion. So we do need a constitutional amendment to force the people who serve in this Chamber and the one down the hall to start reducing the Federal budget deficit to zero so that we do not mortgage our children and grandchildren's future.

It is no secret that many of the most vocal opponents of the balanced budget amendment have big-spending records on issues of taxing and spending, and they are the ones that do not want to put this constitutional discipline on the House of Representatives so that they can go on spending as usual.

The time has come to put a stop to that, and that is why House Joint Resolution 1 should pass.

Now, tomorrow the biggest item of controversy will be the three-fifths vote that would be required both to raise taxes and to increase the national debt. I favor a three-fifths supermajority in both cases and hope that the House of Representatives will approve it.

Why should we not make it harder to increase taxes on the American people and to raise the national debt? We ought to do that so that a balanced budget amendment simply is not complied with by increasing taxes.

But also a three-fifths supermajority will require bipartisanship for future tax increases and national-debt increases. No longer will a partisan majority be able to ram a tax increase down the throats of the American people such as happened in August 1993. It will require a consensus in order to achieve a tax increase or in order to increase the national debt.

The President last night called for consensus. We have not had consensus in these areas in the past. We ought to have consensus in the future, and the three-fifths vote will require that consensus to be had.

I would hope that this amendment would pass and be sent to the States with the three-fifths vote.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

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

I appreciate your leadership on our committee.

I must say, as I listen to this debate, I hear people accusing this side of the aisle of being political, and it would be much easier for us to say, ''Oh, let us just go along; let us just vote yes, let us take up this new idea of government by windsock or government by the slogan of the day.'' Clearly we would be more popular.

But it seems to me that when you deal with the Constitution, we are not talking about popularity, and our forefathers and foremothers in the past restrained themselves and did not just throw everything they could think of into this Constitution.

I must say, as the ranking member on the subcommittee that dealt with this amendment, I have been shocked by the whole process. As we saw today in the rule, they had to waive points of order because of some of the violations that went on during the markup, improper notice, the problems we had of not having, or of having very short hearings. We had less time to mark this bill up than it takes me to make a costume for my children for Halloween.

You know, I always thought of a constitutional amendment as being real serious. Yet it was like, ''No, no, no, we have got to have it out here, we have got to have it now because it is on our slogan, and there was some ad or something in a TV journal and we have got to have it now.'' So here we are.

□ 1650

Some of the amendments that we never dealt with in committee I think are the most serious amendments of all and go right to the core of this amendment. There are things like who has standing to sue. Now, that sounds like a technical thing. Obviously, the average guy is not too interested in it. Unless you can figure out what standing to sue means, it is finding out can anybody enforce this thing. Are we passing something and throwing it into the

Constitution, and if the President has an unbalanced budget or we have an unbalanced budget, something can be done about it?

Then I think the American people can be mad about it; we cluttered up the Constitution and nobody had any enforcement. But we never got to the issue of standing. In fact, most of the witnesses said they felt, the way this was drafted, no one had standing. So I have real questions as to whether this is really worth anything.

Then, second, if you got over the standing hurdle and somebody could challenge this and it went to court, what could the court review?

What we are saying today is the Presidents have not been able to balance the budget, we have not been able to balance the budgets, so now we are going to give it to the courts. The courts have the right to decide we are leaning too heavily on defense and can take it away? Or do the courts look at our estimates? What do the courts do?

Of course, we never got to those amendments. That was one of the over 20 amendments sitting at the desk that we never got to.

Are insurance funds in this? Yes. You buy crop insurance, you think you have got crop insurance. Surprise, the money goes to balance the budget. Social Security funds are on the table, as we well know from the prior debate. Let us be honest, they are on the table. So are all the trust funds.

You pay for gasoline, and you think that tax is going to buy highways. No, we are going to put it into a budget balancing. Maybe that is what we should be doing. But we ought to tell the American people what we are doing.

But let me tell you the real reason I do not think this belongs in the Constitution: I was one of the Members on this side, and there were only Members on this side, who voted for the last budget, the last few budgets that have brought this deficit down. It is easy to deplore the deficit, but we do not find very many votes to vote for real cuts that really turn it around. We prefer rhetoric to reality.

So, being one of the realists who voted to bring it down, and also being an airplane pilot, let me tell you what I feel our challenge is in this body. Every year when we do a budget, it is like bringing an airplane down to the ground. We are trying to bring the deficit down to zero, but we know we cannot bring it down to zero, blam, or we crash just like an airplane.

We were up in the airplane, and we want to bring it down to the ground, boom. No. You have to find a way to bring an airplane down, just as we try every year to find what is the right angle of descent for this deficit so that we do not throw this economy into a spiral or into a tailspin and have a depression. And yet we also are able to bring the deficit in the right direction.

Many of us have been voting for what we thought was the right angle and have not been joined by very many people and have been beaten up for doing that. But that to me is what our mission is, trying to assess that angle. And putting it in the Constitution or demand we do a crash into the Constitution is not where I think we want to go.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

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

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

Mr. Chairman, I rise in support of the balanced budget amendment, and I do so for several apparent and vivid reasons.

First, just to put it in the Constitution and have it as a discipline for the Members of Congress is reason enough to support the balanced budget amendment. But if one looks at it more analytically, one will find even additional rationale for strong support of this amendment.

In my judgment, and it has been said in various ways throughout the parts of the debate that have preceded this, our Social Security funds, our trust funds to which there has been reference, our pension system, our budgetary problems, our deficit, everything is on the table and will be helped when we reform a balanced budget. Social Security, actuarially, will be even more sound than it is today. Veterans' benefits will stay in place and be strengthened when we reach that balanced budget. So why do we clamor for a balanced budget? To solidify our economy, to stabilize our debt situation, to make it possible in the near future, 2002, borrowing power on the part of citizens will be greater. Mortgaging and lending that will allow the building of homes and the building of businesses will be made easier once a balanced budget has arrived.

Why? Because everyone in America knows that when the Federal Government comes to a point that it will cease to borrow from the private sector in order to finance debt, then that money no longer required by the Federal Government because we have reached a balanced budget, that money will remain in the private sector. And lo and behold, the banks and lending institutions and all who are interested in the availability of private capital for creation of jobs, for reduction of unemployment, for increasing workers' benefits, for then considering the raising of the minimum wage, all those other matters that come with prosperity will be given a yeoman's chance if we reach—and I say when we reach—the balanced budget in the year 2002.

We must balance the budget not just to insert into the Constitution, as valuable as that is, the language of balanced budget, but rather to do so for the spirit of America in reaching financial sanity through the balanced budget that will free us all, including our citizens, for the enterprise of the future.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes and 45 seconds to the former Chair of the Subcommittee on Crime, the gentleman from New York, CHARLES SCHUMER.

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

Mr. Chairman, I rise in opposition to the amendment, the Barton amendment, the amendment that is on the floor.

You know, ladies and gentleman, I guess the balanced budget amendment is something that the closer you get the worse it looks.

You look at a couple of lines, ''let us have an amendment in the Constitution to balance the budget,'' and everyone says, ''Great idea, let's do it.'' Then you look at the mechanism of how to do it, and it does not look that good.

And, finally, you look at the specific proposal and the kind of cuts that it would entail, and it looks very bad altogether. My guess is that a number of the strategists on the other side who have put together this amendment hope it fails. It is a great campaign issue: ''We are for a balanced budget amendment.'' But there is no way to do this amendment even if you should take our advice and leave Social Security off the table, without decimating programs like Medicare, like transit, et cetera.

I believe we must balance the budget. But I believe we should be on a gradual glide path down, not a severe drop and not a constitutional amendment that mandates that once you are in there you can never get out.

I talked to a number of financiers on Wall Street, ''Wait until we are able to make the cuts.'' And yet we are unable to raise the debt ceiling. This nearly happened a few years ago, and Wall Street tremored. Wait until it happens now.

The people who devised this amendment did not really know what government is all about. They did not think it through. They did not go step by step by step. They rather said, ''Let's find something that sounds good. The polls back us up. Eighty percent of America are for a balanced budget amendment.'' But when told it would cut Medicare by about one-third, which is about the cut that I understand the majority on the Budget Committee are considering, 76 percent say, ''No, forget about it.'' So I say to the Members on our side who know it is a bad idea but are a little worried about opposing the big headline-grabbers, just wait, the closer the scrutiny, the closer we get to actuality, the less good this idea will be.

I think, in fact, that if you wanted to make sure our side retakes the majority, make sure the balanced budget amendment becomes law, and a few years after that we will have total change and total revolution. Good politics, maybe on the surface, although I

say ''no'' after a long period of time. Good substance? No way.

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

Mr. SCHUMER. Mr. Chairman, I would be happy to yield to my friend, the gentleman from Texas [Mr. STENHOLM], who has pursued this with such sincerity and is one of the few who is willing to make the tough cuts required and who supports this amendment.

Mr. STENHOLM. Mr. Chairman, I was just going to ask for a point of clarification because I wanted to be sure that I did not hear the gentleman saying that those who support the balanced budget amendment do not have a plan or cannot get there. I would take very strong exception to that on behalf of a lot of folks on both sides of the aisle. We do, and we can, and we will.

Mr. SCHUMER. I would say to the gentleman that my guess is I certainly think the gentleman understands the severity of the cuts. He is willing to cut Social Security——

Mr. STENHOLM. No, sir.

Mr. SCHUMER. My guess is 90 percent of the supporters of the balanced budget amendment are not. Once we have taken Social Security off, the cuts are at least one-third.

I make the point that my analysis is, and I think it is uncontroverted, that it would require about a one-third cut in all discretionary programs. I do not think most people are willing to take that kind of cut.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

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

Mr. SAXTON. Mr. Chairman, this is truly an historic debate, and I do not think there is any question about where the sentiment lies in this House relative to a balanced budget amendment. I think there is a huge majority that favor a balanced budget amendment, probably 300 or more Members. The question is which one will we support. Will we support a balanced budget amendment that makes it easier to raise taxes, or will we support a balanced budget amendment that makes it more difficult to raise taxes to accomplish the goal that we want to accomplish?

I favor the bill that was reported from the Committee on the Judiciary. It requires a 60 percent majority, or three-fifths, in order to raise taxes to balance the budget, and I have come to that conclusion after looking, at great length, to what has happened in our efforts to balance the budget over the last couple of decades.

In 1991, Mr. Chairman, the Democrat leaders of the House, the Democrat leadership of the House, and the Republican President got together, and they worked out an arrangement where we would have a tax increase, and for every dollar of tax increases we would have $2 in spending cuts. I say to my colleagues, ''Well, if you asked yourself what happened, you probably guessed it. We got the tax increases, but we never got the spending cuts.''

And history repeated itself in 1983 because the same kind of arrangement was arrived at with the same kind of results, and then in the middle of the 1980's we passed the Gramm-Rudman bill, and the Gramm-Rudman bill began to work, and we began to see the level of spending ratchet down, even if it was ever so slowly, but, as it ratcheted down, it became very painful to make those spending cuts, and we repealed the Gramm-Rudman bill.

Then our next major effort in 1990 was when George Bush got together with the Democrat leadership, and went out to Andrews Air Force Base, and came back here with a deal and said, ''We're going to have a $170 billion deficit remaining in 1995,'' and that happens to be this year, ''if we don't do something,'' and we imposed—I did not, but the House collectively imposed—the largest tax increase in the history of our country on the American people to solve the deficit problem. Well, it did not do it either.

And in 1993 President Bill Clinton came to the House and said we have to do something about the deficit, and once again we raised taxes, once again the biggest tax increase in the history of our country imposed on the American people, and guess what? Next year our projected deficit is not $170 billion which was projected in 1990. It is $180 billion.

So, Mr. Chairman, not only did we not take the easy out to increase taxes, but it also can be said quite clearly, ''It didn't work.

Now this is bad tax policy, creates a lot of bad things, and particularly it has a bad effect on our economy, and I know that we like to do things around here on a bipartisan basis, and I know that if the three-fifths provision passes, Mr. Chairman, it will pass on a bipartisan basis.

So, I look at the history of tax increases, look at the effect that they have had on our deficit, and I ask for support for the three-fifths provision.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, just as I felt compelled to challenge the statement of my colleague from New York regarding those of us who support the balanced budget being unwilling to make the tough cuts, I found it very, very difficult to restrain myself from the gentleman from New Jersey [Mr. SAXTON] a moment ago in asking for time because, when I look at some of the tough votes that were cast last year, like the Solomon amendment on the budget, he did not vote for it. When I look at the entitlement cap, he did not vote for it. The gentleman from Colorado [Mr. SCHAEFER] did, but not other Members.

We have a lot of rhetoric on this floor today that has no standing with reality, and I would hope in our bipartisan spirit we could start understanding that we are serious, in the serious mode now, regarding amending the Constitution of the United States, and just as my colleague stated on the floor a moment ago that CHARLIE STENHOLM is for cutting Social Security, that is not true. I voted against the previous amendment for the merits of the amendment. I am not for cutting Social Security one penny, and no one can ever find anything in the RECORD that suggests that our amendment that we will offer tomorrow does that either. But yet the rhetoric flows free in this House today, and that is what is wrong with the political rhetoric involved in this issue.

I am pleased to stand here today and rise in support of sending to the States an amendment to the Constitution. I have not come to this position lightly. I have come reluctantly because I would rather be doing almost anything than amending the Constitution for any purpose, but I am convinced that we must do so for the reasons that we will hear amplified over and over. But I have three simple reasons for wanting to amend the Constitution for purposes of requiring a balanced budget. Those reasons are Chris, Cary, and Courtney Ann, my three children, and I have just this month learned that by the end of August, God willing, I will have a fourth reason: our first grandchild. Motivations do not come much stronger than that.

Our Constitution has always, in large measure, been about protecting the unrepresented from the abuses of government. The threat to unrepresented, future children from continued deficit spending is the type of governmental abuse appropriately proscribed by the Constitution. This point was made by Thomas Jefferson who said, ''The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of the government.''

Our bipartisan, bicameral consensus balanced budget amendment that the gentleman from Colorado [Mr. SCHAEFER] and I will offer tomorrow we believe is based exactly on the same principle as the rest of the Constitution. It will protect the fundamental rights of the people by restraining the Federal Government from abusing its powers, from borrowing money day after day as we incessantly debate who is for cutting spending and who is for raising taxes. The easiest vote for any of us to cast is to vote ''no'' on everything and watch the deficit go up.

The amendment which I introduce with Representatives DAN SCHAEFER, JOE KENNEDY, MIKE CASTLE, L.F. PAYNE, NATHAN DEAL, and 132 others on January 4, the amendment now

numbered House Joint Resolution 28, is consensus language that has been developed over the past decade.

This same language was introduced on opening day as Senate Joint Resolution 1 by Senate Majority Leader DOLE, Senators PAUL SIMON, LARRY CRAIG, HOWELL HEFLIN, ORRIN HATCH, and others. Obviously, this language has strong bipartisan, bicameral support.

Requiring a higher threshold of support for deficit spending will protect the rights of future generations who are not represented in our political system but will bear the burden of our decisions today.

The language of the Schaefer-Stenholm amendment is the product of years of careful review and refinement. The amendment has been improved over the years based on the advice of Constitutional scholars, budget experts, numerous Members of Congress, and others. Changes were made in the amendment to address criticisms that were raised in the numerous hearings on the amendment. This exhaustive review process has produced an amendment that is workable, flexible, and enforceable.

I do have some concern that the hearings held in the Judiciary Committee this year were just the start of any such review on the language incorporated in House Joint Resolution 1. Nonetheless, I have always supported my friend and colleague, JOE BARTON, in his effort to bring this language before the House of Representatives. I included his amendment in every discharge rule which I filed in each of the past three Congresses. I also know that JOE is sincere about his desire to reduce the Federal deficit. JOE was one of the 37 brave souls to vote for the entitlement cap amendment I offered last year.

The horrors conjured up when opponents talk about balanced budget Constitutional amendments are not really aimed at those amendments, but rather against what those amendments will require: significant deficit reduction. To those who assert that deficit reduction will wreak havoc on the economy, I must ask, ''What do you think the deficit is doing to our economy?'' More importantly, what do you think it will do to the lives of our grandchildren?

Reaching a balanced budget will require discipline, but it is a far cry from the doom-and-gloom scenario portrayed by many opponents of the constitutional amendment. Federal spending is increasing now at about 5 percent, or about $75 billion per year. Trimming that growth in spending to 3.1 percent would balance the budget by fiscal year 2002.

But the hard truth is that the budget won't be balanced without passing the amendment first.

I am committed whole-heartedly and single-mindedly to passing the constitutional amendment which can garner two-thirds support in the House, two-thirds support in the Senate, and ratification by three-fourths of the States.

With the House scheduled to consider six different balanced budget amendment proposals from Members covering the political spectrum, it is clear that the overwhelming majority of the House supports the principle of amending the Constitution to mandate a balanced budget. The question therefore is not whether we should pass a balanced budget amendment, but whether the amendment that we pass will be effective and enforceable.

There are three fundamental tests of whether an amendment will provide effective fiscal discipline and is an appropriate addition to the Constitution. First, an amendment must have enforcement to make it more difficult for Congress to borrow money. Second, the amendment must not include any loopholes that could be used to circumvent the amendment. Finally, a constitutional amendment should be timeless and reflect a broad consensus, not make narrow policy decisions.

Let me first address enforcement. Allowing Congress to waive the balanced budget requirement by a majority vote would gut the amendment. To be effective, an amendment must require a substantially higher threshold of support to deficit spending. A requirement for a super majority vote to increase the debt limit is critical to ensure that gimmicks are not used to circumvent the amendment.

Second, taking the Social Security trust fund or capital expenditures out of budget calculations would open up a tremendous loophole in the amendment. This loophole makes it possible for the Government to fund any number of programs off-budget by redefining them as Social Security or capital expenditures. This would make the constitutional amendment meaningless.

Finally, we must ensure that the language of any approved amendment passes constitutional muster. A balanced budget amendment reflects a consensus that Congress and the President should set priorities through the regular legislative process. Items such as capital budgeting, the treatment of the Social Security trust fund, and specific budget plans represent narrow policy issues on which there is not necessarily a consensus. These issues do not belong in the Constitution. It would be particularly inappropriate to place the concept of capital budgeting in the Constitution when there is no consensus on what should be included in a capital budget.

We face a historic opportunity to add a solid, credible, meaningful amendment to the Constitution, at last responding to Thomas Jefferson's concerns. I urge my colleagues to take responsibility for the future we will hand our children and grandchildren. Vote for the balanced budget amendment.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. SCHAEFER. Mr. Chairman, in the years I have watched this body at work, I have concluded that only a constitutional amendment requiring a balanced Federal budget will force the consensus necessary for real deficit reduction.

Opponents of the amendment are pressing its supporters to present a plan to eliminate the deficit at the same time Congress considers the amendment itself.

The debate over amending America's founding document should not be a divisive quarrel about narrow special interest spending programs, as opponents are seeking to make it. Rather, I believe the discussion should be elevated above politics, to a thoughtful and long over due discussion of the more fundamental issues of the appropriateness and necessity of adding a balanced budget requirement to the Constitution.

The Constitution both enumerates and limits the powers of the Government to protect the basic rights of the people. The Framers of the Constitution saw balancing the budget and promptly repaying debt as moral imperatives fitting squarely within that framework. Permitting the Government to abuse its power over debt was not simply considered economic folly, but a violation of a basic right of the people—the right to be free from the massive indebtedness of a wasteful government.

Our Constitution currently protects the people from the excesses of Government that might infringe on their freedoms of religion or speech, right to keep and bear arms, be secure in their persons, homes, and papers and other rights. In exactly this same spirit, the balanced budget amendment would protect the American people—today and in future generations—from the burdens and harms created when a Government amasses an intolerable debt.

Amending the Constitution means dealing with the most fundamental responsibilities of the Government and the broadest principles of governance. Scaring up special interest opposition only cheapens the debate and drags the Constitution through the gutter of politics.

Demanding to see specific spending cuts before supporting a balanced budget amendment is little more than a poorly supporting a balanced budget amendment is little more than a poorly disguised argument against a balanced budget itself. It is like demanding a list of every kind of speech which will be protected before agreeing to support the first amendment.

Mr. Speaker, the freedom from the harms of excessive Government debt, like free speech, is a right of the people that is absolute, not contextual.

There are literally hundreds of plans to balance the budget out there—one, in fact, for every Member of the House and Senate. There are countless ways to balance the budget. What is lacking is an overriding moral imperative—backed up with the might of the Constitution—to force consensus.

After all, if we could have consensus on how to balance the budget right now, we would not be needing to debate a constitutional amendment.

Mr. Speaker, the primacy of fiscal responsibility in the Government's affairs, once taken as an unwritten given, should be explicitly returned to its rightful place among America's first principles. I urge my colleagues to support the balanced budget amendment.

□ 1710

In closing, I would say that I want to give a lot of credit, much credit, to my good friend, the gentleman from Texas [Mr. STENHOLM] and his work over the

years, as well as all the other people who have worked on this specific issue so long and so hard. And over the years we have been able to sort out the arguments that would be rallied against the language of the amendment that the gentleman from Texas [Mr. STENHOLM] and I have proposed.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I think the gentleman for yielding.

Mr. Chairman, we are engaged in particularly serious business this evening. In the 206 years of the Republic we have amended the Constitution some 27 times. There have been over 11,000 proposals.

Yes, indeed, we need to bring the Federal budget, the operating budget of the Federal Government, into balance. It is not a question of whether we do it, but how we do it. We need to do it through a sensible process, not through an amendment to the Constitution that I believe will prove unworkable and detrimental to the national interests. And let me explain why I think the proposals that have been brought to the floor will run into those kinds of problems.

First, those proposals with supermajority requirements: The reason we have a Constitution is that the Articles of Confederation required supermajorities for spending and taxing decisions, and they proved unworkable and brought the early version of this Nation into gridlock. We should not repeat that mistake by passing an amendment that would give 41 Senators, theoretically representing only 12 percent of the people of this country, the power to bring Government to a grinding halt.

Second, the enforcement problem: The amendments that are before us are silent on how we deal with living up to the promise that we are making. Now, some assert that the courts could not get involved. I have no reason to believe that that is the case. The courts have authority under the Constitution to deal with matters arising under the Constitution. Do we really want unelected and unaccountable judges making decisions about spending and taxation?

Third, these proposals depend upon budget estimates, notoriously—through our recent experience—problematic and unreliable, and especially difficult when the economy may be going into recession. Recall when we were dealing with 1981 with the fiscal 1982 budget, the Reagan administration estimated growth of 4.2 percent. That year ended up going into recession, a decline in GDP of 1.9 percent. What would that have done if this amendment were in effect?

The distinction, fourth, between capital and operating: We need to be able to make investments. This amendment hamstrings any ability of the Congress in the future to make the necessary investments that will save operating costs in the long run.

Finally, the effort to fashion an escape clause for national security: Is ''an imminent threat to national security'' going to be whatever a future Congress says it is, or are we again inviting the Judiciary to get involved? I do not know. No one can know. It is an invitation to an intrusion by the Judicial Branch that is absolutely inappropriate.

We evidently are not going to deal with these very substantial problems. My prayer is that our colleagues in the State legislatures, with the time that they will have to examine the ramifications of this, will find the faults and turn this down.

Today we are being called upon to take the extraordinary step of amending to the Constitution. In the 206 years that this Nation has been governed by that charter of our democracy, about 11,000 possible amendments to it have been introduced in Congress, with only 27 approved. There's good reason for this conservative approach to our Constitution. Amendments to the Constitution must be presumed to be for all time.

It isn't just a reverence for the document as now constituted, however, that leads me to oppose the proposed amendments before us today. I do consider it essential to get our Government's financial house in better order, and I have devoted much of my effort here in Congress to that end. But to achieve that end I am not willing to sacrifice the ability of our Government to function. We must act to eliminate the deficit, but not by putting shackles on the democracy. To varying degrees, that is what each of the six versions of a balanced budget amendment before us today would do. Each would create more problems than it would solve.

Let me illustrate in five ways.

To begin with, the amendment proposed by Representative BARTON and supported by the Republican leadership, would require a three-fifths vote in both the House and the Senate to approve an unbalanced budget, raise more revenue through taxes, or borrow more money. This would be constitutional lunacy. It violates the basic constitutional principle of majority rule and would effectively place control of the budget in the hands of 41 Senators—who might represent as little as 12 percent of the American people.

All of us, I believe, recognize that there are times when it will be necessary to spend more, to tax more, or to borrow more. We could not have won the Revolutionary War, or World War II, or the cold war, without doing so. It can be hard enough here to achieve a simple majority vote on budgetary matters. That's the nature of a representative democracy, which is inherently constrained in making decisions.

To raise the threshold for a decision by requiring three-fifths supermajorities in both the House and the Senate is a prescription for gridlock and failure. As a practical matter this amendment would act as a straitjacket in those times when swift action will be most needed. We could well be stuck with a policy-by-default that would turn an economic downturn into a depression, or a manageable threat to our security interests into a major conflict.

In fact, it was precisely this weakness with the Articles of Confederation—its requirements for supermajority votes in Congress to make basic budgetary decisions, and the resulting national paralysis—that led to the convening of the Constitutional Convention and the drafting of the Constitution. In that Philadelphia convention, the delegates repeatedly considered, and rejected, proposals to require a supermajority for action by Congress, either on all subjects or on more subjects than the five eventually specified in the original Constitution. Those are for overriding a veto, ratifying a treaty, removing officials from office, expelling a Representative or Senator, and proposing amendments to the Constitution. Amendments to the Constitution later added two others: restoring certain rights of former rebels, and determining the existence of a Presidential disability. None of those constitutional requirements for a supermajority threaten the basic functioning of the Government the way the three supermajority requirements of the Barton amendment would.

It's not difficult to imagine the problems that could be created. In the midst of a recession or some other national emergency, an attempt to raise the debt ceiling or raise additional revenue could be supported by strong majorities in both bodies, but be blocked by a minority of only 41 Senators, aligned by some particular regional interest or political ideology.

Imagine a situation in which a badly needed measure was blocked by the Senators of the 21 least populous States. Senators from States with fewer than 30 million people—less than 12 percent of the country—could effectively thwart the will of the remaining 88 percent. The amendment, in short, would give exaggerated power to small States, and would effectively give 41 Senators the power to hold the country hostage. Recent experience gives us plenty of evidence that there are those who are willing to do so.

We can't let this provision, which is essentially an act of political gamesmanship, back us and future Congresses into a legislative corner that would be difficult, if not impossible, to get out of when our country most needs decisive and timely action.

A second major problem with all the different versions of a balanced budget amendment before us today is the possibility that judicial interpretation and enforcement of an amendment could turn basic taxing and spending decisions over to unelected judges. If a deadlock in Congress or some other development were to lead to an unbalanced budget, no enforcement mechanism has been specified to resolve the issue. I would hope that this would not lead to the Federal courts stepping in and writing budgets, cutting spending, or raising taxes. But that possibility is not ruled out by any of the texts before us. And therefore, the general authority of the courts to consider cases arising under the Constitution would apply. Anybody who is concerned about unelected judges making decisions that should be left to elected legislatures should be greatly alarmed about this possibility.

A third concern is an example of subtler, but no less troubling, problems of definition and workability.

We should ask ourselves, for instance, about the meaning and effects of these words that appear in both the Barton and Stenholm-

Schaefer versions: that deficit spending is possible only if the United States faces ''an imminent and serious military threat to national security.'' Would this be a Grenada-type situation? Panama? The Gulf War? What about times of national economic crisis, or major natural disasters? How can we respond in times of crisis if the Constitution itself tells us that we cannot so act?

A fourth problem has to do with the inherent weakness of budgetary estimates on which all of the proposed amendments rely. The level of accuracy we've seen in revenue and spending projections is rarely equal to the job of making budgets to which we must adhere, on penalty of judicial enforcement, during the course of a fiscal year. There are Members here who well remember 1981, when we started to dig this deficit hole in earnest. The first Reagan budget rosily forecast economic growth of 4.2 percent in the year ahead. The economy, apparently not in a mood to obey the President, proceeded to decline by 1.9 percent.

The relevant lesson is that when we make projections, often 18 months or more into the future, our actions are based on economic models that are not perfect. And a lot can happen in the space of only 18 months to overtake the best projections. Given the difficulty we would face in marshalling the supermajority required for us to take corrective action, a balanced budget amendment could well leave us stranded.

Finally, it's impossible to make the investments we need in roads, bridges, airports, and the rest of the facilities that are vital to our economic health if we don't differentiate between an operating budget and a capital budget. Families, businesses, and State and local governments can do that, the Federal Government should also have that ability.

Balancing an operating budget makes sense. That's the kind of balanced budget States are typically required to achieve. The more difficult issue is capital spending and investment: something that all States, municipalities, and individuals borrow to do regularly when they build a bridge or buy a house. We regularly borrow from future revenues to invest in future well-being. By effectively prohibiting borrowing for investment on the Federal level, we'd force a wholesale shift in investment responsibility to the States and localities. Or worse, we'd force a foolish limit on needed investment that would only increase operating costs in the long run.

Each of the proposed amendments before us now all fail for one or more of these reasons. That is why I have to reject all of them. But let no one mistake my rejection of these proposals for a desire to keep the budget unbalanced. The Federal deficit, which has more than quadrupled since 1980, continues to act as a drag on the Nation's economy, compromising our efforts to deal with our fiscal problems and indenturing our children, and their children, for decades to come.

I do understand why most people believe that the moral authority of the Constitution is necessary to force us to act to correct our fiscal problems. And I know that the pressure to pass something will likely lead to a proposed amendment being passed by the House. So I tried to examine the proposals being put forward to see if there were ways I would amend them in a responsible manner to make them more workable and legitimate. I found two ways to amend—to improve—the six versions before us today, to reduce or eliminate the problems that I see with them. Unfortunately, the Rules Committee decided not to let me offer any of those amendments.

My first proposed change would have made it clear that the courts would not be brought into budget writing by litigation on the enforcement of a balanced budget amendment. I would have done so by adding a clause stating, ''Neither the judicial power of the United States nor of any State shall extend to any case arising under this Article.''

We should make it clear in this way, I believe, that a balanced budget amendment doesn't turn into a wholesale abdication of Congress' basic responsibility, as the people's elected representatives, to make the final decisions on vital budget choices. It is irresponsible of us to create any possibility of letting these choices be assumed by unelected judges, and any amendment to the Constitution should clearly state that it is Congress that will continue to be responsible and accountable for the Federal budget.

The second amendment I tried to be able to present to the House was an alternative, simple amendment stating that Congress must pass a budget in which ''total operating expenditures . . . for any fiscal year shall not exceed total operating receipts'' except in times of national security or economic emergency, as determined by majority vote. It also would have required the President to send Congress a budget in which total receipts exceed operating expenditures for every fiscal year, and would have given Congress the power to enforce and implement the provision by appropriate legislation.

This alternative would have avoided the gridlock of supermajority requirements, would have left us with the flexibility to make capital investments, and would have placed the burden on Congress to find the appropriate mechanisms to enforce the new balanced operating budget requirement. I'm not sure that even this would have ultimately proven acceptable in light of my serious reservations about amending the Constitution, but this simple approach certainly would be far less troublesome than any of the other choices we face today.

I'm deeply concerned, all of us are, about the growing national debt. It has brought us to this point, where we consider exercising one of our most solemn powers, the power to amend the Constitution itself.

The irony of this is that after a dozen years of profligate spending, we're finally moving in the right economic direction. Over the past 2 years, we've finally achieved a level of fiscal discipline that hasn't been seen around here in a long time. We've approved a hard freeze on discretionary spending. We've reduced the rate of increase in most entitlements, and actually cut some. It would truly be a shame if, at this promising moment, we were to wave the rhetorical wand, pass this amendment, and allow ourselves to believe that we've won the battle, only awaiting State ratification of that amendment. Rather, there can be no letup in the hard work needed to produce sensible budgets, with reduced deficits, over the next several years.

In the end, we should be mindful that when we amend the Constitution, history will judge our actions with an especially critical eye. The Constitution grants primary responsibility for the budget to Congress for a reason: the decisions we make ultimately reflect the needs and preferences of the people we represent. The progress we're finally making is proof of the ability of this body, at its best, to discharge its responsibilities. We must continue and strengthen the discipline recently shown here. That is the best way for us to honor both our fiscal responsibility and our obligation to preserve and protect the Constitution.

I urge my colleagues to continue the hard work we've already begun to discipline our spending habits and reject the seductive and popular gimmickry of these balanced budget amendments.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, for 40 years, 40 years, this body failed to pass a balanced budget amendment. No line-item veto. And yet the Gephardt bill tries to scare you with the Social Security card.

Well, if you are so concerned with the Social Security card, all those arguing with the gentleman from Missouri [Mr. GEPHARDT], then why not support the three-fifths to raise taxes, because it would take a three-fifths vote to increase the tax on Social Security.

But no, it is smoke and mirrors. You want to raise taxes at will. You want to be able to pass on unfunded mandates, the big tax and spenders. I would say there is not a Member of the Black Caucus except the only Republican that did not vote in the last Congress to increase the taxes on Social Security. No Republican voted for it. There is not a Member that is arguing here today, except maybe the gentleman from Texas [Mr. STENHOLM], that did not cut Medicare by $56 billion, and not a penny went for health care. Why? Because not a single Republican or Democrat voted for it in the Committee on Ways and Means.

Do you get the picture? Why not vote for Gephardt? Because GEPHARDT kills the rule of three-fifths in his bill to raise taxes. He kills the limitations to raise the debt ceiling. They want to be able to raise the debt. Does that tell you something about the real issue on the balanced budget amendment?

What about the limit on cutting spending. GEPHARDT kills that. And

that is why we do not support it. And we are asking him to support the three-fifths that would stop those things and also the unfunded mandates.

Why does the gentleman from New York [Mr. SCHUMER] and the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Missouri [Mr. GEPHARDT], the last Congress they voted to cut Medicare, they voted to cut Social Security, and they also voted to increase the marginal tax rate of every middle-income American. All of them. But yet now they switch their story. I guess it is easier to switch than fight.

Take a look at the leadership and the Rivlin memo to GEPHARDT and the Rivlin plan. The plan is to cut Social Security. The plan was to cut Medicare. The plan is to cut veterans benefits and further dismantle the military. But yet now we are talking about protecting Social Security. I will bet you will not find hardly anyone, if anybody, that wants to touch Social Security in here.

□ 1720

Then support the three-fifths, let us not have the smoke and mirrors. The gentlewoman from Colorado says we had hard choices in the Clinton tax package, that the liberal leadership twisted arms and only passed by one vote last Congress, one vote. Well, she did. She cut Medicare and Social Security. Those were the hard choices. They cut in 1986 IRA's. Now they want to support them back. They cut the annuities for senior citizens.

Get a life.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

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

I rise today, to urge my colleagues to support the Gephardt and Wise substitute amendments to the Barton balanced-budget amendment.

I have supported a balanced-budget amendment before my election to Congress, and I am going to support one today. But as long as I have believed in a balanced-budget amendment, I have also believed that Social Security is a sacred contract between the Government and its people. That is why I offered my own substitute balanced budget amendment. While not made in order by the House Rules Committee, my substitute, like the Gephardt and Wise proposals, specifically exempted Social Security from budget cuts and eliminated the unconstitutional and unworkable super majority requirement for raising revenue.

Not specifically exempting Social Security in the text of a balanced budget amendment—as the Republicans fail to do in their proposal—is to place this contract directly in the path of the uncertainty of the annual budget process and subject the program to possible cuts. That is irresponsible and unacceptable.

My constituents in northern Michigan understand that balancing the budget will require difficult choices and painful cuts. Almost to a person, they have indicated to me that they are willing to make the tough choices. But people in Michigan also understand a promise. Simply put, cutting Social Security is the same as cutting the Federal Government's credibility. Social Security is not just statistics—it is the only thing which stands between thousands of elderly Americans and true poverty. In Michigan, more than 1.5 million people receive these benefits—that is 1.5 million real people with real bills to pay and very real obligations to meet.

The Republican leadership claims that the adoption of House Concurrent Resolution 17, offered by the gentleman from Illinois, Congressman FLANAGAN, would protect Social Security from cuts. But, Mr. Chairman, if the Flanagan resolution were currency, it would be the peso—not worth a heck of a lot.

As we all know, this resolution has no force of law, and is really nothing more than saying to our Nation's senior citizens "I know we've pointed a loaded gun at you, but we promise we won't pull the trigger—at least not until the Nation's bill for the tax breaks for the rich and spending in the GOP Contract With America comes due."

Mr. Chairman, the Gephardt and Wise substitutes are tough and responsible and keep the promises that our Nation has made. I urge my colleagues to support these balanced-budget substitute amendments.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. BRYANT], a member of the committee.

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I come before you today behalf of the people of my district to support a balanced budget amendment with three-fifths supermajority tax increase provisions because, Mr. Chairman, most every one of them is demanding relief:

Relief from a Congress that has strapped each and every one of them with a debt of over $4.5 trillion. Relief from a Congress that has taken away from many of them the incentive to save and invest as a result of burdensome and stiff taxes. And relief from a Congress that has created more than ever a sense of distrust of this institution.

A balanced budget amendment with three-fifths majority tax provisions will give them this relief, Mr. Chairman. We have before us the opportunity to restore the trust in this institution, the opportunity to bring about an economic climate that will encourage savings and investment, and an opportunity to begin addressing the problem of our ever-increasing debt by slowing spending.

We can do all of this by supporting a balanced budget amendment with a three-fifths majority for tax increases.

Mr. Chairman, it is my strongest belief that the tax burden placed on our society has created the circumstances I have mentioned. As a result of raising taxes, we have decreased the ability of the American people to save and invest, thereby damaging our economy.

Mr. Chairman, it makes it difficult for someone to save and invest when they wake up every morning knowing that Congress is making them work from January to May to pay their taxes.

Clearly, Mr. Chairman, raising taxes has not been the answer. There are the nine States which have similar supermajority requirements in order to raise their taxes. And in those nine States, State taxes have gone down an average of 2 percent. Compare those numbers, Mr. Chairman, to the 41 other States without some type of supermajority requirement to raise State taxes. Their State tax burden has gone up 2 percent. I repeat, Mr. Chairman, nine States have supermajority tax requirements for tax increases, and these nine States have lower tax burdens.

Mr. Chairman, today this country is at a crucial crossroads of its history. Now we have at the time opportunity to change the way Congress goes about its business of taxing and spending. Opponents of the idea of a balanced budget amendment with a three-fifths provision scoff at that idea. They say it will not work. I say nonsense. Having a balanced budget amendment with the three-fifths provision for tax increases will work.

Do we want to keep raising taxes and borrowing money we do not have? I do not think so, because either way the taxpayer gets stuck with the tab. Taxpayers know it, and they are sick and tired of it.

Mr. Chairman, we were sent here to make some tough decisions. We were sent here to reform the way we do business. It is something that should and rightfully be expected of us. Requiring a three-fifths majority for tax increases in a balanced budget amendment will invariably bring about the necessity of slowing spending. So it will ultimately force this body to make some long overdue decisions about how we are spending taxpayers' dollars and whether they should or should not be spent.

Some do not want to confront these decisions but they must be confronted. Otherwise, we are only saddling ourselves and our future generations with more debt and more red ink.

The American people are demanding a balanced budget. They expect Congress to curb its spending. They want to trust us and deserve that tax relief. Passing House Joint Resolution 1 will give them all.

I urge my colleagues to support this.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

(Mr. PETERSON of Florida asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the Nation's future and for the protection of our children and grandchildren's well-being. Right now both are in jeopardy because of the tremendous national debt that we continue to accumulate. Why do we keep borrowing from future generations?

I will answer my own question: because the Government has not made the tough decisions necessary to balance the budget and because of conflicting signals from the American people to cut spending but not from their favorite programs.

To stop us from passing the buck and to force the Nation to commit to making the sacrifices necessary for the long-term in economic security, I will join many of my Democratic colleagues in supporting the constitutional amendment to the balance the budget.

The bipartisan balanced budget amendment generally referred to as the Stenholm-Schaefer amendment, which I cosponsored when I first was elected to this House 4 years ago, contains no gimmicks and no shell games. It simply requires that total outlays not exceed total receipts.

I along with many of my fellow Democrats have led the fight for this amendment long before the Republican contract was drafted. We have pushed to bring this amendment to the floor each Congress and continually voted for its passage. And we came very close to passing this amendment previously.

Today, I reaffirm my support for the Stenholm-Schaefer balanced budget amendment and join my colleagues on both sides of the aisle in taking aggressive action now to protect the Nation's economic security and our children and grandchildren's future.

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

Mr. PETERSON of Florida. I yield to the gentleman from Missouri.

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

Mr. VOLKMER. Mr. Chairman, I planned to take a couple of minutes to talk, but basically about the same thing that gentleman has mentioned. Some of us have been here, and I have been here 18 years. I voted on the constitutional amendment for a balanced budget back in 1982.

We have consistently voted on it. I have supported it. I am a cosponsor of the amendment of the gentleman from Colorado and the gentleman from Texas. Some of us have struggled and fought. We came close, 9 votes one year, 12 votes, if I remember right, last year. We may see a culmination. If we don't, we are going to continue to fight.

It was not a contract with America that started us on this effort. It was because some of us feel that we need to have a constitutional amendment for a balanced budget, but a sound one, one that makes sense, not a three-fifths majority, and that we need to do that in order to arrive at balancing the budget in the future.

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

Mr. PETERSON of Florida. Mr. Chairman, reclaiming my time, I will once again compliment my colleague the gentleman from Texas [Mr. STENHOLM] for leading this battle, along with my friend over here, the gentleman form Colorado [Mr. SCHAEFER] who really intently feel seriously about this to the point of making the hard decisions necessary to balance this budget.

We stand with them in this fight.

□ 1730

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, every year, we hear the same arguments used against the balanced budget amendment: it is unnecessary, binding, and a blot on the Constitution. We are told we need to tighten our belts, make the tough choices, stand up to special interest groups.

There is one word you'll never hear used against the amendment though: commitment.

That is because opponents here in Congress do not share our commitment for cutting spending and reducing the deficit. As Robert Reich made it clear last week, neither does the administration. It is just not important to them.

But it is important to the American people. It is important to our future. It is important to our children.

Mr. Chairman, Congress does not lack for choices, it lacks commitment. The balanced budget amendment represents a commitment to the American people to make the tough choices and cut spending. It's the one budget agreement Congress can't repeal.

As a long-time cosponsor of the balanced budget amendment, I am excited this legislation is before us, and I look forward to successfully passing it, here and on to the States for ratification.

Last night, Bill Clinton told America that he was working to cut spending and reduce the deficit. He said his budget would cut $130 billion over the next 5 years. What he did not say was that spending will continue to rise and the deficit will continue to climb.

In fact, the legacy of the Clinton tax increase of 1993 is higher spending, lower growth, and higher deficits. The 1993 reconciliation bill was just one in a long line of budget agreements designed to balance the budget through tax increases and spending constraints. Each time, the taxes were gathered, but the spending cuts never materialized.

We are presented today with the unsavory picture of Congress and the executive branch piling fiscal failure upon failure. The situation is intolerable and it cries out for change. In my mind, that change can begin with passage of the balanced budget amendment. Not an end unto itself, the BBA will create a bulwark of fiscal discipline to the congressional budget process, beyond which neither Congress nor the President can tread.

The BBA will reform the budget process by forcing Congress to make decisions between increasing taxes and cutting spending. If the tax cap provisions are included with the BBA, then Congress will have no choice but to prioritize its spending decisions. Even without the cap, however, the BBA will provide a line of defense for the American taxpayers that simply doesn't exist today.

A balanced budget amendment is an idea whose time has come. While it is not the final answer to our fiscal problems, it will provide a measure of discipline that does not exist now, and it will instigate reforms that otherwise would not occur. For that reason, I applaud this effort and support the balanced budget amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

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

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's yielding time to me.

Mr. Chairman, beside asking Americans to give their lives for their country, there is nothing more profound that any of us can do than to amend the Constitution of the United States.

After serving in this House for 10 years, I have come to the conclusion that without an amendment, the budget will never be balanced. That is why I support the balanced budget amendment offered by the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER].

Mr. Chairman, I support a balanced budget amendment because I do not believe that the President and the Congress will find the collective courage necessary to balance the budget without a Constitutional imperative. It is my sincerest hope that the weight of the Constitution will force the balanced budgets necessary to secure a prosperous future, our nation's sovereignty, and a government that makes smarter decisions.

America has always been the land of opportunity. A better life for each successive generation is one of the defining characteristics of our nation. Each generation's hard work paved the way so that those who followed could travel farther down the road of prosperity. Unfortunately, in recent decades, the economic policies of this country have caused us to lose our way. Nations, just like families, must plan for the future. As a nation we have failed to plan. 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. 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 1970s, to $156 billion in the 1980s, to the unprecedented $248 billion hole we have dug for ourselves so far in the 1990s. This irresponsible spending has resulted in a debt hole so deep that this year's interest payment ($213 billion)—just the interest payment—will be larger than this year's deficit ($176 billion).

Today's talk about balancing the budget, while also calling for increased defense spending and lower taxes sadly assures me that fiscal responsibility will be trumped by politics as usual. These are the same misguided economic policies that tripled our national debt during the past 12 years. Republican George Bush called it ''Voodoo Economics.''

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: ''We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.'' Our recent history makes it clear we should heed Jefferson's wisdom.

Our current spending spree cracks the foundations of our nation's sovereignty. At the beginning of the 1980s, foreigners owed Americans much more than we owed them. Today, we are the world's largest debtor nation. We owe foreigners much more than they owe us. And foreigners are collecting these debts by buying our office buildings, our companies, and our farms. We are selling our nation to anyone who will bankroll our outrageous spending. In an era when economics plays a larger role in the global order, our spending binge threatens our sovereignty and ability to influence international events. It's much harder to get Japan to tear down its trade barriers when we our indebted to them.

A message sent loud and clear in the 1994 elections was that Americans want us to make wise decisions. A balanced budget will force the achievement of this goal because the decisions made depends on the amount of money you have to spend. This is proven true in our daily lives. A person with $3 to spend on lunch will make an entirely different set of decisions than that same person with $10 to spend. The Government just puts it on a credit card.

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. 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.

To ensure that we make good on our commitment to balance the budget, I am working to draft the Balanced Budget Enforcement Act of 1995. This bill would force us—today—to begin bringing the budget into balance by the year 2002, while the ratification process proceeds. It would do so by setting spending caps and using across-the-board cuts if the caps aren't met. I don't believe this bill is the only answer to our budgetary problems, but it is an answer and it will lead to balanced budget.

There is little argument that balancing the budget is essential to the future of our country. However, the bickering begins and political courage fades when we begin to talk specifics. It is time to summon the courage and start today.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

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

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me. Mr. Chairman, I rise today in support of the balanced budget amendment.

Our current financial crisis is due to overspending pure and simple, and I firmly believe that a balanced budget amendment will impose discipline on Congress and the executive branch to live within defined means.

Having worked under a similar mandate in the State of New Jersey as a State legislator, chairing the appropriations process, I am fully prepared to work within the same spending and taxing restraints on the Federal level to make those serious decisions.

Mr. Chairman, I urge my colleagues to vote in favor of the Barton amendment to provide, finally, discipline to the Federal budget process.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

Mr. Chairman, Harry Truman used to say, in an earlier and perhaps better era here in D.C., ''The buck stops here.'' In today's Washington, D.C. your buck barely gets a chance to wipe its feet before it is back out the door in the form of some new Federal spending.

Without the fiscal discipline of a balanced budget amendment, I doubt this Congress will be able to make the tough choices that are required, no matter what party is in charge. It is time to quit passing the buck, or in this case, the debt, to future generations and put our fiscal house in order.

The national debt is nearly 5 times higher today than it was when Ronald Reagan became President in 1981. That is a disgraceful bipartisan legacy of irresponsible spending and tax giveaways.

The total debt of the Federal Government totals more than $4.6 trillion, $16,000 for every man, woman and child in America. Interest alone will total more than $225 billion this year. That is 10 times more than all the funds spent by the Federal Government on all education programs and assistance this year.

Some oppose the balanced budget amendment over genuine concern for the fate of Social Security, child nutrition, education funding, or other meritorious programs. An honest assessment of those programs shows us they have not done well during this decade of spend and debt. We accumulated $4 trillion of debt, but there is not a penny in the Social Security Trust Fund. It is full of IOUs. How are we going to cash those IOUs in when we need them?

Twenty percent of Oregon's children live in poverty. Many go to bed hungry every night. We know of the shortfall in education funding. It is time to get our priorities straight, make some tough decisions. As we make those tough choices, I am confident these programs, the programs I care about, will do better than they did during the spendthrift decade.

My home State of Oregon has a balanced budget amendment, as do most other States. Every local government in Oregon is required to balance its books every year, as does every responsible family. The Federal Government can do the same.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute and 30 seconds to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise in favor of the Barton balanced budget amendment. Some say that to propose a balanced budget amendment without proposing how we would get there is wrong. I say nonsense.

The American people are pleading with us to set aside bickering and at least agree on the goal of living within our means. We must take that first step toward a balanced budget amendment, with or without the support of the President. Then we can debate the spending cuts necessary to achieve that goal.

Mr. Chairman, my colleagues on the other side of the aisle have had 40 years to control the power of the purse and prove that Congress could be fiscally responsible. The result: Congress has left this country with a crippling debt and with higher taxes. Americans can no longer afford this sort of behavior from their Congress.

Mr. Chairman, now the burden of proof should be on the Congress to justify dipping further into the taxpayers' wallets. That is why we must pass the

Barton substitute that requires a three-fifths majority to raise taxes. We must force this Congress to make tough choices in spending cuts, not taxing our way to a balanced budget. Protect the taxpayer. Pass the Contract With America version of the balanced budget amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Chairman, I rise in strong support of a balanced budget amendment. I am disappointed that the majority will not allow us to vote on mine and other amendments which I believe solve some of the problems, but there are many similarities between the amendments we will look at.

There is, however, a real problem: How do we enforce it? We have looked to a super majority in various amendments as a way to enforce it, or future legislation as a way to enforce it. Will it work? The problem I see with these amendments is that they rely upon estimates, not actual. Will it actually require us to balance the budget? No. Why?

Mr. Chairman, I read in the Barton amendment, section 1, the last line ''Congress and the President shall ensure that actual outlays do not exceed outlays set forth in this statement.'' What about receipts? How do we guarantee that the projection of revenue is actually going to show up?

If we say ''Well, it will,'' look at the last 14 years. CBO has missed in every one of those years by an average of, overestimating revenue, an average of $25 billion per year. What is going to happen? At the time we figure out that receipts did not come in, it is too late to cut spending. We have already spent it. It is the end of the fiscal year. Even if we could get three-fifths to raise taxes, it is too late to do that.

□ 1740

There is one option and one option only, that is, increase the debt limit. You are going to put a permanent ceiling on the debt limit and you cannot raise it without three-fifths.

What you have done is in contravention of the Founding Fathers' intent, you will have placed control in 40 percent of this body or the other body to hold us hostage.

Let us say they decide they want more welfare spending, and they are not going to vote for increasing the debt limit unless you give them a higher debt limit to spend more money on welfare, or defense, or anything else.

We had better back up. I will vote for and support the best constitutional amendment we can, but I certainly hope the other body can do a better job and perfect this before we have to send it to the State legislatures.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. HOKE].

Mr. HOKE. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in support of the Barton balanced budget amendment.

We are going to vote either tonight or tomorrow on this amendment and we are going to have the opportunity to complete 2 pieces of work that were begun 200 years ago and about 100 years ago. One is the Constitution itself.

Thomas Jefferson wrote in 1789 very clearly and very well. He said:

> If there is one omission that I fear in the document called the Constitution, it is that we did not restrict the power of the government to borrow money.

What this constitutional amendment does is it puts into the constitution the restriction that the Founding Father and founder of the Democratic party, Thomas Jefferson, wanted to have put in the Constitution, the restriction on borrowing money. It is the three-fifths majority that is required to raise the debt ceiling. That is the operative language that makes it very, very difficult, not impossible—by no means impossible—but it creates the hurdle over which we have to jump in order to borrow more money to make it possible to deficit-spend. It is the essential element of this constitutional amendment with respect to spending.

On the taxing side, we are going to complete the 16th amendment to the Constitution which allowed the income tax in the first place. That is, that we are going to require that there be a three-fifths majority to raise taxes as well.

These two together will complete the spending and taxing limitations and restrictions that were begun 200 years ago and need to be completed, need to be fulfilled in the Constitution of our country.

Our country was founded on limited government, not unlimited borrowing. To limit government, we need that supermajority. To limit borrowing, we need a supermajority to increase the debt. And the BBA will reinforce the theme of the Constitution.

The other thing that the BBA does is it will change the way that the American people have been cheated out of the definition of government. The proper definition of government is what the people are willing to pay for on a pay-as-you-go basis.

We really have no idea what we as a Nation believe our Government should be, what the size and scope of it should be, what its role should be, what its definition should be, because just as in a family you do not know how you want to define your lifestyle except by what you are willing to pay for, just as in a company you do not know what you are willing to do, what you want to do in terms of defining the direction of your company and where you want to go, the same is true with respect to our Nation and our national identity and what we are willing to pay for in terms of defining what our government is going to be.

We have been cheated out of that as a Nation. We do not know what that is. Until we are required to match revenues against expenditures, until that happens, we will not know as a Nation what it is that we want our Government to do.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise today in strong support of the balanced budget amendment. I have been for the balanced budget amendment for the last several years, because I do not believe that we can find the will to make the necessary cuts to save the future generations of this country without the support of the American people through a balanced budget.

The fact is the people say:

> Listen, JOE, you are a liberal Democrat, how can you possibly be for a balanced budget amendment? It is going to cut the very programs that much of your family and others have stood for generations.

I say to them that those very programs that stand up for the working people and the poor and the senior citizens of this country have suffered the worst cuts over the course of the last 15 or 20 years in this country as a result of budget deficits.

Look at the housing budget. Cut by 77 percent over the course of the last 15 years. Look at those who have press conferences that say they want to protect fuel assistance for the poor. Look at what has happened to the fuel assistance program. Cut by 30 percent.

Aid to education. All of the programs that are designed to assist the very poor, our vulnerable citizens, are the programs that get cut.

And after all, who pays the debt? It is the working families of America that pay the lion's share of America's taxes. We see a greater and greater percentage of those taxes going for one particular item, and, that is, to pay the interest on the debt.

What accounts have gone up in the last 15 years? National defense. We have seen the budget doubled. We have seen a fantastic increase, from $70 billion a year to $240 billion a year on the interest payments alone on the national debt.

Does a working family get to educate their kid? Do they get to take care of a senior citizen, a parent? Do we see the bellies of our poorest children filled as a result of interest payments on the national debt?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HYDE. 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. CUNNINGHAM) having assumed the chair, Mr. WALKER, chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, had come to no resolution thereon.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 1, the balanced budget constitutional amendment.

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

There was no objection.

HOUR OF MEETING ON TOMORROW, THURSDAY, JANUARY 26, 1995

Mr. HYDE. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow.

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

LEGISLATIVE PROGRAM

Mr. CONYERS Mr. Speaker, reserving the right to object, and I do not intend to do so, let me just take this opportunity to clarify the schedule for the remainder of the evening and for tomorrow.

Can we confirm that the only remaining legislative business for today is to complete general debate, not going into the Barton amendment?

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

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

Mr. HYDE. I believe that is correct. I have not been instructed otherwise, so it is correct.

Mr. CONYERS. Will the gentleman indicate to us whether we plan to finish the balanced budget amendment tomorrow or carry some of the bill over until Friday?

Mr. HYDE. I hope with the superb cooperation I have come to expect from the distinguished gentleman from Michigan, we could finish it tomorrow.

Mr. CONYERS. Then, finally, on behalf of the Democratic leadership, I have been asked to confirm that the Democratic side will be assured of at least 20 1-minute speeches tomorrow morning preceding our activity.

Mr. HYDE. At most, the gentleman is exactly correct.

Mr. CONYERS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to House Resolution 44 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 joint resolution, House Joint Resolution 1.

□ 1749

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 joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, with Mr. WALKER in the chair.

The Clerk read the title of the joint resolution.

□ 1750

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from Illinois [Mr. HYDE] had 52 minutes remaining in the debate, and the gentleman from Michigan [Mr. CONYERS] had 47 minutes remaining in the debate.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

PARLIAMENTARY INQUIRY

Mr. HOKE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOKE. Mr. Chairman, when the Chair or the Speaker grants unanimous consent that someone may revise and extend their remarks, does that mean, is that implicit that that means within the rules, or does that actually mean that the remarks themselves can be revised in the RECORD?

The CHAIRMAN. It means revisions and extensions within the meaning of clause 9 of rule XIV.

Mr. HOKE. That have been adopted by this House in the 104th Congress?

The CHAIRMAN. The gentleman is correct.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am pleased to yield 1½ minutes to another distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time.

Mr. Chairman, there have been many efforts made in this Chamber to try and balance the budget. I can well remember the Freeze Budget, the 1992 Group Budget, the Pork Busters, our good friend Tim Penny who led many bipartisan efforts, and I can remember Gramm-Rudman. Every one of these was to no avail.

Remember this button: ''108 in '88?'' That meant under Gramm-Rudman our deficit was going to be by law no greater than $108 billion in 1988.

Well, guess what? It was $187 billion, not $108 billion.

Promises, promises, promises, promises, and every one of them was broken.

It is time to keep our promise. The deficit today is over $200 billion, and it is as far as the eye can see $200 billion. In fact, by the turn of the century it is not going to be $200 billion, it is not going to be $300 billion. The OMB, the Office of Management and Budget is projecting over $400 billion.

I had a town meeting a couple of weeks ago and I had a very activist Democrat stand up and say:

> Fred, I have been against the balanced budget before because I did not think it would work. I thought we had laws that made it work, but I've given up. When you get back to Washington, please, please, please, for our children and for our jobs, pass a balanced budget amendment.

It is time now to keep our promises. It is time to pass a balanced budget amendment, a constitutional one.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

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

Mr. BROWDER. Mr. Chairman, I want to thank the gentleman from Michigan for yielding time to me.

Mr. Chairman, let me first commend my colleague, CHARLIE STENHOLM, for his leadership on the issue we are debating today. We are considering, hopefully for the last time, passage of a balanced budget amendment to the Constitution. I have been on this floor three times before pressing the Members of this institution to let this debate out of Washington. Ratification is my ultimate goal, but more important in my mind is the great public debate that will take place around this country during the process of ratification.

The balanced budget debate must be expanded beyond the Washington betway and with passage in Congress the debate will begin in earnest. For as the states consider ratification, our country will begin a full and frank public debate on the role of government—Federal, State and local—and the cost of fulfilling that role.

If the politicians who designed past efforts to bring the budget into balance had engaged the public in that process then I doubt we would have dug—or been allowed to dig—such a huge deficit hole.

Mr. Chairman, the balanced budget amendment incorporates into our fundamental law the principle that the Federal Government cannot spend more money that it takes in, except under special circumstances. That principle rightly fits in the Constitution and would not, as some suggest, trivialize that basic document. But more importantly, the ratification process will allow, even force, the American people to focus on what they want from their government, what benefits they will surrender in the name of fiscal responsibility, and what burdens they will shoulder to do the important tasks they ask their government to do.

Mr. HYDE. Mr. Chairman, I am honored to yield 3 minutes to the distinguished gentleman from Texas [Mr. BARTON]

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

Mr. BARTON of Texas. Mr. Chairman, I want to first of all thank the distinguished chairman of the Committee on the Judiciary, HENRY HYDE, for his excellent leadership in shepherding the balanced budget amendment process this far. I want to thank our new Republican majority leadership for scheduling the debate immediately and not having to force us to resort to discharge petitions. I want to thank my good friend, CHARLIE STENHOLM of Texas, for being such a stalwart for so many years to keep the dream alive and all of the other true believers that feel like we need to balance the Federal budget in a bipartisan fashion.

We have won the debate as to whether we should have a balanced budget at the Federal level, at least we have won the debate everywhere but in the White House, in the Office of Management and Budget, and with the Secretary of Labor. The question is not should we balance the budget but how should we do that, and there are really three basic ways: We can raise taxes; we can cut spending, or we can do a combination of both.

There are two serious amendments on the floor this evening and tomorrow to get us to a balanced budget. The Schaefer-Stenholm amendment requires a three-fifths vote to borrow money, a three-fifths vote to raise the national debt ceiling and that is a constitutional majority of 218 plus 1 in the House to raise taxes. The Barton-Hyde-Geren amendment requires a three-fifths vote to borrow money, a three-fifths vote to raise the debt ceiling, and I think, significantly, a three-fifths vote to raise taxes. That third three-fifths vote to raise taxes in some ways is the most important three-fifths vote, because I believe the emphasis should be on cutting spending.

Why do I believe that? Go back to 1964; the entire Federal budget was $118.5 billion. In 1965 it actually dropped. We spent $118.2 billion. Every year since 1965 Federal spending has gone up. In the fiscal year we are in now we expect to spend $1,531,000,000,000. That is an increase of 1,300 percent in the last 29 years.

Federal spending has gone up every year since 1965.

To put that in perspective, in the year we are currently in, we expect to spend 70 billion more dollars than we spent last year, and last year we spent 53 billion more than the year before. Simply put, it is not a lack of revenue as to why the budget is not balanced. It is simply the fact that spending is out of control.

If we want to restrain spending, we have got to balance the budget by cutting spending. Put the tax limitation provision in, the three-fifths vote, and we will do it. There are nine States that have tax limitation provisions. In those nine States their taxes have gone up less and their spending has gone up less, an average spending of about 9 percent less and an average tax increase—an average in the years between 1980 and 1990—an average of about 14 percent.

We should vote for the balanced budget amendment with tax limitation. I ask for Members' support.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to this gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to take us for a quick ride down our spending highway. If we assumed our income equals our spending and we are traveling at 55 miles per hour, if for every $1 billion of deficit spending we increase our speed by 1 mile per hour, instead of going the posted 55 miles a hour, we are going 258 miles an hour.

And remember, that to get $1 billion of revenue it requires approximately 250,000—that is right, a quarter of a million—individual average tax returns. So not only are we exceeding the speed limit by 203 miles a hours, we are spending the money from 50,750,000 average individual tax returns that we do not have.

□ 1800

And that is just in 12 months. If we are to have to pay off our national debt right now, it would require the taxes from 1,171,000,000 average individual returns that we do not have.

Even if the debt never increased and we never paid any interest on it, it would require all the revenue received from all the tax returns of all individual taxpayers in this country for almost 11 years just to pay off the principal. So if you think we can slow this vehicle down that is traveling 258 miles an hour by just posting a slow-down sign, you are wrong. We have tried it. If you think we can slow it down by putting speed breakers in there, we have tried that, too.

Gramm-Rudman 1 and 2, the Budget Acts of 1990 and 1993, you are wrong; we hit those bumps, we picked up speed, and $2 trillion in debt, since we hit them.

It is time we called out a traffic cop with a radar gun to slow us down. That is what the balanced budget really is, Mr. Chairman. It is time to call out the cops.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I particularly thank the truly distinguished chairman of the Committee on the Judiciary for yielding me this time.

I rise in support of the balanced budget amendment. I am a name cosponsor with the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER] on theirs, but I also support the Barton three-fifths tax limitation as well.

But it is the concept of what we are doing. Let me just say I would like to congratulate this entire House of Representatives on considering the most significant chance to end doing business as usual down here that we have probably ever considered, and doing it early on in January. I think it makes a huge difference.

I thought the way I could spend what is left of my 3 minutes is to just tell you a story about what has brought me to be so supportive of the balanced budget amendment, my own personal experiences.

I am from the State of Delaware. I was in the legislature of the State of Delaware. I was there in the 1970's. During that period of time, we had some difficult problems. We never balanced our budget. We borrowed money in virtually any way you could possibly borrow money, short-term, long-term, whatever it may be. We had the highest personal income taxes in the entire United States of America, 19.8 percent State taxes, this is. Businesses were leaving Delaware as fast as they could make up their minds to be able to get out. Then we came along, and some individuals, and I was not involved in this, adopted a balanced budget amendment. We have the three-fifths tax limitation. We adopted the line-item veto. We have rainy-day. We have other cushions. We have everything you could possibly imagine.

Since that time, since we woke up in the end of the 1970's, we have balanced our budget 18 straight times in the State of Delaware. We have reduced our taxes five times in the State of Delaware. We have created more jobs than practically any other State on a percentage basis; I know, we are a small State. We did reduce poverty more than any other State during the 1980's. We became a financial success story.

It is not easy. It was very tough to do this. In addition to all those constitutional amendments and changes, we had to struggle with small pay increases, in fact, no pay increase one year for State employees. We eliminated waste. We had an early retirement option. It was a very difficult matter to carry out.

We expended Medicaid perhaps a little more slowly than some other States did. We did create economic opportunities, because we saw the other opportunities, because we saw the other side, if we could bring in revenues, and we have different banking laws in the State of Delaware which have helped us attract jobs to our State, and we have made fiscal adjustments each and every year to keep our budget in balance.

We are absolutely convinced that this is the way to go, and I am convinced this is what we should do in Washington, DC.

What if we do not pass the balanced budget amendment? What if we just go

on as we have with business as usual? Well then, in my judgment, the easier choice will be made virtually every time, that is, to extend, to expand, and to add programs. The debt will bury our future generations, and the inefficiencies, because of political malaise, to make the tough decisions will simply carry on.

For all of these reasons, I believe that each and every one of us should tomorrow realize that this is not just a procedural vote. It will lead to many, many years of very difficult votes, both of which are going to benefit the people of the United States of America.

I hope we will all support the balanced budget amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER], a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, I oppose this amendment, because we should not write fiscal policy into the Constitution.

Of course, we want balanced budgets most of the time. But it is nonsense to speak of a balanced budget without separating out a capital budget.

Every State, every local government, every business has a capital budget and an operating expense budget. The operating budget must be balanced, but the capital budget enables long-term investment, highways, bridges, tunnels to be financed by borrowing.

Any family borrows to buy a car or a house.

This amendment would prohibit the Federal Government from ever borrowing except in wartime. This is nonsense.

Second, budgets should be balanced over time, not every year. In good times, the operating budget should be balanced or have a surplus to pay down the debt. During a recession we should prime the pump, cut taxes, increase expenditures, run a deficit to stimulate the economy, to put more people to work, and to get out of the recession.

This amendment would force the Government to violate all we know of economic policy and cut spending during a recession to offset the lower tax receipts generated by the recession. This is a good way to turn a recession into a depression.

That is why the Owens amendment which I support would suspend operation of a balanced budget amendment when there is high unemployment.

Third, the proposed three-fifths rule would require a 60 percent vote to pass bills to improve enforcement of the law against tax cheats, to close special-interest tax loopholes, or to revoke most-favored-nation status of countries that violate human rights. A minority of the House would be able to block any of these actions.

Finally, our large national debt and the Republican decision to increase substantially defense spending means inevitably that a balanced budget amendment would force us to gut spending on Social Security, Medicare, and other vital programs.

Mr. Chairman, we do not need this dangerous amendment. In the last 2 years we have cut the deficit almost in half. We need to continue a prudent fiscal policy. We do not need to rewrite the Constitution.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr NEY].

Mr. NEY. Mr. Chairman, I want to talk about reality and fact today versus uncertainty and doubt.

And the uncertainty and doubt mentioned is budget estimates. The reality is it has been done. It has been done in many States.

But Ohio sets an example, one of the larger budgets in the United States, and you have the executive budget, you have the legislative budget office. Sometimes their statistics do not agree. But you come to a middle point and you take the conservative end of it. Usually that tends to give us the basis to be able to operate on a balancing budget.

The doubt, it has not all been set out over the course of the next 7 years. The reality, the State of Ohio, like many other States, has made it a reality that we set out a budget pattern. We accomplish a short-term goal, and it works. The doubt, this system will not work: The reality, it does. Last month I was chairman of the senate finance committee in Ohio. I guarantee you had we told the members magically there is no more cap on the Ohio budget, the end result is they would have crawled on glass to get there to spend money. It does work.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary.

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

Ms. JACKSON-LEE. Formulating laws and studying our legal system has occupied most of my adult life. At each level of my professional career, I have taken an oath to uphold the laws and principles of the Constitution of the United States of America, and I take this responsibility very seriously.

I feel very great cause for concern over this most recent attempt to alter the Nation's most sacred charter, not that it has not been done, but simply the process is one that bears a great consideration and seriousness.

Clearly any changes that are to be made to this document should only be made upon careful deliberation and dialog. At this time, however, I do not feel that we have gone forward in a bipartisan spirit and open debate to do this monumental task.

Oh, I know the stories have been told about the years of trying to balance the budget and all the Congresses that have not, but I come here a new Member representing my constituents and believing that we have the ability to handle this in a manner that shares with the American public the direction in which we are going.

In this Committee on the Judiciary time and time again in a bipartisan spirit SHEILA JACKSON-LEE offered military preparedness, protecting Medicare and Medicaid, offering Social Security amendments, not to stop the progress but simply to provide for the American public a realistic look at the balanced budget amendment.

There are too many questions that I still have, and they are still left unanswered. Precipitive cuts in essential Federal programs, especially programs that assure health, safety, well-being, and educational opportunities for our citizens clearly are in the national interest. The majority wants to balance our budget by cutting spending by 30 percent without raising taxes. This will hurt our children's programs, Medicare, Medicaid, and veterans' services.

In Texas alone over 180,000 babies, preschoolers, and pregnant women would lose infant formula and other WIC nutrition supplements. If we pass the balanced budget amendment, 420,000 children in Texas will lose food stamps; over 500,000 would lose Medicaid health coverage.

□ 1810

While these alarming numbers are specific to my State of Texas, I have to stand up for my people in my State and in the entire Nation. As legislators it is our responsibility to examine the effects of this legislation in detail and to truly understand the consequences of what we are doing.

When we talk about dropping education benefits, 37 percent of the people say they support the balanced budget amendment. When we talk about cutting social security, only 34 percent of the American people.

I simply ask that we detail where we are going and what we are doing. I simply ask are we going to cut child welfare dollars or are we going to fight for a new flight bomber? It is very important, as we discuss a balanced budget, that we focus on the substantive impact and whether or not Congress and the President can actually achieve a balanced budget amendment.

We must understand the enforcement mechanism. Who has standing? The question has never been answered.

Does the senior citizen in the 18th district of Texas have the opportunity to go to the Supreme Court and say they have been impacted negatively by the balanced budget amendment? I think they should. The questions are still unanswered.

We have a great responsibility as we amend our Constitution, and I believe that we must give reverence to the Constitution of the United States. An open rule, and understanding of where we are going, that is what we need in a balanced budget amendment, but we need most of all to understand and respect the Constitution.

Mr. HYDE. Mr. Chairman, I am delighted to yield 2 minutes to the

learned gentleman from New York [Mr. HOUGHTON].

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

Mr. HOUGHTON. I thank my learned chairman.

Mr. Chairman, I am trying to figure out a way of how to get into this conversation because so much of what I had intended has already been said.

Let me just say one thing: I was down here in 1982 with the Grace Commission. We had a deficit of $200 billion. We had great plans, we had suggestions to close that gap, cut the spending. Nothing happened.

I came here as a Congressman in 1987. Our deficit was still $200 billion, and we had all of these plans, Gramm-Rudman-Hollings, all of the great laws. Nothing happened.

Here we are now with a deficit of still $200 billion or approximating that.

There was a man called C. North Cole Parkinson, who said expenses have a tendency to rise to exceed income. That is what is happening here.

I think it is really a bad idea, if there were any other alternative to having a constitutional amendment. However, I am convinced now that it is the only way of doing this thing. I am not for the three-fifths for the tax increase. It is not practical. It will not work. But I am for a balanced budget amendment.

Let me say one other thing: That is the easy part. The hard part is to put this into practice. Peter Drucker always said that all great ideas ultimately degenerate into work. This is what is going to happen here. The easy part is passing this legislation; the hard part is going to be to put it into effect.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank my friend for yielding this time to me.

My colleagues, in the rush to pass a constitutional amendment and tamper with the Constitution to do something that we do not have the guts to do ourselves, let us tell the American people what we are really doing. Let us be honest with the American people.

If the American people knew what this balanced budget amendment would do, there would be a hue and cry in the land.

We are exempting social security. I agree. We are telling our senior citizens that by exempting social security, they will be all right. Who is kidding whom? Do you know the Medicare cuts that will come as a result of this balanced budget amendment? My senior citizens and senior citizens across this country that are on Medicare and cannot make ends meet now will face cuts of 20, 30, 35 percent. They cannot get money to pay for prescription drugs or the health services they need now. Forget it after the balanced budget amendment.

Medicaid, decimated; veterans benefits, decimated. You veterans who think you will continue to get outpatient services under a balanced budget amendment, outpatient health services, forget it. That will be gone.

Education, school lunches, magnet school programs, forget it. Tremendous cuts. Our children are going to suffer in future years.

Mass transit, Meals on Wheels, the environment, forget about clean water and clean air, there will not be money for that.

More cops on the beat, housing, health research.

Federal pensions, we can forget about all the things the American people have come to expect.

Wake up, America. If we do not have the guts here to do what we have to do, a balanced budget amendment is not going to do it for us. All it is going to do is impose terrible hardships on the American people, senior citizens, and our young people.

If Congress declares war, we have to have a separate vote on a military action and then a second vote to decide to unbalance the budget. This is unworkable.

It is a disaster for America, and I will vote ''no.''

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from California [Mr. PACKARD].

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

Mr. PACKARD. Mr. Chairman, after hearing the last remarks, the most scary scenario of all would be for us to continue to run this country into bankruptcy and then there are no programs that are going to get the benefit.

Mr. Chairman, last November the American taxpayers declared that enough is enough. They are fed up with the Federal Government's liberal tax-and-spend policy. Passing the tax limitation balanced budget amendment will insure that the Government will balance its budget without raising taxes. The three-fifths rule serves as a vital disciplinary tool. It will help Congress resist the temptation to fall back into the liberal tax-and-spend habit of the past 30 years. It will keep Congress' sticky fingers out of the American taxpayer's back pocket. Are not American people already being taxed enough? Forty-nine States operate with a balanced budget amendment. Every American working family must balance their checkbook each month.

Is it not time for the Federal Government to start living within its means as well? I urge all my colleagues to vote in favor of the Barton amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

Mrs. CLAYTON. Mr. Chairman, democracy means majority rule, but it also means government of, by, and for the people.

In the context of democracy, there are two things that trouble me greatly about the Barton constitutional amendment for a balanced budget.

First, the resolution seems to trample on the right of the people to know under what burdens they must suffer at the hands of the Government. The resolution, second, seems to ignore the sacredness of the Constitution of the United States.

On one occasion, President John Adams spoke of the right to know. He said, ''Liberty cannot be preserved without a general knowledge among the people who have a right to know.'' That right, he said, ''is indisputable, unalienable, infeasible, and devine.'' Passage of the proposed Barton constitutional amendment in its current form denies the people the right to know.

In order to achieve a balanced budget by the year 2002, as provided in the amendments, an amendment must provide that we must make those hard cuts. $1.2 trillion will have to be cut in a range of entitlement programs alone.

Why will not the majority tell us how those cuts will be made?

These are not social security alone, there are other entitlements beyond social security. If the tax cuts envisioned are made, indeed we must make cuts beyond that. More than $450 million in additional cuts would be made. That will mean farmers in my State and rural communities, water sewage, all of those projects will be subject to cut.

One of the sponsors of the amendment has said that we should not let the people know because, ''If they know they will buckle at the knees.'' I disagree. Knowledge is the beginning of wisdom. A wise America is a strong America and will make the decisions as to the necessary cuts if they believe, if they believe those cuts are necessary for the welfare of this country.

My second concern is, while I agree that the Constitution is a living, breathing document, it is not a document that we should take lightly. It is not subject to every political whim, and the people will say that we are good politicians. It is a sacred document. It has only been amended 27 times in more than 2 centuries. Therefore, we should take as sacred our responsibility to first deliberate, then understand, then to inform the American people what it is we are about to do.

□ 1820

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

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

Mr. FOLEY. Mr. Chairman, I rise today in strong support of the constitutional amendment to balance our budget and especially the Barton amendment with the three-fifths provision.

Almost 180 years ago, Mr. Chairman, Thomas Jefferson, a man well ahead of his time, stated, ''To preserve our independence we must not let our rulers load us with perpetual debt.''

Now I have heard from a lot of people today saying, ''When the American public finds out how you are going to do this, they will be outraged.''

My colleagues, the American public is outraged now, is asking us, ''How do you do it? If I bounce a check, the bank will shut my account. If I go over my limit on my Master Card, they will cut my credit.''

The United States of America spends money it does not have while parents at home have to tell their children, ''You can't go to the University of Florida or Florida State. We have to keep you at home because we can't afford the tuition.'' Parents make those choices every day. The American Government must make those same choices.

Mr. Chairman, we must balance this budget in order to assure future generations the same opportunities we have in this country.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. OLVER. Mr. Chairman, we are fast approaching 5,000 billion dollars in debt, and the interest on that debt is $200 billion every year. That interest on the debt is greater than the deficit for this year for the first time, and it will be for many years in the future. Much of that interest goes to foreign sources, and it denies our people's needs that we should be paying that interest. But how did we get here?

The majority of us in this Chamber were not here when the vast decisions were made on this issue. For a 12-year period not one budget was presented that was in balance by either President Bush or former President Reagan. And the Congress, after passing those budgets, those budgets which were than presented and signed by those Presidents, all of those budgets which were out of balance, not a single one of them was vetoed. So, I deplore the history that got us to that point, and it was in that period of time that we went from 1,000 billion dollars to 4,500 billion dollars of debt.

So, I intend to vote for some of the proposals for balanced budgets. I will vote for those that involve capital budgeting because every family and every State in this country provides for some degree of amortization for its investments in the future, for construction of long-term nature at the State level, for homes at the family level. I will vote for the protection of Social Security. I will vote to allow the fast action when we have a recession and need to do something countercyclical to deal with the recession. But I will not vote for amendments that allow for a minority to control budgetary decisions.

So, Mr. Chairman, I will vote against the Barton amendment and hope that it is defeated.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. MARTINI].

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

Mr. MARTINI. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me.

Mr. Chairman, once again the House is about to consider a balanced budget amendment. I rise today to throw my support behind this important measure, particularly the Barton amendment.

For the last 25 years, Mr. Chairman, this Chamber has accumulated deficits that defy logic. After a quarter century of living on borrowed money, today I say ''Enough is enough.''

Previous attempts to balance the budget without a constitutional amendment have failed. Time after time Congress has shown that it lacks the discipline to adhere to goals that it sets for itself. It is clear only a new approach will bring lasting fiscal restraint on this body.

Mr. Chairman, the world will not come to an end if this amendment passes. Those naysayers who claim that the sky will fall if we embrace fiscal responsibility in our Constitution are just the guardians of an oversized government that has betrayed the American taxpayers by wasting too much of their money. Let us end the congressional spending spree and support the balance budget amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

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

Mr. TANNER. Mr. Chairman, this is the fourth time that I have been on the floor on this subject since I came here 6 years ago. I am in my seventh year now. We have come within 12 votes one year, 9 votes one year, and, I think, even 7 votes one time, and I want to commend the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER] for bringing once again, I think, a workable solution to our problems.

Abraham Lincoln, our 16th President, once said, ''A majority held in restraint by constitutional checks and limitations is the only true sovereign of a free people. Whoever rejects it does, of necessity, fly to anarchy or to despotism.''

I think, if he were here today, he would say the same thing. What he said was, in my words: There must be a clear, cogent and compelling reason to disregard this most basic premise of democracy: majority rules.

Over the past 25 years, Mr. Chairman, a clear willingness to borrow from tomorrow for today's gratifications has been shown by administrations, Democrat and Republican, by Congresses, Democrat and Republican, and the American people. Therefore, Mr. Chairman, I think circumstances justify, or maybe even demand, a three-fifths requirement for a supermajority to borrow money as it relates to our national debt and to place such a restraint in our most basic document of government, the United States Constitution.

Always in these arguments about spending, Mr. Chairman, those whose voices are not heard in these decisions to raise the debt ceiling are those who are not here: our children, our grandchildren and their children. On the other hand, Mr. Chairman, there is a significant and profound influence in our body politic to prevent this or any Congress from raising taxes.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise in strong support of the tax limitation balanced budget amendment to the Constitution.

Without question, Mr. Chairman, this is the single most important budget reform contained in our Contract with America.

As the recent debate over Federal funding for the Corporation for Public Broadcasting has demonstrated, every item in the Federal budget has a special interest constituency ready to lobby Congress to protect their funding and their programs. The outcry from these organized interests will only get louder as we continue to look for ways to control the size of government. A well-drafted constitutional amendment will protect the general taxpayers' interests from this continued onslaught of special interests, giving Congress the backbone to cut spending first. That is why tax limitation is so crucial to reducing the size and scope of government.

As former President Ronald Reagan was fond of saying, ''The American people are not taxed too little. The government spends too much.''

I say to my colleagues, ''If you agree that Federal spending, not lack of new taxes, is the reason for the deficit problem, then support the tax limitation balanced budget amendment.''

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Chairman, I rise in very strong support of the balanced budget amendment, and I believe that this issue should unite Democrats and Republicans, liberals and conservatives, Perotists and populists. I believe that we all should get behind a

balanced budget, and I believe we should for the following reasons:

We are currently spending $212 billion on interest on the debt. Let me repeat: $212 billion on interest on the debt.

□ 1830

That is 14 percent of our budget; $14 out of every $100 collected from our taxpayers go to interest payments.

Now, to a fiscal conservative, naturally that would be outlandish and offensive, to spend $212 billion on interest payments, and to a social liberal, to spend $212 billion on interest payments, when you might argue that it should go to Head Start, immunizations for children, technology investments. All Democrats and Republicans should be behind a balanced budget.

But, Mr. Chairman, if this is the backbone, then comes the courage. We must work in bipartisan ways to come up with majority votes to cut spending. Not Social Security, but cut spending on a space station that is over budget, cut spending in our own personal offices and pass a law so we can have that money go to the Treasury Department so we have it go to take down the debt. We must come up with cuts in the Interstate Commerce Commission, in the Agricultural Conservation and Stabilization offices. Across the board we must look at programs in a bipartisan way.

Finally, I know that tax cuts are as popular as apple pie, but apple pie has to be paid for. We are talking about a balanced budget. If we have to come up with $200 billion for tax cuts, why do we not concentrate on the balanced budget for the next year, and then determine if we have money for tax cuts? I think the American people want us to make those tough cuts in spending, and balance this budget. Because if we balance the budget, that is the best tax cut we can give for all Americans. Working Americans, every American benefits from lower interest rates, from a growing economy and jobs, and we get much-needed credibility back in this institution that we can do things.

I encourage all votes for a balanced budget amendment.

Mr. Chairman, I rise in strong support of the constitutional balanced budget amendment. As we are all too well aware, Federal budget deficits have been and continue to be a chronic problem which plagues the Nation. In 56 of the last 64 years, the Federal Government has run a deficit. We have now reached the point where the public debt of the United States exceeds $4.7 trillion. That is crazy!

According to the Congressional Budget Office, the interest payments on the debt will cost the American taxpayers $212 billion this year alone. Put another way, 14 percent of every tax dollar that the Government collects will be used to pay the interest on the debt. These are funds which we could and should be using for programs such as Head Start, child nutrition, education, job training, and so many other important programs.

This deficit continues to harm our Nation's economy, stifles economic growth, and jeopardizes the future prosperity of our children and grandchildren. Our debate today about a balanced budget is really a debate about the future of this country.

Clearly, spending cuts are the best way to achieve a balanced budget. Throughout my career, I have never hesitated to make the tough choices to cut spending, even where my votes were not always politically safe or popular. Spending cuts must continue to be our top priority.

While the balanced budget amendment is not a panacea for all of our economic ills, I believe that it will help. It will provide a badly needed element of discipline to the budgeting process, by requiring the President to submit a balanced budget, and prohibiting Congress from enacting a budget where spending exceeds revenues.

Mr. Chairman, while I strongly support the balanced budget amendment, I want to make it clear to the senior citizens in my district that I believe that Social Security should be fully protected. I am pleased that earlier today the House passed overwhelmingly House Concurrent Resolution 17 which directs Congress to leave Social Security alone when it is forced to comply with the balanced budget amendment.

Mr. Chairman, since I was first elected to Congress, I have supported a balanced budget amendment. While a balanced budget amendment will not eliminate all wasteful Government spending, it represents a significant step toward controlling spending. In recent days, much attention has been focused on tax cuts. In my view, deficit reduction is the best tax cut for all Americans.

Mr. Chairman, the future of our children and their children is at stake. Let us pass the constitutional balanced budget amendment to ensure that their future is full of hope rather than crippling debt.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the very distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of the Barton balanced budget amendment.

Mr. Chairman, I remind my colleagues of a few facts: In the last 30 years, the Federal Government has balanced its budget exactly one time, 1969. The national debt amounts to $13,000 per person in this country, and the interest payments now amount to over $800 per person per year. But opponents say we do not need an amendment, just let Congress make the spending cuts. Well, most proposals or spending cuts are like the magician's trick of sawing in half the lady in the box. There is a great deal of hoopla, there is a great deal of fanfare, and then something appears to be cut. But when it is all over, nothing much has changed.

That is why we need a balanced budget amendment, to discipline our own profligate spending habits. And we need to have the supermajority requirement, the tax limitation proposal. We have it in the State of Arkansas, where I am from, and it works in Arkansas and it will work here.

Mr. Chairman, deficit spending is stealing. It is stealing from our children and it is stealing from our grandchildren, and it must stop.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary for yielding.

Mr. Chairman, on November 8, the American people put their bloated Federal Government on a diet. The balanced budget amendment with taxpayer protection is step 1 in Washington's weight loss program.

Federal fat has been growing for the past 25 years. Since 1969, when Congress last balanced the budget, the debt has grown to $4.6 trillion. How Congress chooses to shed Federal fat is critically important. The balanced budget amendment with taxpayer protection causes the Government to change its eating habits by cutting spending first.

Like so many would-be dieters, the leaders of the minority have all kinds of excuses as to why the Government can't be made lean. These excuses can be termed budgetspeak.

Budgetspeakers contend that massive cuts would be needed to balance the budget. They argue that every Government program is indispensable and irreducible.

Outside the corpulent Capitol, the American people know better. In reality, Congress can balance the budget by reducing the increase in spending. According to the Clinton administration's own numbers, if spending increases by 3 percent rather than by 5 percent, as currently projected, the budget will be balanced in 7 years.

Budgetspeak also contends that by taxing Americans more, the Government somehow will spend less. Yet both President Clinton and President Bush painfully learned that tax increases cannot solve our fiscal woes. Just last week, the President's Budget Director Alice Rivlin admitted that the administration had no plan to balance the budget.

Budgetspeakers deride this amendment as a gimmick. They assert that Congress should instead make serious choices to reduce the deficit. Yet look at the voting record of these budgetspeakers. The National Taxpayers Union, a nonpartisan watchdog organization, tallied the votes of the 103d Congress and graded every Member of Congress on how carefully they spent the American people's hard-earned money. Every member of the Democratic leadership received an ''F.''

Mr. Chairman, the American people understand budgetspeak is code for why the Government can't diet today.

Mr. Chairman, as chairman of the contract with America's working group that produced this amendment, I urge its passage.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE],

a very valuable member of the committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I keep hearing the opponents of this amendment claim that they oppose the amendment because of the spending cuts that will affect their favorite programs that they feel are going to hurt people when they are cut. But what about their concern for the future of our children and grandchildren as we continue to pile debt upon debt on them?

We now are averaging deficits of approximately $200 billion a year, a $4.7 trillion debt. That is $18,000 for every single person in this country. And as we increase that debt, we increase the interest payments. And right now by doing that year after year, we are reducing the portion of the debt budget each year that can be used to spend on programs, because an increasing proportion of it has to go to pay for interest on that debt. We need to stop that increase in the debt, we need to cut it back.

Voting for this amendment is going to be an important part of this process, but it is only going to be the beginning. We are going to have to step up and make those cuts, but we are going to do it in the interests of our children and our grandchildren.

We must make sure that the budget is balanced by cutting spending, which never seems to happen in this House, particularly on the domestic spending side. We cannot do it by continuing to increase the percentage of people's incomes that goes to taxes.

We have a situation where year after year, whenever we have a crisis with our spending, we increase taxes, we do not decrease the spending. And that is why we have got to support the Barton amendment to level the playing field, because historically we have found it easier here to increase taxes than to cut spending.

This has historically proven to work in States that have the supermajority requirement, and I urge the support of the Barton amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, for too long the American taxpayer has suffered from Congress' inability to control spending. That is why people all across the country, and in particular my constituents in Georgia's seventh congressional district, so strongly support the balanced budget amendment as the first critical step to reining in reckless spending practices of the past.

Passing a balanced budget amendment, however, is not enough. True protection for the taxpayer means passing the BBA with the Tax Limitation or Taxpayer Protection Act. Putting real teeth in the balanced budget amendment, means we must pass the three-fifths supermajority, tax limitation provision to keep future Congresses focused on cutting spending and reducing the size of government.

In the Judiciary Committee, we passed this version of the balanced budget with strong support of the Members.

Here in this body we have heard the message that people are tired of the waste, tired of the excess and tired of the debt. Last November the people spoke and they want action on the BBA now.

However, there are still those who continue to persist in a vain effort to defeat the will of the people. A number of self-serving arguments have been made in defense of the status quo. One such argument is that we should not consider the balanced budget amendment until we have laid out every single line item to be cut.

That is like telling coach Seifert of the San Francisco 49ers that before he can play the Chargers this Sunday in the Super Bowl, he must turn over the playbook before the big game.

It is an absurd argument to say we cannot vote on the balanced budget amendment until we let opponents gut the bill. Just as it is absurd to expect the 49ers to play, knowing that their opponent has their playbook.

What does make sense are rules that apply to the big game and established the limits that make the game playable. In the same way, the American people are demanding new rules, rules that set finite limits about spending, and therefore, the size of government.

□ 1840

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA], creator of the urban caucus.

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

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

Mr. Chairman, I rise today in strong opposition to the Republican balanced budget amendment proposal. The amendment forces us to play blind man's bluff with the economic prosperity of our Nation, and the safety net for our most vulnerable citizens.

For 2 years, the work of our President and the Congress has reduced the deficit. We can make much more progress with more hard work, more tough decisions and more courageous votes.

However, this legislation is far from responsible. It is neither hard, nor tough, nor courageous. What's missing here is honesty. Honesty that would come if the proponents set out the details of how $1.2 trillion in cuts would be made.

One time, we had a vote on such a plan, though I did not agree with it. It came from the gentleman from New York, now Chairman of the Rules Committee. It would have balanced the budget over 5 years. It would have cut over $698 billion in spending, and offered the American people over 500 specific program cuts.

It would have cut the grants that create jobs and private low income housing in cities by $23.9 billion.

It would have cut child nutrition programs, like school breakfasts and lunches, and WIC, by $1.9 billion.

Medicaid payments to hospitals, serving large populations of the poor, would have been cut by $27.5 billion.

The Solomon plan did not raise taxes. It did not touch Social Security. And it increased defense spending. But at least it was honest. And altho that sounds a lot like the Contract with America, only 56 Republican Members voted for it.

We must then assume the proponents of this amendment are looking for something different. And thus, the question still stands. How do you cut $1.3 trillion in spending?

I, along with JOHN CONYERS and JOSÉ SERRANO, sent a survey to every member of this House, asking how they'll cut the budget. So far, we have not received a single response.

I am convinced that there is a reason why the proponents of this amendment won't tell us how they'll find $1.3 trillion in spending cuts.

Because the cuts will be so draconian that they will destroy what is left of the safety net.

Because the cuts will be so severe that we will have to break our contract with senior citizens.

Because the cuts will be so tough that they will bankrupt Urban America, I strongly urge my colleagues to vote against the balanced budget proposal.

I am convinced that they only amendment before us that will balance the budget in a responsible way is through the creation of a capital budget. That's why the Wise substitute is the only responsible and honest amendment. It allows us to borrow money to preserve and expand our capital, just like States and cities do, just like every American family does in attaining the American dream of home ownership. It is important that it would leave enough room in the opening budget to keep the safety net in tact, and spend money to meet national priorities like education and economic growth.

The remaining amendments leave us in the dark and could jeopardize this Nation's very future.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT], a very valued member of our committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I rise in support of the Barton amendment which I believe will best protect the American taxpayer. Since this House last voted on a balanced budget amendment, just 10 months ago, before I got here, I might add, the national debt has increased by $160 billion, less than a year, $160 billion. That is a whole lot of debt.

Well, it is time we had the courage to do something about it. It is time we passed a balanced budget amendment.

Let us face it, Americans are forced to send far too many of their hard-earned dollars to this city. We must pass a balanced budget amendment now. I support balancing the budget by cutting spending, not by raising taxes.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the resolution. I support a balanced budget, but the proposed constitutional amendment in no way guarantees that we will achieve one, and even then, not until 2002 at the earliest. As the gentleman from Illinois, the chairman of the Committee said in his opening statement, this legislation is about process, and I believe this process is flawed for several reasons.

First, this bill would amend the Constitution to require the Congress to achieve a balanced budget by 2002 or the date after which the States have ratified such an amendment, but it in no way details how the President or Congress would meet the targets necessary to do so. It is ironic that as we begin this debate, few, if any of the proponents have ever submitted a balanced budget for consideration by the Congress. Few, if any, have come to the floor during this debate to explain to the American people what a balanced budget would look like. While many argue that Social Security is off the table, we have no guarantees. Some have gone as far as to say that a balanced budget would make one's knees buckle and to disclose such information would most certainly mean defeat of this measure. My colleagues, that candor in lack of disclosure begs the question that we must answer for the American people, what cuts must we make to achieve a balanced budget? Will it cut Medicare and veterans benefits? Will it cut education and college loans? If that is the will of the Congress, the people deserve a right to know.

Second, this legislation, which I restate is one of process, is inherently flawed. Whichever you choose, the Congress may waive the requirement of a balanced budget by a vote. So if we are not willing to tell the American people how we would balance the budget will we be willing to actually follow through in 2002 when the knee buckling hard decisions must be made? There is no guarantee.

I believe we must take efforts to balance our budget, but to impose fiscal restraints through the Constitution without any explanation is not the way. I have argued for, and I have introduced, legislation which provides for a better, more efficient process. Rather than amend the Constitution, why not amend the Budget Control Act and require the President to submit a balanced budget and the Congress to consider one, next year. This process is better in three ways: First, it puts the numbers before the American people so they can understand the pain and sacrifice necessary to achieve a balanced budget. That is fair disclosure. Second, it holds the President and Congress accountable by requiring consideration. You have to vote on the issue, not just to waive the requirement as the amendment process would allow. And, third it allows us to more quickly address our budgetary problems because this legislation can be adopted and implemented for fiscal year 1997. If we are really serious about balancing the budget, we should begin the process now, not in 2002.

My colleagues, like many here today, on both sides of this issue, I do not stand before you with an iron-clad plan to balance the budget. I believe there is no one in this House who could achieve that plan without severe pain and sacrifice. If we are going to get serious about achieving that goal, then we must be willing to go to the American people and lay out the details.

Like many of my new colleagues, I came to the Congress from the private sector where balanced budgets are a necessity if you wish to remain in business for a long time. I learned that the only way to achieve cuts was by sitting down together, reviewing the data and sharing in the sacrifice. If we are going to balance the budget, we must sit down with the American people at the same table and resolve together a map toward a balanced budget. I have a plan which provides the process to do so which I have offered. This bill, in my opinion, falls short of that goal because it fails to tell us how we get from here to there and therefore I must oppose its passage.

The CHAIRMAN. The Chair wishes to announce that he inadvertently shorted the gentleman from Pennsylvania [Mr. FOGLIETTA] by 1 minute and has, therefore, added 1 minute back into the time of the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the Chair.

Mr. HYDE. Mr. Chairman, that last activity of the Chair is not debatable, I take it?

The CHAIRMAN. No, it is not.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. FAWELL], the head of the pork busters caucus.

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

Mr. FAWELL. Mr. Chairman, during the debate Members argue, of course, that we do not need a constitutional amendment because Congress can be trusted to balance the budget without one.

Well, that is what I thought 10 years ago, when I came to Congress. Since then, Congress has rejected countless attempts to balance the budget. Just last year the gentleman from New York [Mr. SOLOMON] and the gentleman from Michigan [Mr. UPTON] and I brought a budget plan to the floor.

We specified, for instance, something like $700 billion worth of cuts. It would balance the budget in 5 years. And actually, during that period of time, Federal spending would go up, about $8.2 trillion of spending over 5 years. We did not even touch Social Security.

□ 1850

We thought it was a pretty good plan. It garnered 73 votes. Congress has failed to balance the budget for 25 years in a row. Who can look at this record and honestly say that they believe the budget will be balanced by trusting the will of Congress? Congress does not lack ideas of specificity on how to balance the budget, it lacks the political will to do so.

Mr. Chairman, I would suggested that the Barton balanced budget amendment be passed.

Russert: ''Mr. Secretary, you sound like you don't want to balance the budget. I mean, how long would it take to actually balance the budget?''

Reich: ''The President is against simply balancing the budget . . .''

Russert: ''. . . what about actually balancing the budget? How long would it take to actually bring its budget into balance with an orderly and disciplined campaign?''

Reich: ''But Tim, your question assumes that the goal is to balance the budget . . .''

Russert: ''So the goal of a balanced budget is not your goal?''

Reich: ''The goal of a balanced budget is not my goal.''

This was the exchange between Labor Secretary Robert Reich and Tim Russert of NBC News on Sunday, January 15. Secretary Reich's comments epitomize the attitude of the Clinton administration toward balanced budgets, and the balanced budget amendment, which will soon be before Congress.

Secretary Reich's comments, and the President's continued opposition to the balanced budget amendment, suggest that the administration did not ''get the message'' of the last election. Two recent polls, CBS and USA Today/CNN, found that 80 percent of Americans support a balanced budget amendment to the Constitution.

In the debate over this amendment, you will hear many arguments by those opposing it. A recent argument is that those supporting the amendment must itemize which programs would be ''cut'' before passing the amendment. That's been done: Last year Congressmen GERRY SOLOMON, FRED UPTON, and I brought a budget plan to a vote which balanced the budget in 5 years without any tax increases. There were no cuts in overall Federal spending, but rather, decreases of planned increases in spending! We itemized 600 specific spending cuts, saving $700 billion over 5 years. Nevertheless, overall Federal spending was still allowed to rise $327 billion over 5 years. Yet, the plan garnered only 73 votes, 218 are needed for passage.

The point I'm making is that Congress does not lack ideas for how to balance the budget. Congress lacks the political will to do it. A constitutional mandate will fortify that will.

Another argument often heard is that we don't need a constitutional amendment because Congress could be trusted to balance the budget without any constitutional amendment. Technically, that's true. Nor do we need the first amendment of the Constitution to guarantee free speech. But we all feel safer

with that first amendment rather than trusting Congress not to pass laws infringing on our free speech.

With respect to attempts to balance the budget, we have tried the statutory route; and tried, and tried. In 1974, Congress passed the Budget Control Act to end deficit spending. The deficit and debt grew. In 1985, Congress enacted Gramm-Rudman I which required a balanced budget by 1990. Congress ignored it, then repealed it. In 1987, we passed Gramm-Rudman II which required a balanced budget by 1992. Congress repealed it in favor of the 1990 Deficit Reduction Agreement, another 5 year plan to cut the deficit which include $222 billion in new taxes. It failed, new taxes and all. With a new President, in 1993, in the third year of the previous 5-year plan, Congress tried again with the Deficit Reduction Plan which included the granddaddy of all tax increases: $250 billion. Most of the 1993 plan's cuts were in the out years, years 4 and 5. It is another failure as deficits are expected to soar toward the end of the decade.

Congress has failed to balance a budget for 25 years in a row. Who can look at this record honestly and say they believe the budget will be balanced by trusting the will of Congress?

There is a debate as to whether the constitutional amendment should include a provision requiring a ''three-fifths supermajority in both Houses,'' as opposed to a simple majority, to raise taxes as part of any budget balancing plan. I support the inclusion of this supermajority provision in the Barton balanced budget amendment. Tax increases are not essential in order to balance the budget. As I said, we don't even need an overall cut in Federal spending. It can be done by simply decreasing increases in spending. Should the Barton balanced budget amendment be defeated, I intend to support the Schaefer balanced budget amendment and pass the toughest balanced budget amendment possible.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from California [Mr. BECERRA], a distinguished member of the Committee on the Judiciary.

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

Mr. BECERRA. Mr. Chairman, I thank the gentleman from Michigan, the ranking member, for yielding time to me.

Mr. Chairman, having listened to all the remarks that have been said by most of the Members, it occurs to me we probably, in these few hours, have had to debate what will be a constitutional amendment to the Constitution of this country, and hopefully will last more than the 200 years that we have already spent as a democracy. It occurs to me perhaps the best thing we could have done is had every Member who came on the floor to speak say exactly how he or she would propose that we cut the budget to balance it, if they in fact are supporting a balanced budget amendment.

That is the best thing we could do, because everyone says they want to do it and they do not want to inflict pain on seniors when it comes to Social Security, and they do not want to devastate children by cutting Head Start and other children's programs, but no one who is saying they are for this is saying how they will do it. Everyone talks about how well families have to balance the budget and local governments have to balance the budget and States have to balance the budget, and that is right.

Let us take a family under his balanced budget amendment proposal by the majority party. Could a family out in the real estate market go out there and buy a house? They could if they could come up with every single dollar and dime and cent that that house would cost, because under this proposal they could not run a deficit for a year, so that family would not be able to take out a 30-year mortgage, not be able to take out a 15-year mortgage. They could take out a 1-year mortgage, but by the end of that year they had better pay it all up or they cannot get that house, and they are out.

What about student loans? How many folks have children in school or desirous of going to college? Forget about borrowing money from the Government under the NDSL, the GSL or other student loan programs at low interest rates that allow people to do it, because by the end of the year that family has to balance its books.

Auto loans? Want a car? Need a car? the person had better be able to pay all the cost of that car by the end of the year.

I had a amendment which would have changed the way we look at this balanced budget amendment, and said if we happen to have a surplus one year, then let us use that surplus as a rainy day fund for those days or those years that come along when we have a recession.

I could not even get that amendment considered in committee. I was blocked in a closed rule which would not allow the debate. If I wanted to add that amendment today, I would not be able to because this debate is closed, only to that which the majority said we can debate.

This amendment, Mr. Chairman I cannot offer, as much sense as it might make. Understand something, all the money that we spend in a year, if we end up with a surplus, those agencies that ran that surplus know they cannot use that money. It goes back to the Treasury.

What does it encourage? The use or lose mentality. ''I have the money in my account. I had better use it, or I am going to lose it for next year.'' That is not prudent spending.

Where will the cuts come? I believe we can say that the majority here is playing hide and seek. First the Republicans tell us they are going to increase military spending, not cut it, just increase it. Second, we know we have to pay the debt, the interest on the debt, which is around $250 billion. That amounts to about 30 percent of the budget. Off the table, we cannot consider it.

What is left to cut $1.2 trillion to balance the budget? Social Security, which the Republicans have refused to include in this balanced budget amendment as exempted; Medicare, education, Head Start. What is the conclusion? We have heard it before: ''Read my lips.'' The problem is we are not being told what there is.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished deputy majority whip, the gentleman from Illinois [Mr. HASTERT].

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

Mr. HASTERT. Mr. Chairman, I rise in the strongest possible support of the tax limitation substitute of House Joint Resolution 1 that has been put forward by my friend, the gentleman from Texas [Mr. BARTON]. I have heard comments from our friends on both sides, but especially one comment from one of our colleagues on the other side of the aisle several speeches ago that said ''The President, over 12 years of Republican Presidents, had never signed the budgets that were unbalanced, and he had never once vetoed that budget.''

That is not true, because the President does not sign a budget and the President does not veto a budget. That is part of the problem. The President does not have any control over this budget. It is Congress that passes the budget. Forty years of Congresses have passed a budget that basically is out of control.

The U.S. Congress has not been able to control itself in meting our dollars and cents to the various programs across this country, and do it without mounting that debt higher and higher and higher every year.

In the past, as recently as two short years ago, this House passed the largest tax increase in history, and it passed it off to the American people as deficit reduction. That is why the substitute offered by the gentleman from Texas [Mr. BARTON] is critical. Adopting this balanced budget proposal and requiring a super majority vote in order to raise taxes will ensure that we can no longer look to the wallets and the pocketbooks of the American taxpayers to save us from ourselves.

Mr. Chairman, a national debt of $4.5 trillion should finally convince every Member in this Chamber that Congress has not got the discipline to solve its own problems. This balanced budget amendment will put discipline upon us.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Michigan for yielding time to me, and for his leadership on his amendment, which I will address in my remarks.

Mr. Chairman, I rise with the greatest respect for the gentleman from Texas [Mr. BARTON], and in strong opposition to his amendment. I object

particularly to the three-fifths provision of his legislation, but after carefully listening to the debate, I have concluded that while being a strong proponent for reducing the deficit, I do not believe that we should amend our Constitution to do so.

Mr. Chairman, as I was listening to the debate, I thought it might be useful to once again review, and we just made this quickly in our office, so this is not a very fancy chart, but just to call to the attention of our colleagues once again some of the facts regarding our budget.

The fact is, Mr. Chairman, we take in each year more money than we spend in our budget, except for the net interest on our national debt. The projected deficit for this year is $167 billion. The net interest on our national debt this year is $235 billion. We have taken in $68 million more than we spend each year, except for the interest on the national debt. That is a great big exception.

My colleague, the gentleman from California [Mr. BECERRA], referenced that families cannot live within the limits if they have to pay for their house in one year, or their car, et cetera, but we cannot even deduct this interest from our taxes. This is the price we are paying for the failed trickle down policies. Let us not make that mistake again in the contract. That is a little bit of a separate issue from the balanced budget amendment.

Mr. Chairman, our other distinguished colleague, the gentleman from Georgia [Mr. BARR], mentioned that it would be like the 49ers giving the play book to the Chargers for this Congress, this majority, to show what cuts they would make, we would make, to the American people before we approve balanced budget amendment.

I think that is one, with all due respect to the gentleman, one sports analogy too far. The Chargers should not see the 49er play book. The public has a right to know what the cuts will be, so if it is true that Social Security is not to be cut, why not support the Gephardt-Bonior amendment? If Members believe that the American people have a right to know, then why not support the Conyers amendment, which makes all the sense in the world?

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

Ms. PELOSI. I am pleased to yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman from California for yielding to me.

Mr. Chairman, I would like to just explore that analogy that was made. The interesting analogy that was made by the gentleman from Georgia [Mr. BARR] about the playbook, about the 49ers and the San Diego Chargers, makes it clear that the majority's opinion of this whole debate is that, as the 49ers, they have to keep the play book, in other words, how we will plan to balance the budget, away from the Chargers, which would be the American people, so they treat the American people as adversaries in this whole process.

Ms. PELOSI. Reclaiming my time, Mr. Chairman, although we take pride in San Francisco of the 49ers being a gentlemanly team, when we talk about football it is a tough game, and I do not think we should play hardball with the American people. I think they have a right to know.

We should support the Conyers amendment, and in addition to that, if we are serious about balancing the budget and reducing the deficit, we had better get serious about real health care reform, so that we can reduce the increase in health care expenditures that are the rising cost of our deficit in our national budget.

□ 1900

But let us just remember once again, we take in more than we spend except for the price tag on the failed trickle-down economics.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRANKS].

(Mr. FRANKS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Chairman, Federal spending is out of control. It is bankrupting our national Treasury and threatening the quality of life that our children will enjoy in the next generation.

There is only one iron-clad way to stop this runaway freight train, and that is through the adoption of a constitutional requirement that this institution balance the American people's budget.

That is why tomorrow I will be proudly casting a vote for the Barton balanced budget amendment but with a level of disappointment. That stems from the fact that neither the Barton amendment nor any of the other amendments pending tomorrow strictly prohibit unfunded Federal mandates.

Virtually everyone who has come to the podium today has indicated that there are only two ways to balance the Federal budget: One is to cut spending and the other is to increase taxes.

But, Mr. Chairman, there is a third option, far more insidious than the first two, and that would come from the Federal Government requiring States and local governments to pick up the tab for programs currently operated and paid for by the Federal Government in Washington, DC. That could amount to an enormous tax hike for local property taxpayers, something that they can ill afford.

Mr. Chairman, judging from the past, Congress will avoid tough budget choices whenever we can. So to shed programs to other levels of government is a distinct possibility and we need to prohibit that possibility.

That is why our amendment that would have prohibited unfunded Federal mandates had the support of the National Conference of State Legislatures, the very body that will be charged with ratifying the balanced budget in the various State capitals around the country.

But, Mr. Chairman, while I am somewhat disheartened by the fact that unfunded mandates are not at issue in this amendment, we hope to take it up separately this summer.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time.

Mr. Chairman, obviously we are all concerned with balancing the budget. There are three areas, however, Mr. Chairman, that are bones of contention. The first one is the area that my illustrious colleague who just yielded to me has produced an amendment about, and that is to have truth-in-budgeting.

We should be honest with the American people. As my colleagues just indicated before I came up here, Mr. Chairman, we should not play hardball with the American people. They are not our adversaries. Therefore, we should be honest with them. Let them know where the cuts are going to have to occur because they are going to have to occur right in their pocketbook, whether we are talking about Social Security or whether we are talking about our young.

It reminds me, Mr. Chairman, of an adage that says you can judge a society very carefully by how it treats its elderly and how it treats its young. So this is how we must look at balancing the budget.

The second area, Mr. Chairman, has to do with this supermajority. We have heard my colleagues on the other side of the aisle indicate that this is the only way that we can have a sagacious balancing of the budget. But in actuality, that supermajority, that 60 percent is not going to preclude the raising of taxes. What it is going to do is empower a minority rule. I do not believe, Mr. Chairman, that that was the original intent of the Framers of our Constitution. In fact, I would submit and suggest to you that that is unconstitutional and we should not adopt and accept and support the Barton amendment.

Third, Mr. Chairman, as we talk about balancing this budget, we certainly have to realize that we must be honest and we must be fair with the American people and that we must balance the budget fairly.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. KIM].

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

Mr. KIM. Mr. Chairman, I rise today in support of this balanced budget amendment.

Mr. Chairman, when I came to this body I was the owner of a small business. It is tough to run a small business, believe me. It is tough to survive even. But one thing I learned running a small business is that I cannot spend more than I can take in. Nor can I spend more than I earn. If I do, I have no choice but to file bankruptcy. No bank will bail me out, no government will give me a loan guarantee, because my business is not big enough, like Chrysler.

So I have a choice. I can lose everything. My lifetime savings. Perhaps even my wife.

Now, for some reason, the Federal Government keeps borrowing endlessly, without any collateral or consent from taxpayers. Just keep borrowing and borrowing. That is not fair.

The Federal Government should operate under the same rule. Laws should apply equally.

Year after year, I am tired of listening to these promises. We keep promising to the American people that Congress is going to do something about this runaway deficit. And here it is. We have got a chance, a golden opportunity to do something about this. We have a resolution to adopt it, but here we go again. More excuses. I am listening to criticism from colleagues for not saying exactly where the balancing should come from.

Mr. Chairman, again back to private business. In private business, we always set the goal and then decide how we are going to meet this goal.

To me, the balanced budget amendment is good. We set the goal. Then later we sit down together and go through this painful process where the cuts should be. That is how I look at it.

We all know that we can do it. We all know that we should do it. So we work together, instead of bickering, and go through this painful process.

Mr. Chairman, it is time to stop talking and start acting.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding me the time.

Mr. Chairman, I must say you look great in that position.

The CHAIRMAN. The Chair thanks the gentleman from Wisconsin. He still only has 2 minutes.

Mr. ROTH. I was afraid of that.

Mr. Chairman, many of us have waited a good long time for this vote tomorrow. Because while we have had a chance to vote on this issue any number of times, we have never had a chance to win. Tomorrow we certainly have a chance to win.

I want to thank Chairman HYDE and his committee and the Contract With America, and I want to thank the American people for their vote on November 8 because they are going to make this victory on a balanced budget amendment tomorrow possible.

Mr. Chairman, we have had this issue up before. The last time we had it up for a vote, we lost by 12 votes. Some of us had hoped that we could have a balanced budget. For example, we had the Solomon amendment a year ago. No tax increases, no Social Security cuts, and we only had a handful of votes.

I have come to the conclusion that, of course, in 15 years we have had 5 statutes which promised a balanced budget but all were circumscribed.

□ 1910

No, there is no other solution than a balanced budget amendment.

This morning at 9 o'clock something happened I hope that does not happen to our country, but this morning at 9 o'clock we had a hearing here on Capitol Hill on the Mexican peso devaluation. We were told by our leading people in this country, the Secretary of the Treasury, the Secretary of State, the Federal Reserve chairman, ''We've got to do something; we've got to do something.''

Well, that debate is for another day, but I hope that that never happens in our country, that happens to our dollar, but it is going to happen if we have these huge deficits. We now have a deficit of $4.6 trillion. How much further can it go?

Since the last time we had elections, our national debt has increased by $170 billion.

My friends, actions have consequences, and this type of profligate spending is going to come back and bite us hard.

Other countries come to the United States for help. Where are we going to go for help? Its time is now. If not us, who? If not now, when?

Let us vote for the balanced budget amendment.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE], a gentleman who has worked on budget matters for so long.

Mr. WISE. Mr. Chairman, I have had the privilege of working with the chairman for many years here and I want to thank him very much.

Mr. Chairman, this is the Congress that is trying to be family friendly. We hear a lot of talk about helping middle-class families and we talk a lot about how families have to balance their budgets, all of which is true. So we can learn from families.

I have heard the analogy often about families sitting down around the table at the end of the month, which is what we have to do, what every family I know has to do, to balance their budget. And as the families balance the budget they know there is something crucial. They know the difference between consumption and they know the difference between investment, they know what it is, they know what is the difference between a dollar that is spent on children going to a roller rink or to a movie, or a dollar spent for food or basic consumption and the dollar spent for investment into the house, into the car, into education.

So, families break their budgets up. Yes, they have to balance, but they break those budgets up into operation and maintenance, or consumption and investment, and so that is why we make mortgage payments every month and that is why we borrow for our automobiles and that is why we borrow for the most important probably of all, to send our children to college and to school. So those are investments that we spread out over a long time, that is the cost of them.

The way we balance our budget is we balance the consumption and we balance, and then we add in debt service on those investments. Not many of us, this Member certainly not, cannot afford to buy a House in one year or a car or a college education.

That is what my amendment and the amendment that many others are cosponsoring tomorrow does. It says you should take Social Security off budget. Everyone said they do not want to touch Social Security. We give Members that opportunity. You cannot touch it; it is gone; it is off budget.

But the other thing we do in this that none of the other amendments will do that will be in order, is to have a capitol budget so the roads, the bridges, the infrastructure, those things which in some ways families would pay mortgage payments on, the Federal Government can now account for in the way that a family does. You pay the mortgage on our House; we would have debt service on our roads, on a bridge, on water or sewer systems, particularly those things that bring back far more in economic return than what we ever spent on them.

We have to make sure this country grows. My major concern with many of the balanced budget proposals, as well-intentioned as they are, is because they chop off growth because they count a dollar for investment the same as a dollar for welfare or a dollar for food. That is my main concern.

I urge Members to look at the Wise substitute tomorrow, the only one we will have a change to truly invest in growth and have a chance to do what American families do, recognize the difference.

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

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

Mr. BECERRA. Mr. Chairman, the gentleman from West Virginia makes a very good point. I think some folks that may be watching may think those of us who are saying this balanced budget amendment is the wrong way to go are against ever balancing the Federal budget when of course we want to balance the budget, but we want to be realistic. That is why the gentleman from West Virginia's alternative is really a sound way to go because, as I explained earlier, if this was a family, and we are a family in America and we were trying to make decisions for this family of America, we would want to be able to purchase a home and, we

would like to be able to get a 30-year mortgage or send our kids to college and be able to get some student loans to help pay the cost.

If the gentleman can explain, does the balanced budget amendment that is on this floor by the majority party, the Republicans, allow for that?

Mr. WISE. There is no capitol budget program. It counts a dollar of consumption exactly the same as a dollar of investment, even though the investment dollar will bring you back much more in economic growth and tax revenues.

Mr. BECERRA. And the gentleman's proposal which does provide for capitol budgeting, could that allow for that type of process, a 30-year mortgage?

Mr. WISE. Yes, it would.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

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

Mrs. FOWLER. Mr. Chairman, I support passage of a strong balanced budget amendment.

We must obtain control over our debt. This Government has not produced a balanced budget since 1969. Today we are saddled with a $176 billion deficit, nearly $300 billion in annual interest payments, and a debt of some $4.7 trillion.

This situation cannot continue.

We will soon consider several versions of the balanced budget amendment. I believe the Barton amendment, which requires a three-fifth's vote to raise taxes, is superior. However, if the Schaefer-Stenholm amendment, which does not include this provision, garners the most votes, I will support it on final passage.

Neither of these measures represents a cure-all for out problems. But each would require the Federal Government to finally be accountable to the American people.

While a balanced budget amendment will require hard decisions, it is not synonymous with a threat to our seniors. Rather, it is our monstrous debt and the interest on it that most threaten social security and other truly vital programs.

The time for easy decisions is over. We must prioritize. I urge passage of a strong balanced budget amendment.

Mr. GEKAS. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] has 18 minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 9 minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. BARTON].

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

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to spend a little bit of time explaining exactly how the tax limitation provision in the balanced budget amendment would work. There has been gnashing of teeth about how stringent that process might be and how difficult it might be to implement. Fortunately for the United States Congress, there is ample evidence of how tax limitation amendments to balanced budget amendment requirements would actually work.

I think it has been pointed out on the floor earlier, there are 9 States that have a tax limitation provision either in their Constitution or by statute, including the State that the President is from, the State of Arkansas, which has a three-fourths requirement to raise taxes.

The Heritage Foundation has done extensive data collection to see if in those States that have tax limitation, it does work or it really does not work, and the record shows at the State level that tax limitation in point of fact does work.

Between 1980 and 1990, in those States that had a tax limitation provision, taxes went up by a total of 87 percent in that 10-year period. In the States that did not have tax limitation provisions, their taxes went up 104 percent.

That is a difference of 17 percent. In States that have tax-limitation provisions, taxes went up 17 percent less in a 10-year period between 1908 and 1990 than in those States that did not have the tax limitation provision.

Why do we want a tax limitation provision at all?

□ 1920

Ultimately you want that, because you want to make government more effective, you want to make government more responsive to the people, and you want the Government to spend less money.

If you do not have as much money to spend, you do not spend as much money.

The States that, again, have a tax-limitation provision by statute or in their constitution, their spending did go up, but it went up about 9 percent less than in those States that did not have a tax-limitation provision on the books, again, in the period between 1980 and 1990.

So what does that mean? If you take those numbers and put them at the Federal level, a 9-percent reduction in Federal spending would be over $100 billion in the fiscal year that we are in today. So the bottom line is not only do we need to balance the budget in Washington, we need to balance it by having a tax-limitation provision on the books, because tax limitation does work.

If we do that, we are going to have to make some tough calls. You know, people have asked me, ''Well, Congressman BARTON, you are the sponsor of this provision. How are you going to balance the budget? Where are you going to cut?'' My answer is quite simple, ''I think we look at every Federal program.''

We passed a resolution on the floor earlier this afternoon that specifically exempts Social Security. So some people have come to me and they say, ''Well, that is only for this year. Why not exempt Social Security in totality by putting it into the constitutional amendment?'' And the simple answer to that is because if you exempt any program in the amendment itself, it goes into the Constitution. It would not be totally hypothetical to think at some point in the future everything in the Federal budget would be in that program. We could have an instance where the Social Security budget at some point in time, if it were specifically exempted in the Constitution, not only would include the Social Security budget as we know it today, it could include the defense budget. We do not want to put into the Constitution any specific exemptions.

Finally, Mr. Chairman, let me simply state that the three-fifths requirement for a tax increase is important, because it balances the amendment. We have the three-fifths requirement in the Stenholm-Schaefer amendment to raise the debt ceiling; we have the three-fifths vote requirement to borrow money in a given fiscal year. If we do not put the three-fifths requirement in for a tax increase, we have really created an incentive, intentionally or not, to balance the budget by raising taxes.

So I would respectfully request that when we actually come to the vote tomorrow that the colleagues in the Chamber vote for the Barton-Hyde-Tate-Geren tax-limitation, balanced budget amendment and send it to the Senate where we encourage the Senators to do likewise.

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

Mr. BARTON of Texas. I am happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. As I was listening to the gentleman recite the record of the States and the supermajorities in those States, it dawned on me, someone else has mentioned before that in those States where the taxes were raised even in the face of the supermajority, it almost had to be, did it not, a bipartisan vote that finally carried the day?

Mr. BARTON of Texas. The gentleman is correct.

If I could respond, the gentleman is correct, because in the nine States that have tax-limitation requirements, it is a bicameral, bipartisan legislature, and my understanding is that it was a bipartisan effort.

Mr. GEKAS. I thank the gentleman.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS], who serves as our chief deputy whip, in addition to his other responsibilities.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague, the gentleman from the

State of Michigan, for yielding me this time.

Mr. Chairman, our Constitution is an extraordinary document. Our Constitution is the only document of its kind in the world to have lasted so long and to have been used so often as a model for other nations.

This balanced budget amendment that we consider tonight would dishonor our Constitution. It substitutes good politics for what is good policy, for what is right.

Make no mistake. I want a balanced budget like everyone else. I do not want our children and unborn generations to bear the burden of the deficit and increasing national debt.

But I believe we must deal with this issue in a responsible and sensible way. Passing the buck to future sessions of Congress is not responsible.

The new Republican majority must tell the American people what they are going to cut, whether it is Social Security, Medicare, a school lunch program for our children.

Our knees, the American people's knees, will not buckle as some on the Republican side have suggested.

Two years ago Members on this side of the aisle made the hard choices needed to reduce the deficit. We reduced the Federal deficit by over $500 billion. We acted responsibly. I expect no less from those on the other side of the aisle.

Now they are in charge. They are in control. Lay your cards on the table face up. Tell us the hard choices you are willing to make, be straight with our children and the elderly. Tell them what they will have to do and what they will have to do without.

We do not need this amendment to our Constitution, Mr. Chairman. What we need is courage, raw courage, to make the tough choices facing our country.

Have the courage to do the right thing and vote against this amendment.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN], the only unicameral State in the Union.

Mr. CHRISTENSEN. Mr. Chairman, in February 1982 President Ronald Reagan said the Federal Government has taken too much tax money from the people, too much authority from the States, and too much liberty with the Constitution. Truer words were never spoken.

That argument is as germane today as it was 13 years ago. Last year we experienced the largest tax increase in American history, and yet, sadly enough, the deficit continued to grow. The time has come to restore fiscal sanity in our Government and pass the Barton balanced budget amendment.

I was sent to Washington to reform government, to change the way Congress does business. In the first 3 weeks of the 104th Congress, we have barely scratched the surface of the Contract With America, the vehicle for the very reform that the American people sent us here to do.

The balanced budget amendment is at the heart of this contract. Since 1935 the American people have been waiting for Congress to pass this measure. Patiently they have waited year after year, only to see another legislative year pass by with no balanced budget amendment.

How long will we make them wait?

The opponents of the balanced budget amendment and our own President of the United States last night said before we pass the balanced budget amendment and send it to the States for ratification we must specify every cut for the next 7 years. I ask those opponents if someone decides that they want to lose weight and live a healthier life, do they not first take a pledge to eat right and exercise, and after taking that pledge, then lay out a plan and a schedule of how they will attain their goal?

Ladies and gentlemen, our Government is fat with debt. The only way to insure a healthy America is to pledge to this country a balanced budget and define that commitment within the United States Constitution.

Once we have sealed our commitment, we will lay out a national diet of fiscal responsibility, balanced by the exercise of spending cuts across the board, and with any good diet, we will forbid the consumption of pork. We will insure our agreement by mandating that only the consent of three-fifths of this body, as laid out in the Barton amendment, not just a simple majority.

We need to consider this Barton amendment. We need to seriously consider this, because it is very important. We need to put handcuffs on our Federal Government so they cannot turn to raising taxes every opportunity they get.

My colleagues, this Nation is broke. Tax increases alone have not solved the problem. We must begin now to put America back on track.

I stand in strong support of the Barton balanced budget amendment and encourage my colleagues to join in this effort.

□ 1930

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding this time to me.

Mr. Chairman and my colleagues, I rise in strong support of the balanced budget amendment for three reasons. First of all, we have no choice. We are spending $800 million every single day on interest. Soon we will be spending $1 billion every single day on interest on the national debt. We cannot ask our children to support a growing number of seniors living 20 and 30 years after retirement and spend a billion dollars a day on interest on the national debt. We will destroy their standard of living, we risk our own democracy.

It is that serious.

We must balance the budget. We have no choice.

Let us look at the record of this body. I have been here 12 years, since 1985, and I have submitted balanced budgets, line by line, cuts. They were reasonable when the problem was manageable.

I have had the Democratic chairman of the Committee on the Budget get up and say to the moderate Republicans who proposed this budget, ''Good thinking, thoughtful, real good effort. We are going to do most of this.'' But it never happened.

I have submitted budgets, I have been part of bipartisan teams to submit budgets, I voted for tax increases and spending cuts, and it has gotten worse and worse and worse.

So our record is bad. In the States, that has been the harness, a balanced budget amendment, which forces attention to this matter on a year-by-year basis. It has worked for them. We must try it, because we are squandering the Nation's resources and compromising our children's future.

Third point: How do we achieve it? Of course, we cannot tell you. How many times have you walked into factories in your districts? I can tell you I have walked into a factory in my district, faced with the absolute panicked look on the faces of the leadership who had just found out they were going to have to be required to cut 20 percent of their workforce in 1 year. I said to them, ''How will you do it?'' Their answer was, ''We don't know.''

I came back a year later, and I said, ''How did you do it?'' They said, ''Well, we did this, and then we did that, and then we found out we could do this and do that, we discovered that not only could we do it, but we improved the quality of the product.''

I remember in one factory I went to, I said ''So what now?'' I get this terrible stare that said, ''We just learned we have to do it again.''

Now, do we know how to do it? No. But we do know that if we have to do it, we can do it. We do know that if we have to do it, we will face up to the fact that those kids cannot support public employees retiring 10 years before they can retire. We do not like talking about that. We do not want to make that decision.

These are tough times. Let us do it, let us have the guts, the courage to serve not only our people but our children.

The CHAIRMAN. The Chair will remind the committee that the majority does have the right to close.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina [Mr. WATT], a very able and committed member of the Committee of the Judiciary.

Mr. WATT of North Carolina. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have sat throughout this debate, the entire course of it, and I think we beat this dog probably as much as we can beat it, as we say in North Carolina. I have not heard anybody come here who has not expressed a commitment to a balanced budget. But the American people should know that it is really the debt, the national debt that is the drag on us.

So a balanced budget is not going to get us there. It is going to take a series of surplus years to start the reduction in the national debt.

I think everybody has talked about that at one level or another. I want to come at this from a slightly different angle because the real problem that I have with the balanced budget amendment, this balanced budget amendment and all of the balanced budget amendments that are coming before us under the series of amendments, is that they jeopardize my right to have an equal vote in this institution.

Every amendment that is coming before this body has a three-fifths majority of some kind in it. Everything that I stand for tells me that my vote and the votes of my constituents, based on constitutional principles, ought to be equally valued.

So I cannot support a constitutional amendment that says to me that next week or next year or in the year 2002 somehow my vote in this body is going to be less valuable than another Member of this body.

This three-fifths majority devalues my vote.

The second problem is that despite all of the protestations to the contrary, the American people do not operate their lives on a balanced budget every year. We fund the acquisition of homes by borrowing, we finance education by borrowing. Those are investments that we make because we think they are important.

Over time, over a long period of time, we pay those things off, but they pay dividends to us in the meantime.

Now I had an amendment that I offered before the Committee on Rules, I tried to get it to address this issue of devaluing my vote.

I went to the Rules Committee and I said, ''Here is an amendment that would have a balanced budget amendment to the Constitution, but when we were going to waive that balanced budget amendment, we come back in here and we would take a vote by majority so that every Member of this House would continue to have an equal value to their vote because that is the constitutional principle, that is the majority rule principle, that is the American way, that is the fair way.''

But the Committee on Rules, I say to my colleagues and the American people, elected not to make this amendment in order. I had nine other amendments that I tried to offer to this bill in the Committee on the Judiciary on which I sit. The committee closed down at 6:30 on Wednesday, 2 weeks ago, and said, ''We are not going to take any more amendments. We don't care whether you are a member of this committee or not, we are not going to let you offer any amendments.''

So I am being deprived of the value of my vote; I am being deprived of the opportunity to offer amendments on this floor, and I think that is the disservice that we are doing to the American people.

We have got to debate these things regardless of the outcome of the vote and come in and vote and take those hard choices, and then we can maybe balance the budget.

Mr. GEKAS. Mr. Chairman, I yield 2½ minutes to the impeccable gentleman from Louisiana [Mr. TAUZIN].

□ 1940

Mr. TAUZIN. Let me first thank my friend, the gentleman from Illinois [Mr. HYDE], for assuming my position as the second sponsor of the Barton-Tauzin amendment which has been an amendment before this body for many years. I can think of no finer gentleman to assume this role in this new majority than my friend, Mr. HYDE. I also want to congratulate my friend, the gentleman from Texas [Mr. PETE GEREN], for the role he is playing in the effort to pass the Barton-Hyde-Geren-Tauzin—many Members—bipartisan amendment to the U.S. Constitution, a required balanced budget and to require it in the right way. I want to make just three points tonight:

In this age of cyberspace and high-speed technology in communications there is a word that is very current and very popular right now called a new way of seeing things. It is a paradigm, it is called, a new way of looking at things, a new way of seeing things, a new order of things. The old paradigm here in the U.S. Congress and in America has been very simple. People elected Members to go to Congress to get back as much of their tax dollars as they could, and bring them back home and spend them at home, and let me tell my colleagues that paradigm has worked wonderfully. We have all done a marvelous job of that. Every one of us has been extraordinarily good at coming to Washington, bringing back our taxpayers' dollars back to home and spending them at home. In fact we have done such a wonderful job of it that we spend a great deal of money more back home, more than our taxpayers sent to Washington, DC. It is called a deficit. It is called a debt. We have operated under this old paradigm for many, many years now, and we have riddled our country with debt as a result while we have brought the bacon home.

I think the message of the last few elections has been very simple. The message of the last few elections has been to cut it out. It is time for a new paradigm. It is time for us to elect Representatives to Washington who will stop spending money we do not have.

The new paradigm is to come up here and balance the budget. I ask, ''How do you do it? Do you do it by borrowing in a capital account, as some have recommended?'' Well, this Government borrows. Unlike most families in America, Mr. Chairman, we borrow and never pay the debt. The debt just piles up. We never pay the mortgage. It piles up on us and our children.

Second, do we balance the budget by raising taxes on Americans again, and again, and again? That is the easy way, but they are telling us to cut spending first, and I say to my colleagues, ''If you want to cut spending first to balance the budget instead of taxing the dickens out of the people at home, you need to vote for the Barton-Hyde-Geran-Tauzin amendment to the Constitution.''

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 2 minutes.

Mr. CONYERS. Mr. Chairman, all I can think of is what has been the weight or the effectiveness of the discussion on amending the Constitution of the United States that has transpired on this floor today, and I think on balance, as we study our CONGRESSIONAL RECORD, as our citizens across the several States examine the arguments for this important policy change, I think that there will come up a shortage of logic that would persuade people that we have now reached a system or a process that would make sense in making this massive change out of desperation, to be sure, to the Constitution because the bulk of all of the arguments that I have heard for this amendment is that we are failing, we have tried everything else, and there is nothing left to do.

In my judgment that is not enough. In my judgment we have already started reducing the deficit annually, and from that modest position that we find ourselves, Mr. Chairman, we could easily begin to build on increasingly reducing the deficit and, ultimately, the national debt.

So, Mr. Chairman, I leave this first day of leading the debate on this side on a constitutional amendment disturbed that there has not been a persuasive case made for a constitutional amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I speak out in support of the balanced budget amendment not only because I believe it is good policy or that it is a policy that is supported by many of the leaders of this body, but because it is a policy that is supported by the people of my district. There was no issue that I found stronger support for than a balanced budget amendment during my campaign, and I believe the reason that the public recognizes that

we need this is because they have seen in more than 30 of our States that the States, when they implement their constitutional amendment to balance the budget, that the leaders in their legislative bodies are able to balance the budget. Yes, they have to work hard, make tough decisions, stay until late at night, but they are able to when the fire is put to their feet.

The people of this great country have been very patient with this body, asking for the past 15 years that we balance our budget. They are not holding us to a higher standard. I believe we need to submit to their will, pass a balanced budget amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GEKAS] for yielding this time to me.

The distinguished ranking member of the Committee on Government Reform and Oversight just a moment ago said that at the conclusion of the first day of a very important and historic debate in this country on the balanced budget amendment he had not heard convincing argument, a persuasive argument, for enacting a constitutional amendment requiring the Congress and the President, that is to say, the legislative and executive branch, to enact an annual Federal budget that is balanced. Well, let me provide that argument, counterargument.

Congress has failed to control the deficit despite legislative attempts to cut Federal spending. At the end of 1994, Mr. Chairman, the deficit was projected to be $223 billion, and the public debt, the national debt that is passed on to our kids and grandkids, all future Federal taxpayers, which is the accumulation of each year's deficit, will reach $4.7 trillion. Left unchallenged the deficit will grow and continue to reach crisis proportions early in the next century.

The choices are hard, but necessary, and that is why we must enact a balanced budget amendment to impose a very real fiscal restraint in this body.

Mr. GEKAS. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the opportunity to address the body tonight inasmuch as we really have a historic time to pass what will be a balanced budget amendment with a three-fifths tax limitation which is what the country really wants. If we put our fiscal house in order everything else in the Contract With America can be accomplished, but this is the most important part of the contract. We want to make sure that if we have people, we have families, that have to be on budgets, this Congress has to be on a budget, and I thank the gentleman from Pennsylvania [Mr. GEKAS] for this time that he has yielded for this purpose.

Mr. GEKAS. Mr. Chairman, I yield the remainder of the time to the distinguished gentleman from Illinois [Mr. HYDE], an institution within an institution.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE], an institution, is recognized for 1½ minutes.

Mr. HYDE. I think the gentlemen are suggesting I should be institutionalized.

Mr. Chairman, I just want to say as to the supermajority on raising taxes:

When the government expands its power from one level of gross domestic product to another in terms of its fiscal reach, that ought to be an extraordinary decision because we are reaching into people's pockets and we are taking a great rate of the blood, sweat and tears that they have earned through their own work. So that extraordinary reach ought to be an extraordinary decision, and that ought to call for an extraordinary vote. So to increase taxes, to increase the reach of government, it seems to me is an extraordinary decision. It has not been until now, but we are going to try to make it an extraordinary decision, and not have that left to a simple majority vote.

□ 1950

Sixty percent is not that tough to get over 50 percent, but it is a little tougher, and we want to avoid the bias towards increasing taxes as the line of least resistance to balancing the budget.

I would say to my friend from North Carolina, the only amendment that the gentleman offered to be brought before the Committee on Rules was one we did vote on in the full committee, and he lost 13 to 19. I will agree the Committee on Rules did not have a relitigation of that issue, and I wish they had because the gentleman is a member of the committee. But the other nine amendments that the gentleman says he had, I never did see them, but he said he had them. He must not have thought too highly of them, because he did not even offer them.

Mr. OLVER. Mr. Chairman, I also favor the Wise capital budgeting balanced budget amendment version because I do not support adding public-policy-related supermajority requirements to the Constitution.

Supermajority votes are appropriate in the checks-and-balances interplay between the co-equal branches of government, like ratification of treaties, override of vetoes, and the impeachment or approval of executive or judicial branch officers. They are also appropriate for explusion of Members of Congress, an extreme action which constitutes, in a sense, an override of the will of the people.

But final say on issues like annual budget policy should not be constitutionally delegated to a minority, as Madison warned in the Federalist Papers. If we constrain revenue and expenditure numbers to a supermajority requirement, we put ourselves on a slippery slope to other ideologically based encroachments on the principle of majority rule, a fundamental tenet of our Constitution as it now reads.

Irresponsible borrowing certainly must end, but responsible governing should not.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the balanced budget amendment because it represents the strongest incentive to force the Federal Government to live within its means.

If we act now, we will still have the flexibility to set budget priorities to protect Social Security and other vital programs. If we delay, the budget deficit will continue to grow and could eventually threaten every Federal Government program in the future.

Today, interest payments take up 14 percent of our Federal budget. That means every day, we pay more than $800 million just to service the Federal debt. If we take no action, that percentage will continue to increase and claim even more Federal dollars, at the expense of other important programs.

The longer we wait, the worse the alternatives are going to be. If we act now, some small sacrifice will be required of all Americans. If we wait, I am afraid we will be facing tremendous sacrifices and as we are to make drastic cuts to programs throughout the Federal Government.

Mr. Chairman, we can't afford to wait any longer. The time is now to pass this amendment and get on with the job of restoring fiscal responsibility.

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to House Joint Resolution 1, proposing a balanced budget amendment to the Constitution of the United States.

Virtually every Member agrees that we must reduce the Federal deficit. We began in the 103d Congress with responsible steps to raise revenues in a limited way and to reduce spending, and those efforts must continue. But passing a constitutional amendment to require a balanced budget is not responsible. There are two possible outcomes, neither of which is desirable.

One is that a balanced budget amendment will be ignored and the respect due our Constitution will be eroded.

The other is that a balanced budget amendment will be obeyed, harming the economy and limiting the Federal Government's ability to meet national needs.

But I don't only oppose House Joint Resolution 1 because it is a balanced budget amendment; I oppose it because it is a bad balanced budget amendment.

House Joint Resolution 1 puts the entire range of Federal activity, from responding to hunger and homelessness, to protecting health and safety, to investing in education, training, research and development, and infrastructure for long-term growth, at risk, along with the contracts the United States has made with our senior citizens, our veterans, our states and cities.

The populations most reliant on federally supported income support programs are our elderly and our children.

But, however earnestly some Members promise to keep Social Security off the table, there is nothing in House Joint Resolution 1 to protect it when the time comes to balance the budget.

The Children's Defense Fund estimates that, if Social Security and defense are protected, the BBA would force cuts in other Federal spending of 30 percent. The impact on children would be devastating. If the cuts simply reduce caseloads, 6.6 million children could lose Medicaid health care coverage, and 4.3 million could lose food stamps; in New

York, over half a million children would lose Medicaid and nearly 300,000 would lose food stamps.

But programs for poor children, like those for other poor and underserved people, may not see cuts held to 30 percent; having no votes and no highly paid lobbyists, our most vulnerable people may be hit even harder.

House Joint Resolution 1 does not permit a waiver of the balanced budget requirement when the economy is weak, so it is likely to have a countercyclical effect. As unemployment rose and our people's need for federal assistance grew, tax receipts would be falling, and spending would have to be cut even deeper to meet the BBA's requirements. Recessions would become more frequent and deeper.

House Joint Resolution 1 does not provide for unforseen situations such as natural disasters—the recent flooding in California. Tax increases or spending cuts would be required to offset spending to meet emergencies. A disaster would bring suffering on many more people than its immediate victims.

The requirement of supermajority votes for raising taxes undermines the principle of majority rule, giving excessive power to a minority of the Members of each House. It also distorts the process of achieving a balanced budget and is likely to lead to indiscriminate cuts and possible elimination of critical Federal programs.

Mr. Chairman, beyond these issues, there are many unanswered questions about and deficiencies in House Joint Resolution 1. Democratic Members of the Judiciary Committee tried to deal with these questions and deficiencies by preparing amendments for full Committee markup and the floor, but amendments offered in Committee were defeated on party-line votes, markup was cutoff before more than half of our amendments were offered, and the Rules Committee denied us the right to offer them on the floor.

I can only note that, had these changes been made, House Joint Resolution 1 would be much longer and much more detailed—an even clearer argument against making economic policy in the Constitution.

Mr. Chairman, Congress already has the tools to reduce the Federal deficit and has been using those tools for the last 2 years. We know the choices will be extremely difficult, but making those choices is the only way to bring the deficit down.

We do not need a constitutional amendment, and we most emphatically do not need House Joint Resolution 1. I urge my colleagues to vote against this and any other balanced budget amendment to the Constitution.

Mr. SMITH of Michigan. Mr. Chairman, I support a balanced budget amendment but suggest that a provision to limit Federal spending to the growth of the economy is also desirable.

The problem of Federal deficits is simply a symptom of the larger problem of massive growth in the Federal Government. James Buchanan and Richard Wagner discussed what happens when the populace begins to believe that the Federal Government need not practice fiscal restraint. Their 1997 book ''Democracy in Deficit''—published before the era of $200 billion a year budget deficits—describes how this opens the door to ever-increasing deficits, which are then monetized by the Federal Reserve, leading to continuous reduction in the value of the balanced budget amendment.

While such an amendment sounded somewhat radical sixteen years ago, it sounds almost mainstream today. I suggest, however, that instead of a balanced budget amendment, we apply to the Federal Government a variant of what Michigan applied to its State government in 1978 when it adopted the Headlee amendment to the State constitution. The basic components of the Headlee amendment are: First a limit on the size of State government achieved by holding state revenue to the same fraction of personal income that it was when the amendment passed in 1978; second, a requirement that the state maintain its proportional share of spending to local government and reimburse local units for any mandates imposed by the State; and third, a provision requiring a vote of the local populace for any increase in local taxes.

The purpose of the second provision was to prevent the State government from avoiding the limitations on its growth imposed by the first provision by shedding its financial support of the local units and requiring them to provide services and programs that the state was unable or unwilling to pay for. A blue ribbon commission appointed by Governor John Engler to study the Headlee amendment recently concluded that the Headlee amendment had been effective in limiting the growth of State government.

In order to keep the requirement of a balanced budget from resulting in massive tax increases and a deterioration of the economy, my suggestion is to limit the growth of federal spending by setting a limit on the amount of Federal outlays relative to gross domestic product [GDP]. This would cap Federal outlays at the percentage of GDP consumed at the time of submission of the amendment to the states. Federal outlays could never, in any year, exceed the growth of GDP. In this way, if outlays were less than the ratio in one year, there would be a permanent reduction in the ratio of Government spending to GDP. The Federal Government could not mandate that the States provide any service that they are not already providing, unless it fully funded the mandate. Combining this with a phased-in balanced budget requirement would result in attacking the real problem—the growth in Federal outlays over time, whether this growth is funded by taxes, borrowing, or inflation of the currency.

Of course, there are details, and as they say, ''the devil's in the details.'' An emergency provision to allow deviations from the limits during time of war is an example. The definition of federal outlays, which would appear to work at this time, will no doubt be strained over time. However, it is probably easier to set standards regarding outlays than debt, considering the pitfalls to defining debt that your editorial pointed out.

There are at least three reasons why a provision to limit spending should be part of a balanced budget amendment. First, it is a moderate proposal. It does not require a reduction in the absolute size of the Federal Government, but only that the Federal Government not get larger relative to the size of the economy. Second, it has been tried at the State level and appears to have accomplished its basic purpose. Third, it gets directly at the problem of growth of the Leviathan rather then trying to get around it indirectly by limiting how much the Government can borrow and then hoping that political pressure against taxes will restrain Government growth.

Mr. BALLENGER. Mr. Chairman, I rise in support of the Barton three-fifths tax limitation version of the balanced budget constitutional amendment. Earlier this month in an article in the Wall Street Journal, Milton Friedman, who received the 1976 Nobel Prize in economics, argued why a tax limitation amendment is so very important.

The Barton amendment's limitation on taxes would force the achievement of a balanced budget through a reduction in spending rather than an increase in taxes unless a super-majority of three-fifths voted to raise taxes. The other amendments are not as strong, because there is nothing in them to prevent balance from being achieved by a massive tax increase. And, nothing to prevent further increases in Government spending as long as they were accompanied by higher taxes.

After all, as Mr. Friedman argued, ''the real burden on the economy is what the government spends—or mandates others to spend—rather than how much it received in taxes.'' If you raise taxes, you can spend more—even with a balanced budget amendment to the Constitution, if that amendment does not limit tax increases.

I urge my colleagues to seize this opportunity and cut Government down to size. Vote for the right kind of balanced budget amendment—the Barton three-fifths tax limitation amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of the balanced budget amendment, House Joint Resolution 1. This amendment to the U.S. Constitution to require a balanced Federal budget is not a new idea. Balanced budget amendment proposals have been introduced since the 1930's and, in recent years, have fallen just short of passage in Congress on several occasions. In 49 States, there is some form of balanced budget requirement—including the State of New Jersey.

In Congress, this balanced budget amendment is only the beginning of the process of amending the U.S. Constitution. It is a big step for Americans to amend the U.S. Constitution, and that is as it should be. Of the several thousand proposed amendments in 206 years, only 27 amendments have been ratified by Congress and by the States—and one of those (the 21st amendment) repeals the ban on alcohol proscribed by one other—the 18th.

Amending the U.S. Constitution requires a two-thirds majority in the U.S. House (290 votes) and in the Senate (67 votes), and ratification by three-fourths of the States (38 of the 50 States). The drafters of the Constitution placed a great deal of weight on the powers delegated to the Federal Government and those that remain with the States, giving the States the ultimate decisionmaking powers regarding amendments.

They also saw a limited role for the Federal Government in taxation and borrowing—a role which has been greatly expanded during the current century. The Framers of the Constitution clearly saw Federal debt as an emergency matter at times of national or international crisis, not as a means of normal operations. Likewise, taxation was for specific and justifiable purposes. It is the breakdown of both of these principles that has led to our current budget problems.

I believe Congress has an obligation to send this question to the States, so that we can engage in a much needed and lively debate on the broader question—what is the role of the Federal Government and at what cost?

Our experiences with State budget balancing requirements have provided several positive outcomes from this important fiscal discipline. It imposes discipline on legislators and executive branch. It, therefore, requires a closer working relationship between these two branches of Government. And, the requirement ultimately will force all parties to sit down and work out their differences to maintain the required balance.

Having worked under the balanced budget requirement, I believe it will promote better communication and governance—at least that's been my experience as a State legislator in New Jersey. It has been 25 years since the last time the Federal Government's books were balanced. Of every dollar collected in Federal taxes, 15 cents goes to pay interest on the national debt—more than $200 billion a year, further drawing down the amount available for other Government programs.

Clearly, our current situation is not due to under-taxation, but to over-spending. The Federal Government collects $5 in taxes today for every $1 it collected 25 years ago. The problem is that Government spending today is up $6 for every $1 spent in 1968.

Some may claim that the balanced budget amendment is a gimmick. Rather, I believe it will finally provide the discipline to the Federal budget process that has failed, to date, to control Federal spending—even with the best efforts of individual Members committed to deficit reduction and despite the demands of the American taxpayers.

Mr. EMERSON. Mr. Chairman, the Constitution is fundamental law; indeed, it should deal only with fundamental questions. I agree with Thomas Jefferson: ''The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.'' I urge you to keep these important words in mind as we debate the crucial issue of balancing our budget.

In my 14 years in Congress, my record has demonstrated my strong commitment to the senior citizens of this country. For this reason, I resent the attempt by some in this Chamber to scare senior citizens with misinformation about how the balanced budget amendment might affect Social Security. There is nothing in the balanced budget amendment that says that the Social Security trust fund will be cut or that Social Security benefits will be reduced for anyone.

The fact is that Congress can balance the budget without touching Social Security. The budget can be balanced in the year 2002 by simply restraining the growth of all other Federal spending to 3 percent per year, instead of allowing it to increase by 5.4 percent annually under current policies. A balanced budget amendment is the first step toward guaranteeing the financial security of our retirees. Because the Government must continue borrowing from the Social Security trust fund to finance the current debt, we are on a course of destruction toward the painful task of cutting benefits or raising payroll taxes. By enacting a balanced budget amendment, we halt this troublesome path by imposing the budgetary discipline necessary to safeguard our future generations.

I would also like to take this opportunity to make very clear my support of the three-fifths proposal contained in the Barton amendment. Raising taxes should be a matter of last resort. The process of raising taxes should not be simple or easy. We need a mechanism to force spending reduction before new taxes are levied, just as we need a mechanism to force a prioritization of spending issues to achieve a balanced budget.

The majority party is committed to following through on its promises. The balanced budget amendment is supported by 85 percent of the American people. If hard-working taxpaying families have to live within their means from paycheck to paycheck, then there is no excuse that it has been 25 years since the Federal budget has enjoyed a surplus. The balanced budget amendment is a common sense mechanism that will enforce the necessary budgetary discipline in Congress and I urge support for the Barton amendment.

The CHAIRMAN. All time for general debate has expired.

Mr. HYDE. 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. GEKAS) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE DAN BURTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN BURTON, Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 1994.

SPEAKER,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the State of Indiana, Madison Superior Court for the County of Madison, in connection with a civil case involving constituent casework.

After consultation with General Counsel, I have determined that compliance with the subpoena is consistent with the privilege and precedents of the House.

Sincerely,

DAN BURTON,
Member of Congress.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 44.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

PREDICTIONS OF DISASTER

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

Ms. KAPTUR. Mr. Speaker, the administration claims it knew nothing of the pending financial disaster in Mexico. Mexico's administration claims it knew nothing.

Let me remind both administrations of what they certainly did know. Both the Mexican and the United States Governments knew the truth about the shaky peso and United States speculators' interests down south for at least 2 years before the meltdown. As reported by the Wall Street Journal during the NAFTA debate, the two governments went so far as to negotiate a secret line of credit worth $6 billion because of the pending financial crisis in Mexico. Both governments knew; both governments kept it quiet.

Now Congress is expected to remain muzzled with truncated committee hearings and limited debate.

Congress cannot remain silent. Let the truth come out before we vote no on this taxpayer bailout of Wall Street speculators in foreign countries.

Mr. Speaker, the Wall Street Journal article to which I referred is as follows:

[From the Wall Street Journal Mar. 28, 1994]

HOW MEXICO'S BEHIND-THE-SCENES TACTICS AND A SECRET PACT AVERTED MARKET PANIC

(By Craig Torres)

MEXICO CITY.—The muted reaction in Mexican stock and currency markets Friday after the assassination of presidential candidate Luis Donaldo Colosio was no accident—but it also wasn't guaranteed.

A panic developed among investors right after the slaying and could have sent the markets tumbling. But Mexican authorities managed to maintain calm through a once-secret agreement with the U.S. Treasury and a complex mix of moral suasion and vague threats to investors who might have profited from a panic.

This is the story of that effort.

At 9:30 p.m. in Mexico City last Wednesday—2½ hours after the assassination, Jose Angel Gurria, head of the powerful development bank Nacional Financiera, and several of Mexico's most senior financial officials were assembling at 2 Arturo Street, a colonial mansion converted into Finance Ministry offices.

Mr. Gurria and everyone else in the room knew Mr. Colosio was dead, even though the government hadn't yet acknowledged that to the world, knowing the panic that could be created when the news was let out, Mr. Gurria reflected that either Mexico was about to prove the strength of its financial team, or the markets would send Mexico into chaos.

''It was like Colosio's body was lying on the table'' in front of the group, he says. ''We knew we had a job to do.''

Mexican financial markets were already fragile. Economic growth in 1993 registered a pathetic 0.4%. The Chiapas peasant revolt, the kidnapping of a well-known executive and surprising rifts within the ruling party

had all raised questions about social stability. Stocks had tumbled in recent weeks, and the peso was down 8.1% against the dollar this year.

As calls poured into the Finance Ministry and Banco de Mexico, the central bank, it became clear that there could be a full-fledged run against the peso.

Speculators were looking for ways to sell the peso short, a bet on its decline. Mexican banks, while friendlier to the government than foreign investors, would clearly dump pesos to protect themselves and make a profit, if they had to. In addition, the Finance Ministry knew that Japanese banks and corporations had already been unloading huge positions in peso securities to raise cash and dress up year-end financial statements. A currency crisis could spark further huge sales by the Japanese.

However, Hacienda, as the Finance Ministry is know, had a secret weapon.

Just before the North American Free Trade Agreement debate between Ross Perot and Vice President Al Gore, Hacienda's undersecretary of finance, Guillermo Ortiz, had quietly negotiated a $6 billion swap line with the U.S. Treasury. The idea was to give the Mexican central bank more dollars to use to support the value of the peso if Nafta failed to win approval. But the agreement—which had remained secret because it was never formally signed—was still around, and Mr. Ortiz hoped to invoke it now—Announcing the agreement would give Mexican authorities a crucial psychological boost with investors by showing that anyone attacking the peso would have to take on both Mexico and the U.S.

But it might take a day to get all the approvals from the U.S. government. Could the Mexican markets be shut down? Mr. Ortiz wondered.

By 11 p.m., with international investors nervous, and European markets about to open, Mexican financial officials were in discussions about shutting trading in stocks and the currency for a day, to let things settle down. But a full-scale argument broke out about the kind of signal the closings would show. The meeting split up into working groups and took until 2 a.m. to decide that at least the currency markets and the banks should be closed. Pedro Aspe, the finance minister, and Miguel Mancera, the central bank head, then left for President Carlos Salinas's offices.

With at least some decisions made, officials called Roberto Hernandez, the chief executive of Banamex-Accival, Mexico's largest bank, informing him of the bank and currency-market closure. The Hacienda officials said the banks would certainly be free to trade Friday—but they also warned that Hacienda would be watching closely for any speculative challenge.

At 3:30 a.m. in Boston, Robert Citrone, manager of Fidelity Investment Management's New Markets Income Fund, was back in the firm's warren-like offices. A few hours earlier he had stepped off the train in Acton, Mass., greeting his wife and newborn son.

''I have bad news,'' his wife had said.

The garage flooded with snow-melt again, Mr. Citrone thought. Then his wife told him Mr. Colosio had been shot.

At home through the evening, Mr. Citrone phoned central-bank contacts or anyone else who could give him a reading on the situation. A Mexican central-bank official at one point convinced him that it had enough currency reserves to defend the peso. That was true, but what if other investors panicked? Brokers were already talking about a 300-point decline in Mexican stocks, and that would also mean the currency would be in trouble.

At 4 a.m., Finance Minister Aspe returned to Arture Street with an answer from President Salinas: Thursday would be a day of mourning for Mr. Golosio. Banks and currency markets would close.

Now it was time to bring out the secret weapon, the $6 billion swap agreement. Mr. Ortiz, the undersecretary of finance, picked up the phone and dialed the home in Washington of Lawrence Summers, the undersecretary of international affairs for the Treasury. Mr. Summers thought he could secure the swap line.

The hope was to close the Mexican stock exchange, too, but Bolsa authorities wanted to make sure that there wouldn't be any trading of Mexican shares in New York, either. Mr. Summers said he would see if that could be done.

Later, Mr. Ortiz learned that Treasury had asked for a closure of Mexican stocks, but the U.S. Securities and Exchange Commission and the New York Stock Exchange were resisting the idea. It looked like the U.S. markets would open Mexican shares after only a short delay.

But trading of Mexican stocks in London was turning out to be disorderly, a sign of panic. Shares in bellwether Telafonos de Mexico were down more than 5 percent.

The Arturo Street team turned to Carlos Mendoza, a young Stanford Business School graduate who runs National Financiera's $1.5 billion Mexican stock fund. Mr. Mendoza had won the respect of international traders late last year when he managed to sell $1 billion of Telmex shares into the markets without anyone's noticing. Sleepless and worried, Mr. Mendoza called Mexican brokers in London, encouraging them to keep markets orderly. To keep things under control, while still not committing much of National Financiera's money, he gave the London trades an indication where he might buy or sell Telmex shares. That hint tightened the spread, or difference between the buying and selling price.

Less than an hour before the New York opening, Telmex shares had recovered.

With the Arturo Street meetings finally over as the sun was coming up in Mexico City, the finance officials began trying to win back investor confidence by calling everyone they could think of around the world from traders to chief executives. Judging by the calls, international investors were still scared. But the Mexicans began winning them back, one at a time.

''The performance was magnificent,'' says a Trust Co. of the West portfolio manager. ''Almost every investment bank and every investor in the U.S. was on the phones from 8 to 9 in the morning and had it all laid out for them by the Mexicans.''

By Thursday afternoon, the tide had turned. Stories burst across the news wires announcing the ''new'' $6 billion swap agreement, approved by President Clinton. Also, in a rare example of quick agreement, President Salines had managed to gather government, business and labor leaders to announce a re-signing of the country's basic economic pact.

Telmex shares finished just 5.6% lower on the Big Board, and they rebounded Friday once the Mexican Bolsa reopened. Investor confidence had been restored.

''The whole world was grading our ability to manage the unexpected,'' Mr. Curria says. ''Everybody at the Arturo Street meetings said, We have to make this work because we have to make Mexico work.''

CONGRESS NEEDS TO CAREFULLY CONSIDER CONSEQUENCES TO NATIONAL SECURITY ON ENACTMENT OF BALANCED BUDGET AMENDMENT

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

Mr. DICKS. Mr. Speaker, a few days ago the comptroller of the Department of Defense testified before the Committee on the Budget about the consequences of a balanced budget amendment on our country's national security. Let me tell the Members what he said.

He said:

This is one of the major reasons for the administration's opposition to the Balanced Budget Amendment. Unless legislatively exempted from reductions, defense spending could end up being the primary bill-payer to make Federal budgets balance. That would fundamentally undermine the security of our Nation. If the Balanced Budget Amendment were adopted, America's defense posture would be vulnerable to two different problems: the impact on defense to reach a zero deficit, and the effect on defense of the annual budget process under the budget amendment.

Depending on the final provisions of the Balanced Budget Amendment, Department of Defense budget cuts from FY 1996 to FY 2002 could range from $110 billion to $520 billion, or about 30 cents on the dollar. For national defense the best case scenario would have a serious effect on national security. The worst case would be a disaster.

I hope we will take a careful look to the consequences of our national security of a balanced budget amendment.

Mr. Speaker, I include for the RECORD the complete statement of Under Secretary of Defense John Hamre before the Committee on the Judiciary:

STATEMENT OF UNDER SECRETARY OF DEFENSE (COMPTROLLER) JOHN J. HAMRE

Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to discuss the Balanced Budget Amendment, and the likely impact that it would have on America's defense posture.

The Balanced Budget Amendment (BBA) could severely jeopardize America's national security, and that is one of the major reasons for the Administration's opposition to it. Unless legislatively exempted from reductions, defense spending could end up being the primary billpayer to make federal budgets balance, and that would fundamentally undermine the security of our nation.

If the Balanced Budget Amendment were adopted, America's defense posture would be vulnerable to two different problems: the impact on defense to reach a zero deficit and the effect on defense of the annual budget process under the BBA.

IMPACT ON DEFENSE TO GET TO A ZERO DEFICIT

To illustrate the impact of getting to a zero deficit, several assumptions have to be made about the final date and provisions of the BBA. Let us assume that the year of BBA implementation is 2002, and make calculations based on the most recent deficit projections by the Congressional Budget Office. Balancing the budget on a phased basis—14 percent per year in 1996 through 2002—would require a total of $1,040 billion in spending cuts and/or revenue increases.

Exactly how much the Department of Defense (DoD) would have to contribute to achieving a zero deficit would depend on how much revenue would be increased and whether entitlements would be cut. Under the worst case scenario, there would be no increase in revenue and no cuts in the entitlement programs. This means the budget would have to be balanced by cuts in discretionary spending, of which national defense represents about one half. The best case scenario assumes half of the deficit would be offset by increases in revenue and the other half proportionately to spending for entitlements and domestic and defense discretionary programs.

Depending on the final provisions of the Balanced Budget Amendment, DoD budget cuts from FY 1996 to FY 2002 could range from $110 billion to $520 billion.

For national defense, the best case scenario would have a serious impact on national security. The worst case would be a disaster. Achieving these totals would entail substantial reductions to defense people and programs, which are already downsized to the minimum acceptable level deemed necessary in the Bottom-Up Review. Our forces would become hollow and we would have to give up our quality of life initiatives such as adequate compensation for military personnel, child care programs, decent barracks and family housing and other programs that provide a sense of community and support for military families. We would have to stop the modernization and recapitalization, which is needed and planned in our current five-year budget. We would have to cut back our emphasis on science and technology and technology reinvestment programs, and thereby risk the technological edge that has always given our forces an advantage over our adversaries.

Reductions such as these would fundamentally change the character of America's military posture, make our new strategy unsupportable, call into question our ability to fulfill U.S. commitments to our allies and to protect our interests worldwide, and undermine America's global leadership.

THE ANNUAL BUDGET PROCESS UNDER THE BBA

Let me now turn to the second problem: Life under a balanced budget amendment.

What about the affect on defense of the annual budget process under the Balanced Budget Amendment? The BBA annual budget process could routinely end up removing from our elected political leaders the decision about what level of defense spending is prudent. America's defense preparedness could get determined by economic shifts, cost growth in entitlements, and other nondefense factors. Even if threats to America's global interests were increasing or our forces deteriorating, the BBA could lead to deep defense cuts.

The fact that these consequences could be avoided with 3/5 approval of each house of Congress is scant reassurance. Preservation of an adequate defense posture would become dependent on exceptional political efforts. The BBA process would be heavily skewed in favor of cutting defense to compensate for whatever was escalating elsewhere in the budget. Even when a 3/5 majority minus one in either house believed that BBA cuts were unjustified, the minority view would prevail. Not exactly ideal for the world's most powerful democracy and best hope for future peace and stability.

The BBA would threaten frequent interruptions to the many long-term processes that are essential to maintaining a prudent defense posture. The quality and morale of our people must be continually nurtured, and would be devastated by rapid and deep cuts in end strength. Our military and civilian professionals require extensive training and experience. We cannot recruit and retain top-notch military and civilian professionals, if they are vulnerable to summary dismissal.

Repair parts must be ordered three years ahead of anticipated use, in order to ensure the readiness of U.S. forces. Many years of research and development are needed to ensure that our forces are never outgunned or outmaneuvered. The average major weapons procurement program requires 8 years of development and testing. Production lines are necessarily set up anticipating stable procurement rates; they cannot be stopped and started, in order to offset a downturn in revenues or surge in entitlements. Because of the long-lead times needed for our weapons systems, DoD is unique among executive departments in that we must have detailed five-year plans incorporating them. It would be extremely costly, and essentially unworkable, to turn on and off defense programs, when the BBA forced deep budget cuts.

In sum, budgeting under BBA would inject great uncertainty and chaos into defense planning, which needs to have stability and a long-term perspective.

Small changes in the U.S. economy would mean even bigger budget problems. Using the CBO rule of thumb, a one percent rise per year in interest rates would increase the federal budget deficit $5 billion in the first year and $108 billion over five years. A one percent fall per year in real growth in the economy would increase the deficit $9 billion in the first year and $289 billion over five years. Thus under the BBA, even modest changes in the economy could trigger sweeping cuts to federal programs.

CLOSING

The Balanced Budget Amendment addresses a very important issue, but it would dramatically complicate our ability to plan for and manage a strong Department of Defense.

Defense programs would be especially vulnerable under the BBA, because DoD accounts for about half of all discretionary spending. And that is critical because the BBA had no implementation details. Unless the BBA becomes a vehicle by which revenues are increased or entitlements cut, DoD could well have to pay for half of every dollar of deficit reduction.

DoD budget authority, in real terms, has been in decline since FY 1985. We have finally reached the end of our builddown. It would be dangerous to continue to downsize our forces at this time. The Balanced Budget Amendment would cut defense spending to whatever level its arbitrary formula dictated, and thereby displace the carefully considered judgments of Members of Congress, Presidents, and civilian and military leaders as to what spending is necessary and wise. I do not believe such an approach to questions of national security would serve America well.

IMPACT ON DEFENSE TO GET TO A ZERO DEFICIT

In order to assess the impact on DOD, assumptions have to be made about final date and provisions of the Balanced Budget Amendment:

	Assumption
Year of implementation	2002.
Projected deficit at implementation	Current budget projection.
Will revenue be increased?	If yes, 50%/50% revenue/spending.
Will entitlements be cut?	If yes, in proportion to outlays.

SMALL ECONOMIC CHANGES MEAN BIG BUDGET PROBLEMS

Modest changes in the economy would necessitate sweeping program cuts.

CBO RULE OF THUMB

	Deficit impact	
	First year	5-years
1% rise in interest rates	$5B	$108B
1% fall in real growth	9B	289B

A GLOOMY PICTURE WITHOUT THE BALANCED BUDGET AMENDMENT

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

Mr. DUNCAN. Madam Speaker, former Senator Paul Tsongas wrote in the Christian Science Monitor a few months ago these very important words:

If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.

Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

We need to heed those words of former Senator Tsongas. That is why we need a balanced budget amendment. That is what this is all about. It is to give our children and grandchildren some hope for a good standard of living and for an economic future as bright as ours has been.

Madam Speaker, I am including at this point in the RECORD the complete article by former Senator Paul Tsongas, as follows:

[From the Christian Science Monitor]

JUST WHEN YOU THOUGHT THE DEFICIT WAS UNDER CONTROL—THE FINE PRINT IN CLINTON'S BUDGET PAINTS A GLOOMY PICTURE

(By Paul Tsongas and Jonathan Karl)

If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.

Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

It's a mess created by bipartisan fiscal irresponsibility in Washington. And far from addressing the problem, the politicians are insisting the deficit is ''last year's issue.''

The bad news can be found buried deep within President Clinton's 2,000-page, four-volume budget for 1995, which was recently passed by Congress.

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. BROWNBACK] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

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

VOTE FOR THE BARTON VERSION OF THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, last November the people of the 3rd District of South Carolina sent me to Washington in hopes of changing the direction of the country. My constituents expect me to display courage in making tough decisions. I will not let them down. I will vote for the balanced budget amendment, the Barton version, with a tax limitation provision. Now I am going to put my speech up.

There has been a lot of talk tonight about what the consequences of a balanced budget would mean to different groups in this country. There is one thing I think we have in common, whether you are young or old, black or white, rich or poor. If we don't do it, it is a bad deal for everybody.

The thing that I think has been overlooked that I would like to comment on for a minute or two is what does it mean when you are $4.5 trillion-plus in debt? The honest answer is I cannot even imagine that money in real terms. The real serious consequences of spending that much money more than you have is that over time you ruin the character of your people. Over time, everybody in the country begins to look to the Federal Government to solve every problem they have.

I am 39 years of age, and I would say that my generation always looks outward instead of inward; that there is somebody to blame, there is some Federal program, some State program, to make it right.

When you can be everything to everybody, in my opinion, eventually you will ruin everybody. The only way I know to change things, after a lot of thought and a lot of debate and a lot of reasoning, is to change the Constitution. Whether you are Republican or Democrat, I do not trust you enough to come sit in this body and spend money without a bad check law. And that is called the constitutional balanced budget amendment.

Whether you are a Republican or Democrat, I don't trust you enough to come into this body and balance the budget without raising taxes to do it. That is way I will vote for the three-fifths provision requiring a supermajority not to raise taxes.

There is a lot at stake in this debate, and to me the real issue is: Are we going to try to be everything to everybody and ruin the next generation not yet born? Everybody talks about putting them in debt, but are we requesting to create a society where they look always outward and never inward?

There is a lot at stake, and I can't tell you exactly how we are going to balance the budget. I don't have a plan that, as some people from the Democrat Party will point out, that tells you exactly how we are going to get there. I just know we must. I know there are a lot of people in this building working on those plans, and I want to give them a shot. The consequences of not doing it is to continue to have a debt that goes beyond imagination.

I hope we will have the courage to say no to ourselves by a constitutional balanced budget amendment, and I hope we have the courage to cut spending and say no to a lot of people who have never been said no to by the Federal Government. If we don't start now, when will we start?

We are about to go into the 21st century, and I think the character of the American people has changed in the last 20 or 30 years, in many ways for the worse. And if you want to look at the reasons why, I think you can start here at the Federal Government. We have taken every function of our lives and centralized it in Washington, DC. If you want to change this country, change the way you spend money in this country.

Anybody have any questions?

I can't think of anything more important to talk about, and I am tired of talking about it. I have been here about 10 days now. I am a freshman in this body. I know why I got elected. I feel very frustrated not being able to get on with it.

□ 2000

I know Members on the other side and within my party have differences, and I respect their differences. I want them to have a chance to say what is on their mind and to advocate their side, but more than anything else, I want us to start voting in this body.

President Clinton made a speech last night, some of its sounded really good. I have heard a lot of great speeches in my small term of politics. Maybe I made a few that sounded pretty good. I am tired of you having to rely on what LINDSEY GRAHAM says, or Bill Clinton or anybody else in this body. I want us to vote and I want us to take tough votes.

The only hope we have of, in my opinion, changing this country is to take the balanced budget amendment that the gentleman from Texas [Mr. BARTON] has proposed with the tax limitation bill provision in it, get it out of the Committee of the Whole and make us take tough votes and see who really is serious about changing the course of this country.

I will never disagree or take issue with somebody who is voting their conscience. I just expect you to do that. I expect no less of myself.

CONCERNS ABOUT THE PROPOSED MEXICAN BAILOUT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I am here tonight to express my concerns about the proposed Mexican bailout.

Proponents of NAFTA suggested that its passage would create jobs in America, promote free-market economics in Mexico, raise living standards in both countries, and encourage Mexico's move toward democracy. Those who thought that NAFTA would be a magical elixir were wrong. NAFTA has not fulfilled its promises because the current political and economic conditions in Mexico make that fulfillment impossible. The same conditions that existed in Mexico when we debated NAFTA exist today. Necessary changes can only happen one way—through the Mexican Government. But Salinas did not do it, and President Zedillo has given no indication that he will be any different from Salinas.

First, this bailout will not save NAFTA. Mexico's problems run far deeper than short-term debt.

Second, this bailout will not help restore international confidence in the Mexican economy.

Third, this bailout will not help Mexico's or our working and middle class.

The direct beneficiaries of this package will be members of the Mexican business and political elite seeking to protect their wealth against further devaluation of the peso.

When the taxpayers of the United States are asked continuously to prop up the Mexican economy—and with continued devaluation of the peso, there is no indication that this will be the last time—they deserve some accountability. While I do not believe this $40 billion will be the last for Mexico, the way I see it, there is only two ways that this agreement is going to be palatable to the majority of Members.

First, stringent conditions need to be placed on the issuance of such a loan guarantee to ensure prompt repayment—and these conditions must be part of the legislative language. The generosity of the United States has often been our own worst enemy in getting repaid. We have consistently dealt with international debt owed to us through reduction or cancellation—ultimately to the detriment of our taxpayers. There must be guarantees that this loan will be repaid in full and in a timely manner.

Second, American taxpayers must get something genuine and tangible in return for our continued generosity. This can be best accomplished in the areas of law enforcement and environmental protection.

The United States is party to an extradition treaty with Mexico, which provides for extradition of Mexican nationals who cross the border and commit offenses. However, in practice, the Government of Mexico does not extradite its own nationals. According to article 9 of the Extradition Treaty Between the United States and Mexico (31 UST 5059; TIAS No. 9656), singed on May 4, 1978:

> Neither Party shall be bound to deliver up its own nationals, by the executive authority of the requested Party shall, if not prevented by the laws of the Party, have the power to deliver them up if, in its discretion, it be deemed proper to do so.

The problem is that Mexico has a habit of not deeming it proper to extradite its citizens who commit crimes here in the United States. While under the treaty, at least four United States citizens have been extradited to Mexico for crimes committed there, no Mexican citizens have been extradited to the United States for crimes committed in this country.

As a member of Chairman CONDIT's Information Justice Subcommittee in the 103d Congress, I was present at a hearing regarding the extradition of one Serapio Rios. On September 14, 1992, Mr. Rios crossed into California, kidnapped and raped a 4¼-year-old girl, and fled back into Mexico to hide behind this so-called extradition treaty. As the distraught mother testified:

> It took nine months to get extradition papers processed and served to the Mexican government. We have a treaty with Mexico, but Mexico has never extradited one of its citizens back to the U.S. for trial. My government should press for change.

If this mother were here today, she would say to you, three years later, that the Mexican Government did not find this violent felon extraditable. The Mexican Government knows where Rios is, but they refuse to extradite him, even after the Mexican Government promised a Member of this body in exchange for the Member's NAFTA vote, that Rios would be extradited.

I want to let this mother, and those that have similar stories, know that they are not forgotten. I feel that this proposed bailout presents us with a unique opportunity to press for change.

While it may not be feasible at this time to change the language of the 1978 treaty, President Zedillo needs to get the message that $40 billion of U.S. cooperation demands reciprocity. The area of extradition is one place where the Mexican Government can show good faith by extraditing Rios and the Mexican perpetrators who are accused of committing 24 major crimes such as rape and murder, here in the United States, and then flee across the border to Mexico because they know Mexico will not extradite them under the 1978 treaty. There should be no U.S. loan guarantee until Rios and other indicted perpetrators are brought to justice in the United States.

In addition to the question of law enforcement, language protecting our natural resources must be included in the bailout language. NAFTA promotes free trade in resources by limiting the rights of a government to enact measures restricting such trade. Chapter 3 of NAFTA sets out blanket prohibitions against government regulation of natural resource trade. No Government is permitted to regulate or prohibit the flow of natural resources including water.

Specifically, Article 309 of NAFTA reads:

> Parties may not adopt or maintain any prohibition or restriction on the importation of any good of another party, or the exportation of any good destined for another country.

There is no clause in NAFTA that exempts water exports from these provisions. Water is subject to the same requirements of goods as other goods described in Article 309. Water is listed as item 22.01 in the NAFTA tariff heading; it states in part:

> Including natural waters not containing added sugar or other sweetening matter nor flavored, ice, and snow.

This could mean Great Lakes water. In addition, the national treatment provisions of NAFTA prohibit governments from according foreign investors any less favorable treatment than is provided domestic corporations. This provision could permit foreign corporations to demand the same access to water resources that domestic consumers have.

Several other features of NAFTA could directly influence existing protection against water diversion. Article 302 of NAFTA requires that parties not increase duties on items including resources, or adopt new ones, and Article 315 limits the right of parties to restrict trade through duties, taxes or other changes. All of these articles could be applicable to Great Lakes water. Again if our natural resources are not specifically excluded, they may as well be included.

In the simplest terms, NAFTA articulates rules of trade that will restrict the ability of sovereign governments, and the people who elect them, to regulate the export or diversion of fresh water resources. NAFTA facilitates the trade of water by making it virtually impossible, under a toothless dispute resolution process, to refuse water export proposals.

Is this diversion a legitimate possibility? It certainly is. It is already happening, albeit legally, on a small scale via the Chicago River diversion project and could easily happen on a larger scale.

No grand pipeline or huge engineering project is required to accomplish this. Currently, the Chicago Diversion project diverts 3,200 cubic feet per second to the Midwestern plains but the Army Corps of Engineers has calculated that the Chicago diversion could accommodate 8,700 cubic feet per second if necessary. Over a limited amount of time, such an increase could lower water levels on Lake Michigan-Huron by ½ foot. Should the Government of Mexico lay claim to Great Lakes water, increased diversion through Chicago would take Great Lakes water to the confluence of the Mississippi and Ohio Rivers where it could meet up with engineering projects designed to take it over the border.

Lowered water levels can cause significant problems with drinking water intakes. Lowered water levels could affect hydro-electric power production. Lowered water levels could dramatically affect navigation in the Great Lakes and eventually Hudson Bay. Lowered water levels can damage the valuable coastal wetlands of the Great Lakes basin.

Mexico could increase its demand for fresh water. One in four Mexicans lack access to potable water and 55% of available water is being used for urban, industrial, and agricultural activities. As we see by this proposed bailout, Mexico is not afraid to come to the United States for help when their own policies begin to destroy the fabric of the country. Mexico is ripe to become a net importer of Great Lakes water. Two proposals were born out of the 1960's to accomplish just such a goal: the North American Water and Power Alliance, and the Great Replenishment and Northern Development Canal (the Grand Canal). In fact, the National Geographic magazine, November 1993, cites the real possibility of water diversion.

In putting protection against diversion in the loan guarantee legislation, we are not asking Mexico to do anything that United States State governments haven't already done. Since 1980's, Midwestern leaders have (1) signed a regional Great Lakes Charter—an agreement among Governors of 8 Great Lakes States and Canadian regional premiers to limit diversion, (2) enacted the United States Water Resources Act of 1986 which gives Governors of 8 Great Lakes States a veto over any proposed diversion of Great Lakes water, (3) they rejected a significant proposed increase in the existing Chicago diversion of Great Lakes water in 1988 when the Governor of Illinois proposed increased diversion, etc. Furthermore, the citizens of the Great Lakes region have supported the concept that Great Lakes water must remain in the Great Lakes 80% of the population opposes diversions of water. Great Lakes is one of our region's, and indeed our country's, greatest resources.

Congress should not continue this pattern of giving and giving without a hint of reciprocity from a Mexican Government that continues to artificially depress wages, that allows its banks to stack debt on borrowers, and that considers our extradition treaty a joke. This bailout, like NAFTA, is an opportunity to force change, but we must make the most of this opportunity. I call on my colleagues to demand change in Mexico. This bailout needs to be tied, inextricably to this change. I want to see some good faith moves on the part of the Mexican Government, or I intend to bail out on the bailout.

NFIB, SMALL BUSINESS AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I take the floor here during special orders to bring to the attention of my colleagues a very important little pamphlet entitled ''NFIB, Small Business Agenda.'' NFIB, of course, standing for the National Federation of Independent Businesses, which is the largest nationwide small business advocacy organization

in the country, with over 600,000 members.

The NFIB, of course, with the transformation of the Congress and the ascendancy of the Republican Party and our opportunity to be in the majority and prove to our fellow Americans that we have the ability to govern and that we will, in fact, follow through on our commitments as expressed in the contract to perform and reform the way Washington does business, the NFIB has become a very important part, an integral part of our legislative efforts in Washington.

I just wanted to bring that to my colleagues, because I will take time on future occasions under special orders to go into more detail on each one of these points.

But I do want to stress to my colleagues the legislative priorities of the National Federation of Independent Businesses, as we proceed with the Contract with America for the first 100 days, and then as we develop and deliberate a legislative agenda for the second and third 100 days.

The pamphlet starts out by saying, ''America's small business owners have heard enough talk about what is good for the country. Now they want results. And small business owners believe that what is good for Main Street will be good for America.''

And that really is the fundamental purpose and mission of the NFIB. They represent Main Street, not Wall Street.

They represent the kind of mom and pop businesses and the small business owners who in fact really are the economic backbone of the communities that we are fortunate enough to represent here in the Congress.

As we know, small business owners last year said no to mandated health insurance. They played a very critical role in helping to defeat President Clinton's health care plan. They rose up from the grass roots and sent a message to Congress that mandates cost jobs. And as a result, they helped us stop the President's health care mandates dead in its tracks.

Again in November, small business owners rallied at the polls, and they turned out politicians who had supported anti-Main Street legislation—that is, in fact, one reason I am again serving in this body—and elected candidates who know the importance of small business to the American economy.

□ 2010

Small business owners sent the message that they want the security to pursue the American dream of entrepreneurship. Let me touch on that point for a moment, because I think that underscores how wrong things have become in America, because in the course of the election campaign I recall meeting with a small business owner, an expert machinist who employed about somewhere in the neighborhood of 6 or 7 people, which frankly is the average size of the American small business.

He told me on that occasion, he said, ''You know, Frank, things have really gone awry in this country, because for the first time in our history, the risks of owning your own small business actually outweigh the rewards.'' Again, small business ownership is a part of the American dream.

I think we need to change that equation, and when we do, we will know that our economy is moving in the right direction again. If we want to help grow our small businesses—and by the way, study after study has indicated that small and very small businesses give us most of our new job creation in the private sector—if we want to grow these type of businesses and create new jobs, then we need to support five actions:

One, we need a regulatory revolution here in Washington; two, we have to cut and simplify taxes, particularly on entrepreneurs and small business owners, the people who are taking the financial risks to create the jobs and to provide their fellow Americans with economic opportunity; three, we have to make health care available and affordable to small businesses; four, we have to end the legal nightmares and reduce and hopefully, to the extent possible, eliminate the regulatory maze that small business owners have to navigate.

Lastly, a very important subject that we are debating on this floor today, tonight, and tomorrow, we have to force the government to stop spending more of our tax dollars than it takes in. This, Mr. Speaker, is the small business agenda, and it dovetails very nicely, of course, with our Contract With America, which goes to the heart of the concerns of small business men and women across this country.

Mr. Speaker, I commend this little pamphlet, which again I will be talking about on future occasions under Special Orders, to your consideration: the NFIB Small Business Agenda.

THE REFORM OF AMERICA'S WELFARE AND HUNGER PROGRAMS

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise in this hiatus in the debate for the Balanced Budget Amendment and the unfunded mandates to discuss something that I think is most appropriate. That is the reform of the welfare programs and the hunger programs in our Nation.

Mr. Speaker, I certainly do not rise to say that the current system is perfect. There is a lot of need for improvement and reform. However, the question is, if we look at the Republican Contract for America and we look at their provisions regarding welfare reform and hunger programs, I am afraid that in a rush to enact that contract, that the Republican leadership has targeted a powerless, pretty much nonvoting population: America's hunger, their children, their families.

What they are proposing is not a solution to hunger and poverty, or a better way to do it, but block grants that may ultimately expand hunger problems in America, and in fact shift costs to the States. This is not reform, this is denial. This is shifting responsibilities from the Federal Government to the State government, something I thought we were going to stop doing around here.

I challenge our new leadership to end hunger and poverty, not the programs that feed hungry families and their children. Republicans are passing the burden of responsibility and the price tag to the States. My State alone, Oregon, under their proposal would be handed the programs for poverty and hunger, currently federally assisted programs, with $64 million less than in 1996 to solve the problem. How is that going to help the State of Oregon?

However, the Republicans have a solution for that, too. Their unfunded mandates legislation has an effective date of next October. You know why the effective date is next October? Because they know they have hidden bombs in the Contract for America, huge new unfunded mandates for the States, cuts in successful State programs.

However, they don't want to apply the unfunded mandates legislation before or during the adoption of the Contract on America, particularly those provisions that go to welfare and hunger, because they know this is their intention, to shift costs to the States, not to look at a way of improving these programs so we can better combat this problem.

In a nation number one in the industrialized nations in defense spending, national wealth, and the number of billionaires, I think it is a pretty sad commentary on our priorities that we are also number one in child and elderly poverty and hunger.

Many of our anti-hunger programs were enacted in the 1960's and 1970's in response to a documented wide range of problems of malnutrition. These programs have in good part worked. We have decreased the incidence of infant mortality and low birth weight babies. We have improved necessary nutrition food intake, both for our children and elderly, by 20 to 40 percent.

Mr. Chairman, if we want to take, say, the hardest-hearted green eyeshade view of this issue, there is another way to look at it. These programs save the American taxpayers money. They not only improve the quality of life for the next generation, but they save money. Every dollar that is invested in the WIC program saves up to $4 in Medicaid savings, and a whole lot of other funds for the States in terms of special education programs

and other things that would be necessary if we were dealing with a new epidemic of low birth weight babies.

If we are really talking about investments that make sense, if we are talking about reforms that make sense, then we should be putting more money into this program, not less. However, that is not in the contract.

We often have these academic debates around here, and it sometimes helps to put a little bit of a face on it. My background is in gerontology. I have worked with senior citizens. I have seen seniors—people who have given their whole lives, raised a couple of generations, their kids, their grandkids, and worked and worked and worked, and are living on a small Social Security—I have seen them cry when I brought them a hot meal, because it was the only hot meal that they had had in days.

Are we going to end these programs? Are we going to turn back the clock? The Contract would, or it will say, ''Well, we are going to give a block grant to the States, but we are going to cut the funding.'' How are the States going to pick up that additional burden? If the Contract is honest, then the Contract will adopt the unfunded mandates legislation tomorrow so we know what costs we are shifting to the States next year.

NEW REFORMS BRING BADLY NEEDED DISCIPLINE TO GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. LOBIONDO] is recognized for 5 minutes.

Mr. LOBIONDO. Mr. Speaker, we joined together just a few short weeks ago in an initial gift, really, I think, to the citizens of this country by in a bipartisan way coming together to vote on the Congressional Accountability Act. I believe that that can set the stage for the endeavor that we are now embarking on, which would allow us to give another gift to the American people, that of a balanced budget amendment.

Mr. Speaker, my district, the southern part of New Jersey, is rural and agricultural. We have many small businesses. I try to get around to the fire halls, the church halls, for the barbecues, for the breakfasts, to listen to people, to look in their eyes, and to be able to hear what their concerns are.

What they have told me is that they do not understand why Congress does not live in the real world the way they do. They tell me that they live with a balanced budget amendment of their own. They cannot spend more than they take in, not for very long, whether they are individuals or whether they are businesses. They have to live with that discipline.

I come from a small business background. I know what it is like to be able to put that dynamic together, that dynamic that seems to be missing from Government, something that is obvious, I think, to all of us in this body and to all of America, that we desperately need: We desperately need that discipline.

Now, finally, or once again, I should say, we have an opportunity. We have a great opportunity to be able to give that gift to the American people.

I have a little bit of background as a State legislator from the great State of New Jersey. We live with a balanced budget in the State of New Jersey and it works.

□ 2020

Yes, very often there are some tough decisions that have to be made. There are some tough choices. But that is what life is all about. And America has to make some tough choices. But I think this choice is relatively simple, and I would like to see us join together in a bipartisan fashion to be able to present this to the American people, something I believe they feel is long overdue that would bring Congress back into the real world that they live in.

MAINTAINING EFFECTIVE NUTRITION PROGRAMS IN FACE OF WELFARE REFORM

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 5 minutes.

Mr. DE LA GARZA. Mr. Speaker, as we begin the debate on welfare reform, let their be no mistake that the Democrats on the Committee on Agriculture welcome the opportunity to further reform the Food Stamp Program and the commodity distribution programs.

Those of us who have worked with these programs labored long and hard to make needed changes, but are well aware that there are areas where they can be further improved, as with any other good program. They can be made more responsive to the needs of poor people by encouraging them to attain self-sufficiency, and they can be made more efficient for the States that administer them. This is not to say that we haven't tried. We have.

But our challenge now is to make sure that in making these reforms we do not throw out the baby with the bathwater.

These are complex, well-intentioned, and largely successful programs. The Federal nutrition programs have reduced hunger in this country dramatically and improved the nutritional quality of the diets of poor families. We should not lose sight of that fact by rushing to pass legislation that could threaten the good work of these programs.

STATE CONCERNS

Two aspects of the nutrition block grant proposed in H.R. 4 could seriously threaten the effectiveness of our nutrition programs. First, all but eight States will be given less money in fiscal year 1996 under the block grant proposal than they would receive under current law, and all States would eventually be given less money in the long run. For example, Texas would lose over $1 billion, which would result in either a reduction in benefits or a denial of benefits to many needy families.

Second, the major nutrition programs, food stamps, school lunch, and school breakfast would no longer be entitlement programs. There would be a cap on the annual appropriations for the block grant. The cap would be adjusted each year for changes in population and food prices, but not for changes in unemployment or poverty. Congress could appropriate less, but not more than the cap.

That means that if there is an increase in poverty due to a recession, States will be unable to expand their nutrition programs to meet the increased need for nutrition benefits. It also means that every year States will need to fight at the Appropriations Committees for scarce funding for their nutrition programs.

AGRICULTURAL CONCERNS

Not only could the nutrition block grant have an adverse impact on the States, but it could also mean that less money is available to support food purchases and agricultural incomes.

Studies have shown that retail food spending might decrease when the same level of assistance is provided in cash instead of in food stamps. USDA estimates that there could be a reduction in retail food sales of between $4.25 billion to $10.5 billion. This decrease will result in reduced earnings of food manufacturing and distribution firms. And agricultural producers would, therefore, suffer decreases in farm income. For livestock, vegetables, and fruit producers alone, farm income could drop by as much as $1 to $2 billion.

In the short run, implementation of the block grant could result in a loss of 126,000 to 138,000 jobs, and rural areas would suffer the most because of their heavy dependence on the agriculture sector. In the short run, rural areas would lose twice as many jobs as metropolitan communities.

Under the block grant, almost all authorities for USDA to purchase and distribute food commodities to schools and other outlets, like TEFAP, would be eliminated. Although the proposal would add new authority for USDA to sell food commodities to States for food aid purposes, it is not clear how the Department would acquire the non-price-support commodities in the first place. The proposal would, therefore, make it impossible for USDA to stabilize markets for non-price-support commodities in times of surplus production.

Commodity distribution programs that now serve a dual purpose of supporting commodities in times of overproduction and providing those commodities to nutrition programs would no longer be available.

RECIPIENT CONCERNS

Finally, and most important, the nutrition block grant proposal could result in an increase in hunger in America. Fifty-two percent of food stamp recipients are children. Approximately $9 of every $10 spent for food stamp benefits—89 percent—are provided to households with children, elderly, or disabled people. Families with children receive 82 percent of food stamp benefits. Thirteen million children receive food stamps in an average month.

If States choose to handle the reduced funding levels by restricting eligibility to nutrition programs, 6 million food stamp recipients, most of them children, will no longer be eligible for nutrition benefits in fiscal year 1996. I don't believe that the American people intend for welfare reform to increase hunger among our children.

All welfare reform proposals should be analyzed on the basis of how well they will support and encourage people to attain self-sufficiency, and not simply on how much money they save. They must be analyzed on how they will affect our children, who are our future. Simply reducing funding, and eliminating the entitlement status of our nutrition programs, does not result in effective welfare reform. We all want welfare reform, but we must be concerned not just with the short-term impact, the present impact, but also with the future impact. I urge my colleagues to move carefully and thoughtfully on welfare reform.

Mr. Speaker, as long as we have the human element involved, there will be fraud and abuse; our challenge is to minimize it. But, my friends, a block grant is not going to cure this. Let us not deceive ourselves on this, it might even make it worse, for there will be no uniformity. So, again, I urge my colleagues to move carefully and thoughtfully to achieve the end result. We cannot, we must not, gamble with such a precious commodity as our children.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BLILEY] is recognized for 5 minutes.

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

IN DEFENSE OF NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, in a rush to cut governmental spending, the Republicans seem intent not to look at whether or not programs are effective, whether or not programs have been successful, but simply to cut and to block-grant those programs so that they can realize the savings that they want to pay for the other things that they wish to do, whether it is an increase in the defense spending or to provide tax cuts to the very wealthy of this country.

Unfortunately, the programs caught up in that whirlwind happen to be the nutrition programs. These are among some of the most successful programs in the history of this Government and the history of this Nation. These are the programs that have lifted our elderly out of desperate situations when they did not have enough income to feed themselves, have dramatically reduced the incidence of low-birth-weight and very-low-birth-weight children to pregnant women, to families, to prevent them from suffering the setback and the disappointment and the heartbreak of birth defects of a critically ill child at the moment of birth, and at the same time to alleviate the taxpayers and others of the cost of the thousands of dollars a day it takes to bring a very-low-birth-weight child up to normal weight and the efforts so that they can take that child home.

These are the programs that have allowed our senior citizens to live in their own home. One of the leading causes of people being put into nursing homes is that they can no longer cook for themselves. So we used a program called Meals on Wheels. I have delivered the meals, my wife has delivered the meals, our children have delivered the meals to the elderly in our community. That is the reason they can live in a surrounding that they are comfortable with. They can no longer cook, but we can deliver a nutritious meal to those individuals.

What happens when we do that? We reduce the nursing home cost, the health care cost, and the whole Nation benefits, and those people get to live in a surrounding they are comfortable with.

These are the programs that have allowed people to go into their homes and to cook for those individuals so that they could stay in those surroundings.

These are the programs that when people find themselves unemployed, through no fault of their own, they went to work every day, they worked in the steel mills, in the automobile factories, in the insurance companies, at IBM or Xerox, and all of a sudden they had no family income, because of restructuring or downsizing or layoffs or unemployment, whatever the words are that you want to use.

But they had to feed their families. So they were entitled to go over, and to get food stamps to give them help while they were unemployed. Their children might be eligible for a school lunch because they have no family income.

Now we say we are going to cut those programs across the board? We are going to cut those programs across the board for Americans that went to work every day. And they worked hard. They just happened to be so unfortunate that their job was yanked away from underneath them.

I do not think that is the message that America wants to send to its families, but that is what these nutrition programs are about. they are about the prevention of birth defects. They are about letting families have an opportunity to have healthy babies. They are about our elderly living out the twilight of their life with dignity, and the security of their own surroundings, and not bankrupting their children or themselves because they have to go to a nursing home because there is no one to take care of them in the city in which they now live.

□ 2030

That is what these programs are about. And they are about making sure that there is in fact a safety net for working Americans so that when hard times come they can get some help until they can get the next job.

Twenty percent of the families receiving Food Stamps are working families in this Nation. The go to work every day. They have not lost their job, but they do not make enough to be above the poverty line.

Some of those families are in the U.S. military. They are serving this country. But they do not make enough, so that they are eligible for Food Stamps, and to make ends meet for those military families they go down and they participate in the Food Stamp Program. That may be a shame that that is the situation with the military families in this country but it is a fact. In fact, if we look at these nutrition programs, they are an indictment of this country, for our inability to provide jobs to create wages so people can feed themselves, so that people that find themselves in tough economic straits can get a bridge out, to get temporarily help. But we do not.

We see homeless people on our streets. In 1980 the Reagan administration said it was an emergency and temporary. They said they were there because they wanted to be. And in 1990 they were counted in the census as a permanent part of the American landscape.

That is unacceptable and, the nutrition programs stand between millions of Americans and that fate. And that should be block granted.

Mr. Speaker, the question I put to you today is: Where is the mandate? Who is mandating the repeal and block granting of the Federal nutrition programs?

No one has contacted my office to support a nutrition block grant, and hundreds have written opposing it. Exactly who is asking for the demolition of these programs that have proven so successful in saving the taxpayers' money, preparing our kids to support themselves when they get older, and increasing the health of our seniors?

The Economic and Educational Opportunities Committee had to cancel a hearing this morning on the nutrition block grant because they couldn't get a Republican Governor to testify in support of it. The Governors themselves have serious concerns about the negative impact the block grant will have on our citizens and our country.

Speaker GINGRICH is mandating this block grant to pay for his tax cut for the rich. In order to save a few billion dollars to pay for

the contract's tax cut for the rich, and in complete disregard of the merits of these food assistance programs, the Republicans are risking incurring significant long term Federal, State, and local cost of health care, remedial education, and decreased worker productivity.

Of course, there is room for improvement in the programs—we work on this every year. Congress is constantly working to improve efficiency, decrease paperwork, and end fraud in these programs. Last year the Ed. and Labor Committee reauthorized the School Lunch Act. I worked with Members on both sides of the aisle to add a strict penalty for anticompetitive bid-rigging by food suppliers. Almost every year Mr. DE LA GARZA and the members of the Agriculture Committee have passed legislation to curb fraud in the Food Stamp Program.

These programs are good for the recipients and the taxpayers. The block grant contains no requirement that the food programs States create maintain any uniform nutrition standards. The recommended daily allowances for kids and adults in California is the same as those in New York. Only the ability of the children and their families to pay for that food varies.

The current taxpayer savings the Republicans are putting in jeopardy are:

Every $1 spent in the WIC program saves between $2 and $4 dollars in Federal Medicaid costs.

Every $1 spent on elderly programs—Meals-on-Wheels and Congregate Meals program—saves $3 on Federal Medicare, Medicaid, and veteran's health care costs. Malnourished patients stay in the hospital nearly twice as long as those who are well-nourished, costing an additional $2,000—$10,000 per stay.

Malnutrition permanently impairs brain development and a child's ability to learn, causing an increase in the number of children failing in school and a significant increase in the local and Federal cost of remedial education.

Nutrition programs significantly decrease anemia in adults as well as children and the elderly. Studies show anemia lowers worker productivity and ability to learn new and emerging fields, hurting our ability to compete in global economy.

In my district, as in all other districts across our country, this block grant means more than a loss in food assistance. In Contra Costa County alone it means almost 400 fewer grocery store jobs, $6.6 million less in wages, and the closure of over a dozen food stores.

I understand the Republicans want to move quickly in debating their proposed legislation in order to meet their 100 day-deadline. However, if the cost will be measured in taxpayer dollars and human lives, it would be unconscionable of the Republicans not to slow down. Please, talk to your constituents, visit a WIC center, eat a school lunch, and find out why these programs are so popular and successful. You owe at least that to yourself, our children, and our country.

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentlewoman from Arkansas [Mrs. LINCOLN] is recognized for 5 minutes.

[Mrs. LINCOLN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Mrs. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, If you look closely at the fine print of the Republican welfare reform plan, there is a proposal that threatens the lives of almost 5 million older Americans. This proposal threatens to force our seniors to go hungry. But so far, this issue has gone virtually overlooked in the large-scale national debate over welfare reform.

It is buried deep within the legislative language of the Republican's Contract With America. It is contained under the section that consolidates nutrition programs for the poor. It seeks to eliminate the crucial nutrition section of the 30-year-old Older Americans Act and to lump funding for senior citizen nutrition programs in with all other food programs.

Seniors are at particular risk under the proposal. While the welfare plan does spell out some mandatory minimums each State must spend on nutrition programs, it does not specify any minimum for elderly nutrition.

Therefore, this proposal would allow States to completely wipe out Meals-On-wheels and other vital services. No protection is afforded by the Federal Government.

Pulling senior nutrition out of the Older Americans Act and separating it from other other services for the elderly will make it much harder for communities to assist older people with complex needs. None of us want to create a situation where competing interests are vying for their fair share. We cannot allow a situation to develop where the needs of seniors are pitted against the needs of hungry children.

There is no question that our current welfare system is in need of reform. The debate over welfare reform taking place across this country needs to focus on connecting recipients to the workplace. It should deal with personal responsibility and work, not just saving money. We should be guided by principles that help us solve problems, not create new ones.

The Elderly Nutrition Program, as part of the Older Americans Act, is a program that works. They have a proven track record of success.

Before we can appreciate the value of these programs, we need to understand the problems they address and the effectiveness of their results.

Today, many seniors do not eat adequately because they cannot afford to do so. Moreover, they lack the skills to prepare nourishing, well-balanced meals. Because many of these elderly people have limited mobility, it can be difficult to shop and cook for themselves. Also, many seniors experience feelings of loneliness which sometimes hinder their incentive to make a meal and eat it alone.

These and other physiological, social, and economic changes that occur with aging, result in a pattern of living that causes malnutrition and further physical and mental deterioration.

Since 1973, the Nutrition Program for the Elderly has provided older Americans, particularly those with low incomes, nutritionally sound meals. The broad objective of the Nutrition Program for the Elderly is to nourish the whole older person, not simply to supply basic nutrients.

About 3.3 million seniors are served hot meals in strategically located centers such as schools, churches, community centers, and senior citizen centers. Seniors in this program depend on the fruit, milk, meat, and potatoes because it is often their only balanced meal of the day.

Public and private facilities are also used where seniors can obtain other social and rehabilitative services. This encourages older persons to maintain independence by encouraging social interaction, while at the same time improving nutrition. This program is the cornerstone of a comprehensive, community based and managed service system aimed at providing opportunities for older people to remain independent and selfsufficient.

For those who are homebound, meals are delivered and other supportive services are provided, where necessary and feasible. Nationally, more than 794,000 seniors, 49,000 now in my home State of Florida, have meals delivered to their homes. Yet, the program today cannot serve all who need it. If the nutrition program is to be continued as part of a block grant, it is estimated that nearly 20 percent of the seniors now served would no longer receive meals and nutrition services due to reductions in funding.

Besides promoting better health among the elderly through improved nutrition, this program is aimed at reducing the isolation of old age and offering Americans the opportunity to maintain self-sufficiency. The nutrition program is a fundamental part of a comprehensive service system aimed at keeping older people at home, supporting family caregivers, and avoiding unnecessary and costly nursing home care.

These programs are supported through a vast network of volunteers and through cash and in-kind support from local private sector

groups. Finally, these programs have traditionally served those older persons with the greatest economic need. A significant portion of the cost of these programs are borne by the participants themselves. Seniors contributed at least $171 million last year to the programs based on their ability to pay.

Moreover, these programs are some of the most effective in keeping administration costs extremely low. Much of the administrative costs of these programs are provided by volunteers. The reduction of funding will have an adverse effect on the potential of providers to recruit increased numbers of volunteers. Furthermore, the number of volunteers would be decreased as well, since many senior volunteers are participants in the programs.

This proposal from the Contract With America does not make cost effective sense. The logic of this proposal is faulty on its face. The proposed changes will result in more people going to nursing homes since preventive and supportive services, including meals, will be decreased. Every recipient who receives meals at home is considered frail and generally at risk of nursing home placement.

If this block grant was created, 5,040 home delivered meal recipients would be dropped from the program, these frail seniors would most likely be unable to remain in their homes and would be at high risk of entering a nursing home. This would cost the Federal Government $86 million per year in Medicaid funds. As opposed to the present cost of $7.5 million under the Older American Act and related state funded programs for home based care.

Rember, this $86 million is only for Florida. It is more than 10 times less expensive to keep people in their homes, where they want to be in the first place. Obviously, the results of block granting these programs have not been thought through. It is just another one of the shallow plans Republicans are offering without thinking through the personal or financial consequences. This plan would end up costing us billions of dollars and cutting vital services to the elderly.

Mr. Speaker, the average age of the people in my district makes it the second oldest in the state. I have worked closely with a number of programs in my District that provide these nutrition programs to my constituents. I know from first hand experience how important they are to a great deal of the elderly folks in Florida.

Nutrition studies from the University of Florida have shown that 69 percent of the congregate meal participants were at moderate to high risk for malnutrition. Moreover, 89 percent of the home delivered meal participants were at moderate to high risk for malnutrition.

Mr. Speaker, I have talked to many participants of these nutritional programs and I receive letters like these every day.

Like the one from this 83 year old woman. She has been going to the same site in New Port Richey every day since 1983. Her son brings her every morning and picks her up afterwards. She loves to be around people and feel useful instead of just sitting at home.

She is very healthy and goes to the site to enjoy the camaraderie of other seniors her age. She is very active at the site and is a regular volunteer.

She is grateful to this elderly nutrition program and stated that ''the program keeps her young.'' If this program were based on income eligibility she would not qualify for it.

Or this letter, that comes from a retired pharmacist, from New Port Richey, who lives alone since the death of his wife. Each day, instead of sitting home alone, he comes to the Elderly Nutrition dining site. He looks forward to volunteering at the site and delivering meals to the homebound.

He writes to tell me that if the criteria for eligibility in the Nutrition Program is changed and he is found to be unqualified, it will leave a huge void in his life. He feels that he would become depressed if he had to stay at home ''staring at four walls.''

He has the means to pay for his meals in a restaurant, but would be unable to find the socialization and companionship that he needs from other seniors there. Due to physical disabilities, he is unable to interact in recreational activities. At the lunch site he finds more appropriate activities to fulfill his needs.

Mr. Speaker, the debate on welfare has been focused on moving people off welfare and into work. The American people do not want to continue an endless entitlement program without requiring any responsibility on the part of the recipients.

What we need to understand, is that the Elderly Nutrition Program is not welfare. Unfortunately, the Nutrition Program for the Elderly got swept along in a big net cast out to reform the welfare system. This is a program that serves very vulnerable seniors. This program does not belong in the debate on connecting recipients to the work place.

The welfare debate is about personal responsibility and work. The Elderly Nutrition Program is about keeping seniors alive and independent. Not a single person has alleged that the program is anything less than a successful program that has improved the nutrition and physical and mental health of millions of seniors in our country.

Mr. Speaker, I urge my fellow members to examine these elderly nutrition programs and recognize the fact that they do not belong in the welfare debate. Including them in a massive block grant, as offered by the Republicans in the Contract With America, would be a massive mistake. It would in the most cruel way, pit one generation against another in the fight for survival.

Last night, President Clinton said that seniors have made us what we are as a nation. He is right. We shouldn't thank them for their sacrifices to the present generation by kicking them out on the street.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ESHOO] is recognized for 5 minutes.

[Ms. ESHOO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to join with my good friends, Mr. BILL RICHARDSON, Mr. PAT WILLIAMS, Mr. GEORGE MILLER, and Mr. PETER DEFAZIO, in introducing the Indian Federal Recognition Administrative Procedures Act of 1995 which will create an efficient and fair procedure for extending federal recognition to certain Indian tribes. Similar legislation was passed by the House of Representatives last Congress but, unfortunately, failed to pass in the Senate by the end of the session.

Mr. Speaker. There remains a great need for redesign of the current process for federally recognizing Indian tribes. For instance, it was not until 1979, 157 years after the establishment of the Bureau of Indian Affairs, that a comprehensive list of Indian tribes was published. It fact, the concept of Federal recognition did not even become a significant legal issue until the 1970s, following two federal appellate court decisions and recommendations of the American Indian Policy Commission.

The current recognition process is very cumbersome, lengthy and, in many cases, ill-suited to factual and fair determinations. Unfortunately, federal regulations are by no means clear regarding the criteria that a tribe seeking federal recognition must satisfy, nor what evidence the BIA must verify. In addition, the current process has led to a backlog of petitions. Since 1978, the BIA has received over 116 new petitions. The BIA has resolved only 25 cases since 1978, nine in favor of recognition, and 13 against recognition. While in the past two months, the BIA has acted on two petitions, in both cases announcing proposed findings of denial, the process remains unwieldy.

Mr. Speaker, in addition, the costs to tribal petitioners of participating in the federal recognition process are prohibitively expensive, averaging between $300,000 and $500,000. In addition, the BIA's own system appears to suffer internal conflicts because the same agency individuals who conduct the research into a tribe's history also make the final recognition decision.

Mr. Speaker, this legislation responds to these problems by creating an independent Commission on Indian Recognition, comprised of three individuals. The Commission would receive petitions for recognition. The legislation prescribes procedures for considering petitions, and affords petitioners the right to adjudicative hearings and appeals, and access to federal courts. For instance, the bill would allow petitioning groups to conduct discovery and cross-examine witnesses and evidence in a Commission hearing. More importantly, the bill sets forth more objective, consistent, and streamlined standards for acknowledging groups as federally recognized Indian tribes. By so doing, the legislation greatly enhances the ability of the federal government to more accurately, efficiently, and fairly determine whether or not to extend federal recognition to tribal petitioners.

Mr. Speaker, today I attended a White House meeting with a number of

tribal leaders and officials of non-recognized tribes. The tribal leaders were very adamant about their unsatisfaction with the current recognition process and urged both the Administration and Congress to make wholesale changes in the law. I would like to emphasize that the legislation that I am introducing today is only the starting point for further discussion and debate. I remain open to, and look forward to, the advice and input of my other colleagues, as well as agency and tribal recommendations. I firmly believe that together we can arrive at a fair and workable solution to the problems associated with the federal recognition process.

I urge my colleagues to support this measure.

I include a copy of the bill, as follows:

H.R. 671

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 ''Indian Federal Recognition Administrative Procedures Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish an administrative procedure to extend Federal recognition to certain Indian groups;

(2) to extend to Indian groups which are determined to be Indian tribes the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility;

(3) to extend to Indian groups which are determined to be Indian tribes the immunities and privileges available to other federally-acknowledged Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States;

(4) to ensure that when the Federal government extends acknowledgment to an Indian tribe, it does so with a consistent legal, factual and historical basis;

(5) to establish a commission which will act in a supporting role to petitioning groups applying for recognition;

(6) to provide clear and consistent standards of administrative review of documented petitions for Federal acknowledgment;

(7) to clarify evidentiary standards and expedite the administrative review process by providing adequate resources to process petitions; and

(8) to remove the Federal acknowledgment process from the Bureau of Indian Affairs and invest it in an independent Commission on Indian Recognition.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''aboriginal group'' means any Indian group or tribe that is presently located in Canada or the United States of Mexico and consists of individuals who are descendants of the people who inhabited the area now constituting those two countries prior to their first sustained contact with Euro-Americans.

(2) The term ''acknowledgment'' or ''acknowledged'' means a determination by the Commission on Indian Recognition that an Indian group constitutes an Indian tribe with a government-to-government relationship with the United States, and whose members are recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) The term ''autonomous'' means the exercise of political influence or authority independent of the control of any other Indian governing entity. Autonomous must be understood in the context of the history, geography, culture and social organization of the petitioner.

(4) The term ''Bureau'' means the Bureau of Indian Affairs.

(5) The term ''Commission'' means the Commission on Indian Recognition established pursuant to section 4.

(6) The term ''community'' means any group of people, living within a reasonable territorial propinquity, which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. ''Community'' must be understood in the context of the history, culture and social organization of the group, taking into account the geography of the region in which they reside.

(7) The term ''continuously'' or ''continuous'' means extending from the first sustained contact with Euro-Americans throughout the group's history to the present substantially without interruption.

(8) The term ''Department'' means the Department of the Interior.

(9) The term ''documented petition'' means the detailed, factual exposition and arguments, including all documentary evidence, necessary to demonstrate that these arguments specifically address the mandatory criteria established in section 5.

(10) The term ''historically'', ''historical'' or ''history'' means dating from the first sustained contact with Euro-Americans.

(11) The term ''Indian group'' or ''group'' means any Indian, Alaska Native, or Native Hawaiian tribe, band, pueblo, village or community within the United States that the Secretary of the Interior does not acknowledge to be an Indian tribe.

(12) The term ''Indian tribe'' or ''tribe'' means any Indian, Alaska Native, or Native Hawaiian tribe, band, pueblo, village or community within the United States that the Secretary of the Interior presently acknowledges to be an Indian tribe.

(13) The term ''indigenous'' means native to the United States in that at least part of the petitioner's traditional territory at the time of first sustained contact with Euro-Americans extended into what is now the United States.

(14) The term ''letter of intent'' means an undocumented letter or resolution which is dated and signed by the governing body of an Indian group and submitted to the Commission and indicates the group's intent to submit a petition for Federal acknowledgment as an Indian tribe.

(15) The term ''member of an Indian group'' means an individual who is recognized by an Indian group as meeting its membership criteria and who consents in writing to being listed as a member of that group.

(16) The term ''member of an Indian tribe'' means an individual who meets the membership requirements of the tribe as set forth in its governing document or, in the absence of a governing document which sets out these requirements, has been recognized as a member collectively by those persons comprising the tribal governing body; and has consistently maintained tribal relations with the tribe or is listed on the tribal membership rolls as a member, if such rolls are kept.

(17) The term ''petition'' means a petition for acknowledgment submitted or transferred to the Commission pursuant to section 5 of this Act.

(18) The term ''petitioner'' means any group which has submitted a letter of intent to the Commission requesting acknowledgment that it is an Indian tribe.

(19) The term ''political influence or authority'' means a tribal council, leadership, internal process or other mechanism which the group has used as a means of influencing or controlling the behavior of its members in significant respects, or making decisions for the group which substantially affect its members, or representing the group in dealing with non-members in matters of consequence to the group. ''Political influence or authority'' is to be understood in the context of the history, culture and social organization of the group.

(20) The term ''previous Federal acknowledgment'' means any action by the Federal government the character of which is clearly premised on identification of a tribal political entity and clearly indicates the recognition of a government-to-government relationship between that entity and the Federal government.

(21) The term ''restoration'' means the reextension of acknowledgment to any previously acknowledged tribe which may have had its acknowledged status abrogated or diminished by reason of congressional legislation expressly terminating that status.

(22) The term ''Secretary'' means the Secretary of the Interior.

(23) The term ''sustained contact'' means the period of earliest sustained Euro-American settlement or governmental presence in the local area in which the tribe or tribes from which the petitioner claims descent was located historically.

(24) The term ''treaty'' means any treaty—

(A) negotiated and ratified by the United States on or before March 3, 1871, with, or on behalf of, any Indian group or tribe;

(B) made by any government with, or on behalf of, any Indian group or tribe, from which government the United States subsequently acquired territory by purchase, conquest, annexation, or cession; or

(C) negotiated by the United States with, or on behalf of, any Indian group in California, whether or not the treaty was subsequently ratified.

(25) The term ''tribal relations'' means participation by an individual in a political and social relationship with an Indian tribe.

(26) The term ''tribal roll'' means a list exclusively of those individuals who have been determined by the tribe to meet the tribe's membership requirements as set forth in its governing document or, in the absence of a governing document setting forth those requirements, have been recognized as members by the tribe's governing body. In either case, those individuals on a tribal roll must have affirmatively demonstrated consent to being listed as members.

(27) The term ''United States'' means the 48 contiguous states, Alaska and Hawaii; and does not include territories or possessions.

SEC. 4. COMMISSION ON INDIAN RECOGNITION.

(a) ESTABLISHMENT.—There is established, as an independent commission, the Commission on Indian Recognition.

(b) MEMBERSHIP.—(1)(A) The Commission shall consist of three members appointed by the President, by and with the advice and consent of the Senate.

(B) In making appointments to the Commission, the President shall give careful consideration to—

(i) recommendations received from Indian tribes;

(ii) individuals who have a background in Indian law or policy, anthropology, genealogy, or history.; and

(iii) individuals who, at the time of nomination, are employed by the United States

Government and would be eligible to participate through the Intergovernmental Personnel Exchange Act.

(2) No more than two members of the Commission may be members of the same political party.

(3)(A) Each member of the Commission shall be appointed for a term of four years, except as provided in subparagraph (B).

(B) As designated by the President at the time of appointment, of the members first appointed—

(i) one shall be appointed for a term of two years;

(ii) one shall be appointed for a term of three years; and

(iii) one shall be appointed for a term of four years.

(4) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(5)(A) Each member of the Commission not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties authorized by the Commission.

(B) Except as provided in subparagraph (C), a member of the Commission who is otherwise an officer or employee of the United States Government shall serve on the Commission without additional compensation, but such service shall be without interruption or loss of civil service status or privilege.

(C) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) At the time appointments are made under paragraph (1), the President shall designate one of such appointees as Chairman of the Commission.

(c) MEETINGS AND PROCEDURES.—(1) The Commission shall hold its first meeting no later than 30 days after the date on which all members of the Commission have been appointed and confirmed by the Senate.

(2) Two members of the Commission shall constitute a quorum for the transaction of business.

(3) The Commission may adopt such rules (consistent with the provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(4) The principal office of the Commission shall be in the District of Columbia.

(d) DUTIES.—The Commission shall carry out the duties assigned to the Commission by this Act, and shall meet the requirements imposed on the Commission by this Act.

(e) POWERS AND AUTHORITIES.—(1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission is authorized to—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the Chairman deems advisable to assist in the performance of the duties of the Commission, at a rate not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109(b) of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) The Commission is authorized to—

(A) hold such hearings and sit and act at such times;

(B) take such testimony;

(C) have such printing and binding done;

(D) enter into such contracts and other arrangements, subject to the availability of funds;

(E) make such expenditures; and

(F) take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(3)(A) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this Act, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman of the Commission.

(B) Upon the request of the Chairman of the Commission, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(C) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall not apply to the Commission.

SEC. 5. PETITIONS FOR RECOGNITION.

(a) IN GENERAL.—(1) Any Indian group may submit to the Commission a petition requesting that the Commission recognize that the Indian group is an Indian tribe.

(2) The provisions of this Act do not apply to the following groups or entities, which shall not be eligible for recognition under this Act—

(A) Indian tribes, organized bands, pueblos, communities, and Alaska Native entities which are recognized by the Secretary as of the date of enactment of this Act as eligible to receive services from the Bureau;

(B) splinter groups, political factions, communities, or groups of any character which separate from the main body of an Indian tribe that, at the time of such separation, is recognized as being an Indian tribe by the Secretary, unless it can be clearly established that the group, faction, or community has functioned throughout history until the date of such petition as an autonomous Indian tribal entity;

(C) groups, or successors in interest of groups, that prior to the date of enactment of this Act, have petitioned for and been denied or refused recognition as an Indian tribe under regulations prescribed by the Secretary;

(D) any Indian group whose relationship with the Federal Government was expressly terminated by an Act of Congress; and

(E) any Indian group that, in any action in a United States court to which the group was a party, has previously attempted to establish its status as an Indian tribe or a successor-in-interest to an Indian tribe that was a party to a treaty with the United States, and—

(i) was determined by such court not to be an Indian tribe; or

(ii) was determined by such court not to be a successor-in-interest to an Indian tribe that was a party to a treaty with the United States; or

(iii) was the subject of findings of fact by such court which, if made by the Commission, would show that the group was incapable of establishing one or more of the criteria set forth in this section.

(3)(A) No later than 30 days after the date on which all of the members of the Commission have been appointed and confirmed by the Senate, the Secretary shall transfer to the Commission all petitions pending before the Department and not then under active consideration that request the Secretary, or the Federal Government, to recognize or acknowledge an Indian group as an Indian tribe, except those groups whose petitions are under active consideration at the time of the transfer.

(B) On the date of such transfer, the Secretary and the Department shall cease to have any authority to recognize or acknowledge, on behalf of the Federal government, any Indian group as an Indian tribe, except those groups under active consideration whose petitions have been retained by the Department pursuant to subparagraph (A) of this paragraph.

(C) Petitions transferred to the Commission under subparagraph (A) of this paragraph shall, for purposes of this Act, be considered as having been submitted to the Commission in the same order as they were submitted to the Department.

(b) PETITION FORM AND CONTENT.—Except as provided in subsection (c), any petition submitted under subsection (a) by an Indian group shall be in any readable form which clearly indicates that it is a petition requesting the Commission to recognize that the Indian group is an Indian tribe and which contains detailed, specific evidence as to each of the following:

(1) A statement of facts establishing that the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1871. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met. Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members:

(A) Identification of the petitioner as an Indian entity by Federal authorities.

(B) Relationships of the petitioner with State governments based on identification of the petitioner as an Indian entity.

(C) Dealings of the petitioner with a county, parish, or other local government in a relationship based on the Indian identity of the petitioner.

(D) Identification of the petitioner as an Indian entity by records in private or public archives, courthouses, churches, or schools.

(E) Identification of the petitioner as an Indian entity by anthropologists, historians, or other scholars.

(F) Identification of the petitioner as an Indian entity in newspapers, books, or similar media.

(G) Identification of the petitioner as an Indian entity by other Indian tribes or by national, regional, or state Indian organizations.

(H) Identification of the petitioner as an Indian entity by foreign governments or international organizations.

(2)(A) A statement of facts establishing that a predominant portion of the membership of the petitioner comprises a community distinct from those surrounding it and has existed as a community from historical times to the present. Evidence to be relied upon in determining that the petitioner meets this criterion may include one or a combination of the following:

(i) Significant rates of marriage within the group, or, as may be culturally required, patterned out-marriages with other Indian populations.

(ii) Significant social relationships connecting individual members.

(iii) Significant rates of informal social interaction which exist broadly among the members of a group.

(iv) A significant degree of shared or cooperative labor or other economic activity among the membership.

(v) Evidence of strong patterns of discrimination or other social distinctions by nonmembers.

(vi) Shared sacred or secular ritual activity encompassing most of the group.

(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. These patterns must function as more than a symbolic identification of the group as Indian, and may include, but are not limited to, language, kinship or religious organizations, or religious beliefs and practices.

(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.

(ix) A demonstration of historical political influence pursuant to the criterion set forth in paragraph (3).

(B) A petitioner shall be considered to have provided sufficient evidence of community at a given point in time if evidence is provided demonstrating any one of the following:

(i) More than 50 percent of the members reside in a particular geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent social interaction with some members of the community.

(ii) At least 50 percent of the marriages of the group are between members of the group.

(iii) At least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship or religious organizations, or religious beliefs or practices.

(iv) There are distinct community social institutions encompassing a substantial portion of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations. or

(v) The group has met the criterion in paragraph (3) using evidence described in paragraph (3)(B).

(3)(A) A statement of facts establishing that the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present. Evidence to be relied upon in determining that the petitioner meets this criterion may include one or a combination of the following:

(i) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(ii) Most of the membership considers issues acted upon or taken by group leaders or governing bodies to be of personal importance.

(iii) There is a widespread knowledge, communication and involvement in political processes by most of the group's members.

(iv) The group meets the criterion in paragraph (2) at more than a minimal level.

(v) There are intragroup conflicts which show controversy over valued group goals, properties, policies, processes or decisions.

(B) A petitioner shall be considered to have provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders or other mechanisms exist or existed which:

(i) Allocate group resources such as land, residence rights or the like on a consistent basis.

(ii) Settle disputes between members or subgroups such as clans or moieties by mediation or other means on a regular basis.

(iii) Exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior.

(iv) Organize or influence economic subsistence activities among the members, including shared or cooperative labor.

(C) A group that has met the requirements in paragraph (2)(B) at a given point in time shall be considered to have provided sufficient evidence to meet this criterion at that same point in time.

(4) A copy of the petitioner's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

(5) A list of all current members of the petitioner including each member's full name (and maiden name, if any), date and place of birth, and current residential address, as well as a copy of each available former list of members based on the petitioner's own defined criteria, and a statement describing the methods used in preparing those lists. The membership must consist of individuals who have established descendancy from an Indian group which existed historically or from historical Indian groups which combined and functioned as a single autonomous entity. Evidence of tribal membership required by the Commission includes (but is not limited to)—

(A) descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes;

(B) State, Federal, or other official records or evidence identifying present members of the petitioner, or ancestors of present members of the petitioner, as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity;

(C) church, school, and other similar enrollment records identifying present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity;

(D) affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity; and

(E) other records or evidence identifying present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.

(c) EXCEPTIONS.—A petition from an Indian group which can demonstrate by a preponderance of the evidence that it was, or is the successor in interest to, a—

(1) party to a treaty or treaties;

(2) group acknowledged by any agency of the Federal Government as eligible to participate in the Indian Reorganization Act of 1934 (25 U.S.C. 461 et seq.);

(3) group for the benefit of which the United States took into trust land or lands, or which the Federal government has treated as having collective rights in tribal lands or funds; or

(4) group has been denominated a tribe by Act of Congress or Executive Order,

shall be required to establish the criteria set forth in this section only from the date of that Federal action to the present.

SEC. 6. NOTICE OF RECEIPT OF PETITION.

(a) PETITIONER.—Within 30 days after a petition is submitted or transferred to the Commission under section 5(a), the Commission shall send an acknowledgement of receipt in writing to the petitioner and shall have published in the Federal Register a notice of such receipt, including the name, location, and mailing address of the petitioner and such other information that will identify the entity who submitted the petition and the date the petition was received by the Commission. The notice shall also indicate where a copy of the petition may be examined.

(b) OTHERS.—The Commission shall also notify, in writing, the Governor and attorney general of, and each recognized Indian tribe within, any State in which a petitioner resides.

(c) PUBLICATION; OPPORTUNITY FOR SUPPORTING OR OPPOSING SUBMISSIONS.—The Commission shall publish the notice of receipt of the petition in a major newspaper of general circulation in the town or city nearest the location of the petitioner. The notice shall include, in addition to the information described in subsection (a), notice of opportunity for other parties to submit factual or legal arguments in support of or in opposition to, the petition. Such submissions shall be provided to the petitioner upon receipt by the Commission. The petitioner shall be provided an opportunity to respond to such submissions prior to a determination on the petition by the Commission.

SEC. 7. PROCESSING THE PETITION.

(a) REVIEW.—(1) Upon receipt of a *documented* petition, the Commission shall conduct a review to determine whether the petitioner is entitled to be recognized as an Indian tribe.

(2) The review conducted under paragraph (1) shall include consideration of the petition, supporting evidence, and the factual statements contained in the petition.

(3) The Commission may also initiate other research for any purpose relative to analyzing the petition and obtaining additional information about the petitioner's status and may consider any evidence which may be submitted by other parties.

(4) Upon request by the petitioner, the Library of Congress and the National Archives shall each allow access to the petitioner to its resources, records, and documents, for the purpose of conducting research and preparing evidence concerning the status of the petitioner.

(b) CONSIDERATION.—(1) Except as otherwise provided in this subsection, petitions

shall be considered on a first come, first served basis, determined by the date of the original filing of the petition with the Commission, or the Department if the petition is one transferred to the Commission pursuant to section 5(a). The Commission shall establish a priority register including those petitions pending before the Department on the date of enactment of this Act.

(2) Petitions that are submitted to the Commission by Indian groups that meet one or more of the requirements set forth in section 5(c) shall receive priority consideration over petitions submitted by any other Indian group.

SEC. 8. PRELIMINARY HEARING.

(a) IN GENERAL.—Within 60 days after the receipt of a petition by the Commission, the Commission shall set a date for a preliminary hearing. At the preliminary hearing, the petitioner and any other concerned party may provide evidence concerning the status of the petitioner.

(b) DETERMINATION.—(1) Within 30 days after the conclusion of the preliminary hearing under subsection (a), the Commission shall make a determination either—

(A) to extend Federal acknowledgement to the petitioner; or

(B) that the petitioner proceed to an adjudicatory hearing.

(2) The Commission shall publish the determination in the Federal Register.

(c) INFORMATION TO BE PROVIDED PREPARATORY TO AN ADJUDICATORY HEARING.—(1) If the Commission determines under subsection (b) that the petitioner proceed to an adjudicatory hearing, the Commission shall—

(A) make available its appropriate evidentiary records to the petitioner to assist the petitioner in preparing for the adjudicatory hearing, and shall also include such guidance as the Commission considers necessary or appropriate to assist the petitioner in preparing for the hearing; and

(B) within 30 days after the conclusion of the preliminary hearing under subsection (a), notify the petitioner in writing, which notice shall include a list of any deficiencies or omissions on which the Commission relied in making its determination.

(2) The list of deficiencies and omissions provided under paragraph (1)(B) shall be the subject of the adjudicatory hearing. The Commission may not add to this list once it is issued.

SEC. 9. ADJUDICATORY HEARING.

(a) IN GENERAL.—Within 180 days after the conclusion of the preliminary hearing, the Commission shall afford the petitioner described in section 8(b)(1)(B) an adjudicatory hearing. The hearing shall be on the list of deficiencies and omissions provided under section 8(c)(1)(B) and shall be conducted pursuant to section 554 of title 5, United States Code.

(b) TESTIMONY FROM STAFF OF COMMISSION.—The Commission may require testimony from its acknowledgement and research staff or other witnesses. Any such testimony shall be subject to cross-examination by the petitioner.

(c) EVIDENCE BY PETITIONER.—The petitioner may provide such evidence as the petitioner deems appropriate.

(d) DECISION BY COMMISSION.—Within 60 days after the end of the hearing held under subsection (a), the Commission shall—

(1) make a determination as to the extension or denial of Federal acknowledgment to the petitioner;

(2) publish its determination under paragraph (1) in the Federal Register; and

(3) deliver a copy of the determination to the petitioner, and to every other interested party.

SEC. 10. APPEALS.

(a) IN GENERAL.—Within 60 days after the date the Commission's decision is published under section 9(d), the petitioner may appeal the determination to the United States District Court for the District of Columbia.

(b) ATTORNEY FEES.—If the petitioner prevails in the appeal described in subsection (a), it shall be eligible for an award of reasonable attorney fees and costs under the provisions of section 504 of title 5, United States Code, or section 2412 of title 28 of such Code, as the case may be.

SEC. 11. EFFECT OF DETERMINATIONS.

A determination by the Commission that an Indian group is recognized by the Federal Government as an Indian tribe shall not have the effect of—

(1) depriving or diminishing the right of any other Indian tribe to govern its reservation as such reservation existed prior to the recognition of such Indian group, or as the same may exist thereafter;

(2) depriving or diminishing any property right held in trust or recognized by the United States for such other Indian tribe as it existed prior to the recognition of such Indian group; or

(3) depriving or diminishing any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for such other Indian tribe prior to the recognition of such Indian group.

SEC. 12. IMPLEMENTATION OF DECISIONS.

(a) ELIGIBILITY FOR SERVICES AND BENEFITS.—(1) Subject to paragraph (2), upon recognition by the Commission that the petitioner is an Indian tribe, the Indian tribe shall be eligible for the services and benefits from the Federal Government that are available to other federally recognized Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States, as well as having the responsibilities and obligations of such Indian tribes. Such recognition shall subject the Indian tribes to the same authority of Congress and the United States to which other federally recognized tribes are subject.

(2) Recognition of the Indian tribe under this Act does not create an immediate entitlement to existing programs of the Bureau. Such programs shall become available upon appropriation of funds by law. Requests for appropriations shall follow a determination under subsection (b) of the needs of the newly recognized Indian tribe.

(b) NEEDS DETERMINATION.—Within 6 months after an Indian tribe is recognized under this Act, the appropriate area offices of the Bureau and the Indian Health Service shall consult and develop in cooperation with the Indian tribe, and forward to the respective Secretary, a determination of the needs of the Indian tribe and a recommended budget required to serve the newly recognized Indian tribe. The recommended budget shall be considered along with recommendations by the appropriate Secretary in the budget-request process.

SEC. 13. ANNUAL REPORT CONCERNING COMMISSION'S ACTIVITIES.

(a) LIST OF RECOGNIZED TRIBES.—Not later than 90 days after the date of the enactment of this Act, and annually on or before every January 30 thereafter, the Commission shall publish in the Federal Register a list of all Indian tribes which are recognized by the Federal Government and receiving services from the Bureau of Indian Affairs.

(b) ANNUAL REPORT.—Beginning one year after the date of the enactment of this Act, and annually thereafter, the Commission shall submit a report to the Committee on Natural Resources of the House of Representatives and to the Committee on Indian Affairs of the Senate a report on its activities, which shall include at a minimum the following:

(1) The number of petitions pending at the beginning of the year and the names of the petitioners.

(2) The number of petitions received during the year and the names of the petitioners.

(3) The number of petitions the Commission approved for acknowledgment and the names of the acknowledged petitioners.

(4) The number of petitions the Commission denied for acknowledgement and the names of the petitioners.

(5) The status of all pending petitions and the names of the petitioners.

SEC. 14. ACTIONS BY PETITIONERS FOR ENFORCEMENT.

Any petitioner may bring an action in the district court of the United States for the district in which the petitioner resides, or the United States District Court for the District of Columbia, to enforce the provisions of this Act, including any time limitations within which actions are required to be taken, or decisions made, under this Act and the district court shall issue such orders (including writs of mandamus) as may be necessary to enforce the provisions of this Act.

SEC. 15. REGULATIONS.

The Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions and purposes of this Act. All such regulations must be published in accordance with the provisions of title 5, United States Code.

SEC. 16. GUIDELINES AND ADVICE.

(a) GUIDELINES.—No later than 90 days after the date of enactment of this Act, the Commission shall make available suggested guidelines for the format of petitions, including general suggestions and guidelines on where and how to research required information, but such examples shall not preclude the use of any other format.

(b) RESEARCH ADVICE.—The Commission, upon request, is authorized to provide suggestions and advise to any petitioner for his research into the petitioner's historical background and Indian identity. The Commission shall not be responsible for the actual research on behalf of the petitioner.

SEC. 17. ASSISTANCE TO PETITIONERS.

(a) GRANTS.—(1) The Secretary of Health and Human Services may award grants to Indian groups seeking Federal recognition to enable the Indian groups to—

(A) conduct the research necessary to substantiate petitions under this Act; and

(B) prepare documentation necessary for the submission of a petition under this Act.

(2) The grants made under this subsection shall be in addition to any other grants the Secretary of Health and Human Services is authorized to provide under any other provision of law.

(b) COMPETITIVE AWARD.—Grants provided under subsection (a) shall be awarded competitively based on objective criteria prescribed in regulations promulgated by the Secretary of Health and Human Services.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There are authorized to be appropriated for the Commission for the purpose of carrying out the provisions of this Act (other than section **15** *17*), $1,500,000 for fiscal year 1996 and $1,500,000 for each of the 12 succeeding fiscal years.

(b) SECRETARY OF HHS.—There are authorized to be appropriated for the Administration for Native Americans of the Department of Health and Human Services for the purpose of carrying out the provisions of section 17, $3,000,000 for each fiscal year.

□ 2040

CAPITAL BUDGETING AND ITS RELATION TO THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the Gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, tonight what I would like to discuss is capital budgeting an its relation to the balanced budget amendment of the Constitution, for one of the amendments that will be on the floor tomorrow will be the amendment that I appreciate the Committee on Rules making in order, my amendment, the Wise amendment, that says that the budget must be balanced by the year 2002. It takes Social Security off budget, and it puts in place capital budgeting for physical infrastructure. A real mouthful. What does it mean? It simply means that it permits that kind of investment that produces much more economic return than it costs. It permits investment to be included in any kind of balanced budget approach.

It recognizes there is a difference between the dollar that you spend for consumption and the dollar you spend for investment. I call this the family budget amendment, because what it does is to recognize what the American family does. The American family sits down at its kitchen table every month to balance the checkbook and it writes out checks for the heating bill, the food bill, the doctor, whatever that consumption, and also those investments that the family made because it was important for the family to be able to grow in the house, the investment for the car, and the investment for the college education.

What is the significance of capital budgeting? I have two charts that I think tell this story well. What we are talking about here is being able to account for our infrastructure, our roads, our bridges, or highway systems, our airports, our water and sewer systems, those things that make us grow, to account for them in the same way every State and business does.

What is it important? The first chart, I think, bears this out. Studies are now showing, and these studies are now showing and particularly from Dr. David Aschaur, that there is a direct correlation between productivity increases and capital budgeting and infrastructure investments.

Because the United States has not been investing at the same rate that it once did in its roads, its bridges, its infrastructure, its productivity has been essentially a flat line of 1 percent growth a year since the year 1978. And yet look what has happened to Canada, Italy, France, and Japan who are all investing far more in relation to their gross domestic product that the United States. The United States is investing somewhere around 1 percent, and it sees about a 1 percent productivity gain a year. Japan has consistently invested 4 to 5 percent, and it sees a corresponding productivity increase.

Incidentally, Japan, with half the population and about 60 percent the size of economy of ours, has productivity growth far exceeding.

The next chart, I think, is also important. It shows it a little differently. These are all different countries, and it shows the percent of gross domestic product that they put into their public infrastructure, and then it also shows growth of those economies, and once again, you see the United States a flat line relative to all the other nations, and so you can see the more you invest in your infrastructure the more return you get in productivity which means your economy grows, your payrolls grow, your jobs grow.

We do not have that system here. What I am asking for in this balanced budget amendment is that we recognize investment, that we recognize investment in physical infrastructure, that we recognize what all of these other nations do, and that we create an incentive for investment.

People do not want the balanced budget amendment simply to cut a deficit and yet at the same time leave us in bankruptcy. What they want is a balanced budget amendment to bring us to truly end our deficit but at the same time to do it so that we are a growing economy.

You cannot do it if you are going to shut off this kind of investment. And so what we will do with our balanced budget amendment is to say Social Security is off budget, and most importantly, capital investment will be recognized for physical infrastructure, not for other things. It is not a grab bag you can count your way out of any problem, but for physical infrastructure only, highways, roads, bridges, airports, water, and sewers, buildings, those kinds of things.

In the domestic budget, discretionary budget, $60 billion roughly goes to capital investment. That is nondefense. If you choose to include defense in there as well, the battleships and those things that protect us, aircraft carriers, the fighters and so on and amortize them over the life of the asset, then you are talking about another $60 billion, but I think you are talking about something else as well.

Right now there is a disincentive, strong reasons not to do this kind of investment, because it is not rewarded in our Federal accounting system.

Under our budget amendment, it is rewarded. It is recognized. Is this something radical, different? Please check every State. We say we want to model this after the States as well as the families. Please check every State. You will find every State has a capital budget. The United States can do the same.

NUTRITION AND THE FAMILY-FRIENDLY CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. Clayton] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, there is much talk in this House about this being a family-friendly Congress. What constitutes a family-friendly Congress. Is it just that we are given a schedule which allows us time to spend with our families? This of course is very important to all of us. But as leaders we have the responsibility of also being friendly to the families which we represent. In being friendly to these families, we should be able to ensure them that they will be given the option of meeting their basic needs—such as clean water to drink, fresh air to breathe, and food to eat. During the recent debates on the unfunded mandates, we have discussed in great detail the clean water and fresh air issues. It is now time to focus our attention on nutrition.

I believe that we have come to a consensus on both sides of the aisle that our current welfare system needs major reform. But reform should be directed at moving people out of poverty—not into poverty. The President said on last evening, we need a lean but not mean government. It should not mean cutting nutrition programs which are essential to the well-being of million of our citizens—the disadvantaged, our children, our elderly and the disabled. These are the groups of people who in many instances cannot fend for themselves and need assistance for their basic existence. They are not asking for much—just a little sustenance to help them through the day—to keep their children alert in class or help the adults be productive on their jobs. I am speaking specifically of the nutrition programs which in many cases provide the only nutritious food many of our Nation's poor receive daily. We are all aware that poor nutrition breeds poor development in children and low productivity in adults. I am not necessarily speaking of the homeless population—I am speaking of those people who, although they are working, are still struggling to make ends meet—and cannot afford to feed their families—one-fifth of families receiving food stamps are working families who have gross incomes below the poverty level. Aren't these people suffering enough? Can we in good conscience say to these citizens that feeding your family is not important to the Members of Congress.

Currently the Food Stamp Program serves over 27 million people in the United States—over half of them are children—51 percent. Seven percent are elderly. The program allows only 75 cents per person per meal—75 cents per person per meal—when was the last time you were able to buy a 75 cent lunch in the cafeteria? Have you noticed the price of a McDonald's happy meal lately? Not even a happy meal for

the kids. Are we saying that the Federal Government can't afford to buy a hungry child lunch?

It is essential that we continue these nutritional programs. The School Breakfast Program as we know it today provides a child with one-fourth of the daily recommended dietary allowance. The School Lunch Program—which serves over 13 million children—provides about one-third or more of the daily recommended dietary allowance for children. These nutritional programs have standardized dietary allowance by the Federal Government. If we remove the Federal Government's input, it will be up to each State to set dietary standards for their program. This could mean 50 different sets of standards to feed our Nation's children. Is it fair to expect the States to maintain these nutrition programs and still feed hungry children when in fact they will receive a reduction in Federal assistance? We will be asking them to do more with less.

Over the past several days, I have received a great number of letters from elderly constituents in my congressional district. They ask only one thing—please do not eliminate the meal programs which serve the elderly population—such as the Meals on Wheels Program.

□ 2050

These programs are funded through the Older Americans Act and are not considered welfare programs. Yet these programs are being considered in the welfare reform package and to be block grant to States. Great reductions are proposed.

It is apparent that nutrition is essential for people to be productive members of their communities. Malnutrition, or undernutrition, will only promote poor health and productivity problems—as well as social problems. Let's face it, people will do whatever is necessary to feed their children.

Again, I agree that the welfare system needs reform. But why cut programs that are working. We can't lay the blame of an unbalanced budget solely on the cost of these programs since less than 3 percent of the budget is targeted for feeding the hungry. And statistics indicate that for every dollar spent on WIC, between $2 and $4 are saved in health care costs. As for the elderly, it is a fact that a hospital stay for a malnourished senior citizen may double in comparison to a well-nourished senior—inflating the cost to Medicare an additional $2,000 to $10,000 a day.

I come from a very rural, very poor district. Making cuts in these nutrition programs will certainly be adverse to my district, and to many of my constituents.

Let's stop picking on our elderly—let's stop picking on the children—let's stop picking on the poor—let's make some cuts, sure, but let's make them to the people who can afford them—not by taking food out of the mouths of children and senior citizens.

The Republican welfare reform really goes too far to deny poor children and senior citizens from a needed healthy meal.

IMMIGRANTS AND THE NUTRITION BLOCK GRANT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 5 minutes.

Mr. BECERRA. Mr. Speaker, I too would like to speak on the issue of welfare reform and specifically the legislation proffered by the majority party in the Contract on America, H.R. 4. I want to rise today to voice my concerns with that portion of H.R. 4 which talks about block granting all the nutrition programs that currently exist to provide assistance to our young children in this country who are unfortunate enough to be poor.

H.R. 4 calls for the elimination of all the Federal food assistance programs, which would include WIC, food stamps, and school lunches. It would clump all of them together in a block grant at substantially reduced funding levels. Reduced funding levels will lead to fewer people being served and also will not take into account the increased need for food assistant program during economic downturns.

As hard as it may be to believe, this is not the only disconcerting aspect of H.R. 4. This bill not only proposes to limit funds provided for nutrition, it also intends to cut off immigrants, legal immigrants from the very start of any program. No service or assistance to legal immigrant children, even though their parents are here at the invitation of this country, even though these parents pay every single same tax that American citizens pay and even though these parents are obligated and do serve in our military in time of war. All responsibilities are there for the parents of these legal immigrant children. Yet the services paid for in part by the tax dollars of these legal immigrant parents would not be there for these children.

Though they receive less attention, the immigrant children, in this whole debate on welfare reform, the provisions of H.R. 4 which deal with immigrant eligibility for Federal benefits need to have clarity. H.R. 4 would completely withdraw the safety net from nearly all legal immigrants, immigrants, as I said before, who came to this country with every right to be here because they were told by this country that they could come in.

Sixty programs would be eliminated from participation of immigrants and their children. Immigrants would be barred from all of the major Federal programs for job training, human investment, as well as those that provide nonemergency health care, housing, nutrition, cash assistance for women, children, seniors, and persons with disabilities.

This means, for example, a 6-month-old baby who came here with his mother would be ineligible for basic vaccinations.

A 7-year-old legally present in the United States would be denied foster care and adoption assistance upon the death of her parents.

A 23-year-old woman legally present in the United States, forced from her home in flight from an abusive husband, would be denied job training, child care, and other services coordinated by a battered women's shelter.

A 35-year-old man granted political asylum here after fleeing torture in his native land for his religious beliefs would be ineligible to receive canned goods from the food bank run by his local church.

A 60-year-old woman who emigrated legally when she was 15 years old and who has worked in the United States all of her life would be rendered ineligible for Medicaid to treat her dangerous heart condition.

These things would occur because this is where the new majority party thinks it could find so-called savings. In fact, the savings which result from denying benefits to legal immigrants represents less than 3 percent of the 5-year budget of the affected programs.

I strongly support a reappraisal of our welfare system and Government spending. However, in this case, it seems that a great number of people would be hurt for an almost insignificant financial gain.

What is the practical application of H.R. 4's restriction? How would this work in the following scenarios, for example? Looking at school breakfast and lunch, a brother and sister whose parents have recently become unemployed begin their school year.

Will the brother, who was born in this country, be eligible for a subsidized lunch while his sister, born in Russia, will be ineligible because she is not yet a citizen?

Will poor immigrant children be further stigmatized because their family cannot afford lunch money for their kids? Will they stay out of the lunchroom altogether because they are embarrassed because they are immigrants?

Is this constitutional? Based on the Supreme Court decision in Plyler versus Doe, immigration status is irrelevant when the right to education is considered. Following World War II, Congress approved the National School Lunch Act as a measure of national security to safeguard the health and well-being of our Nation's children.

I think it becomes clear, Mr. Speaker, to say it makes no sense to deny these children the basic benefits, and I would hope that we would reevaluate H.R. 4.

Mr. Speaker, further, the Child Nutrition Act of 1966 was enacted "in recognition of the demonstrated relationship between food and good nutrition in the capacity of children to develop and learn." Is the health and well-being of our children no longer an issue of national security? Is there some new evidence disproving the relationship between nutrition and learning? Is it the intent of H.R. 4 to change our Constitution?

Looking at the Women Infants and Children Program [WIC], which provides coupons for

food staples such as milk and eggs to very poor pregnant women to meet basic nutritional needs, we find that through WIC:

Medicaid costs were reduced on average about $12,000 to $15,000 per infant for every very low birthweight baby.

On the initial investment, total saving in health and education related expenditures over the 18 years of life of WIC children amounted to over $1 billion.

Setting aside the issue of humanity for a moment, are we willing to incur these huge debts just because immigrants have become unpopular? The WIC Program has proven itself over and over again; why stop the savings we know we can accrue?

Are we willing to deny a pregnant woman who is a legal immigrant—whose child will be a citizen at birth—the benefits of the WIC Program? Are we willing to all but guarantee the birth of a low birthweight citizen?

And as for emergency food aid, are we willing to say that a legal immigrant who is disabled on the job and becomes unemployed can't go to a soup kitchen?

In recent days, there have been reports that the Republicans may resolve the matter by allowing individual States to decide whether their noncitizen residents will be barred from aid. A Republican Member was quoted as saying, ''We should not be mandating to the States how they should best decide who they consider most deserving and most in need of social assistance.'' What do you suppose would have happened if there had never been a Brown versus Board of Education Supreme Court decision? Do we now value one person in this country more than another? What message does this send to legal immigrants? Why should they feel less worthy than any other individual?

Why should one baby born to a law-abiding mother not get benefits when another baby will? We cannot begin this debate by stigmatizing a whole group of people who certainly do not deserve it. Welfare reform is supposed to be about fixing the system and giving people a chance to succeed. Let's not get confused and try to balance the budget on the backs of immigrants.

The Senate has said it will not pass legislation which would cut off benefits to noncitizen immigrants. I think this is the only option we have before us. I encourage all Members to reject a proposal that has at its base a return to segregation; but this time it is segregation where one group of people is stigmatized, discriminated against, and denied access to programs simply because the people—regardless of how responsible and committed to this country they may be—were not born in this country.

Mr. HALL of Ohio. Mr. Speaker, the Republican proposal to block grant current Federal nutrition programs such as WIC, Food stamps, and the School Breakfast and Lunch programs is a terrible mistake. The proposed block grant will shift the responsibility to the states without providing adequate funding and will hurt America's most vulnerable, the children and elderly.

Mr. Speaker, everything in government is not broken. These programs were started in response to documented problems of malnutrition in the United States. These programs have a proven track record—they have improved the nutrition and health of low-income people in this country. Food stamp benefits across the country are tied to the cost of a modestly-priced nutritious diet sufficient to sustain an active, health life. The key components of WIC include food packages tailored to specific nutrition requirements, nutrition education, health care referrals, and immunization screening. The Child Nutrition programs contain standards that ensure that school meals served to America's children meet certain nutritional requirements. These programs serve as an important safety net for low-income families, especially working families with children.

In an effort to cut government spending and deliver on their elected promise to downsize the federal government, the Republicans have targeted an easy, non-voting population—America's poor and hungry children. Their proposed block grant would result in a reduction of at least 30 billion over the next five years. Their proposed block grant would also set a cap on annual appropriations in years to come. Anti-hunger programs would be subject to political whim and could never be adjusted for changes in unemployment, poverty, school enrollment or to respond to natural disasters like the recent flooding in California. While we are experiencing an economic recovery today—only those with a crystal ball can predict what will happen tomorrow.

Most of the larger anti-hunger programs—including food stamp, school lunch, and school breakfast programs are entitlements. This means the programs provide benefits to any low-income household or child who applies and meets the programs' eligibility conditions. These programs expand during recessions as unemployment rises and the number of low-income people qualifying for food stamps and free school meals grow. This funding structure has proved crucial to the success of these programs in reducing hunger in the United States. The proposed block grant will threaten their success.

These federal nutrition programs serve as an important safety net for low-income families and children. In Ohio, our food stamp and school lunch programs serve almost one million children. If this block grant passes, Ohioans and Americans will wind up paying the price in higher health care costs, larger social service budgets, and ultimately in adults ill-equipped to contribute productively to an economy that demands highly skilled and versatile workers.

Mr. Speaker, children are one of my highest priorities. The School Lunch Program provides school children with one-third or more of their Recommended Dietary Allowance [RDA] for key nutrients. The School Breakfast Program provides children with one-fourth or more of their RDA for key nutrients. The Food Stamp program increases the nutritional quality of diets of the 14 million children that live in households that are poor. Five million children receive meals in the summer when school is not in session. These programs cannot be removed without serious negative consequences to our childrens' health.

There have been so many studies that link the detrimental effects of undernutrition on a child's ability to learn. Undernutrition impacts the behavior of children and their school performance. Undernutrition results in lost knowledge, brain power and productivity for the nation. The longer and more severe the malnutrition, the greater the likely loss and the cost to our country. Hungry children are 2 to 3 times more likely than other children to suffer from health problems such as anemia, headaches and an inability to concentrate—problems that make these children fail in school and become inadequately prepared for the job market. We can't in good conscience be unmoved when children go to bed hungry at night and without these programs, millions of children will go hungry because they are not getting enough to eat anywhere else.

Those who support the block grant claim that the proposal protects WIC and brings it to full funding. This is not accurate. To the contrary, the proposal poses serious dangers for WIC and the purposes it serves. Specifically there is no requirement that block grant funds be spent on WIC nor is there any requirement that WIC even be maintained as a program rather than be dismantled. The proposal actually contains a provision that creates an incentive for states to reduce or end WIC. WIC links food assistance and nutrition education with essential maternal and child health services. WIC functions as a magnet, drawing low-income women and children to health clinics where they receive prenatal and pediatric care and immunizations, as well as WIC benefits. WIC is good for the American people.

Historically, there has been bi-partisan support for these programs in both houses because those families with our anti-hunger programs know these programs as cost-effective. We know that for every dollar spent on WIC, we save between $2–$4 in health care costs in the future. The General Accounting Office estimated that in 1990 WIC benefits saved $740 million in health and special education expenditures. Total savings in health and education-related expenditures amount to over $1 billion for children through18 years of life who participated in WIC during early childhood. Our solutions need to be results oriented and move the participants out of poverty. It makes good economic sense to invest in programs that work so we don't pay more later.

Some reformers want us to send the problem of hunger to the States and hope the problem goes away. Well it won't. Block granting these programs does not make the problem go away, it simply shifts the responsibility to the states, without providing adequate funding. States could be forced to create waiting lists for food assistance or cut the amount given to each recipient.

The block grant funding levels would not automatically respond to increases in poverty during recessions, increases in school enrollment that result in more children needing school lunches and breakfasts, or increases in the number of low-income children enrolled in child care institutions and needing meals at these institutions. School enrollment is projected to rise in coming years. Child care enrollment also is expected to increase as more women are moved from welfare to work and the entry of mothers into the labor force continues. Continuing to invest in programs that work is a proven way to reduce the welfare rolls in the future.

Mr. Speaker, it is time to put aside the politics and start concentrating on people. Let us continue the bi-partisan spirit that has helped poor and hungry children over the last thirty years.

Let us continue the bi-partisan support of programs that work. I challenge my friends on the other side of the aisle to weigh the value

of these programs rather than make quick decisions in the name of downsizing federal government. It is time to end childhood hunger, not successful nutrition programs that feed hungry children.

Mr. MARTINEZ. Mr. Speaker, I rise today in support of the elderly and the millions of Americans, most of them children, who rely on the various nutrition programs funded by the local, State and Federal Governments.

Our friends on the other side of the aisle would have us believe that these nutrition programs are welfare and should be included in welfare reform.

Further, they indicate that these programs are overlapping, and that there is no need for several separate programs at the Federal level.

So they propose that these programs all be consolidated into a block grant to the States.

Then they take the next step—they would remove all nutrition guidelines currently in the programs, leaving it to the wisdom of State administrators to develop their own guidelines.

That proposal is wrong-headed from the start.

Federal nutrition programs, such as the School Lunch Program, were not created because of the welfare state.

At the end of World War II, as America looked back on its 5-year effort to rid the world of Nazi tyranny and Japanese aggression in the Pacific, a Republican Congress considered this country's state of readiness to field massive armies to deal with future aggressors.

Review of military physical records disclosed an alarming fact—many of the Nation's young potential recruits were barely able to pass selective service physicals—because of the effects of poor nutrition during their maturing years.

It was because of the necessity to ensure that future calls to arms would find healthy young people available to serve the Nation in time of war that the Congress developed the National School Lunch Program.

The program provided assistance to the Nation's local elementary and secondary educational schools with one purpose in mind—to ensure that the children attending those schools received at least one fully nutritious meal every school day, and, in cases where the child could not afford to pay for the meal, he or she received it at reduced or no cost.

So this was not created as a welfare program, and it is not a welfare program now—it is a program that enables the Nation to be more sure that its children will grow up healthy.

What are the direct economic costs of eliminating that program—let me list a few:

Our already out of control medical costs will increase as people age with a history of poor nutrition as children.

Studies confirm something we have known for over 50 years—poor nutrition as a child leads to increased illnesses as an adult.

Our economy suffers from increased employee absences, lower production at the workplace, and increased direct medical costs.

It this Congress removes the school lunch program direct funding, many school districts will find it impossible to sustain school cafeterias, and will terminate hot school lunch programs, leading to poorer nutrition for all students—and I mean all students—whether rich or poor.

Focused school lunch programs are also good for the economy because the national school lunch industry—and make no mistake about it, it is an industry—from the farmer who produces the milk and other foods, to the former welfare mother who finally landed a job in the cafeteria, and all of the processing, packaging and delivery workers in between will find themselves unemployed.

According to the Agriculture Department a loss of as many as 138,000 jobs.

At the other end of the spectrum we have the nutrition programs for senior citizens funded in part by HHS and the Agriculture Department.

The Federal contribution to senior citizen nutrition programs, along with significant funding by States, localities and private individuals and organizations, provide nutrition to senior citizens in two ways.

Where a senior citizen is homebound, either because of physical frailty, remoteness of the residence, or other cause, and regardless of the economic status of that individual, the nations aging services network can and does provide home delivered meals.

In some localities, this means a volunteer comes to the home every day and prepares the meal, or delivers one that the homebound senior can reheat.

In others, meals are delivered once a week, and the senior or a caregiver prepares the meal on a daily basis.

If the senior citizen can get out of the house, he or she may visit a senior citizen center—either one sponsored by the local area agency on aging or a private group—a church or synagogue, or a senior citizens' association—and join fellow seniors for lunch, and sometimes for dinner.

Where federal funds are used in these programs, no specific charge is made for the meals, although most senior centers solicit contributions.

Seniors of all economic classes are very willing to eat these meals, and 225 million meals were served in 15,000 community nutrition sites all over the United States.

In my discussions with senior citizen groups who operate congregate meal programs, I have often been told that it is in our Nation's poorest neighborhoods that elderly participants contribute the most money in voluntary collection boxes.

Why is this program so important. Because, again as studies over the past few decades have consistently shown, good nutrition among our aging population translates into significant savings in out health care system.

These meals provide highly directed nutrition, and a strong sense of social integration to a population that benefits immediately from those meals.

A healthy senior, who does not feel isolated from society and his or her peers, is active, productive and far less likely to need very expensive medical care or hospitalization.

Studies have shown that for every dollar spent on senior nutrition programs, a direct savings of three dollars in health care costs results.

So, if you want to save Federal dollars, and we all do, make sure you know where the costs are.

Protect the elderly who are responsible for the greatness of our Nation, protect the children who are our future.

Reject the Republican's misguided effort to destroy America's nutrition.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. KILDEE] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. PASTOR] is recognized for 5 minutes.

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

PROPOSED $40 BILLION UNITED STATES LOAN GUARANTEE TO MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, on November 18, 1993, I cast my vote against the NAFTA, not because I oppose free trade; not because I oppose the economic integration of the Western Hemisphere; and not because of the incomplete, albeit substantial, movement toward political and economic reform in recent years in Mexico. No—I cast my vote against the NAFTA because I believed that Mexico as an economy was not prepared to enter an argument of this magnitude with the United States.

I believed then as I believe now, that a more gradual approach toward economic integration, such as that adopted by the then-European Community toward nations seeking membership, is wiser. These nations were required to meet high economic and political standards before enjoying European Community benefits.

The hard-working families of the 13th District of New Jersey, which I represent, do not join exclusive clubs which they cannot afford. They do not buy expensive homes if they can't afford the down payment. They do their sweating at work—not in fancy health spas. These middle class families know their limits.

We should have anticipated the possibility of a peso devaluation. We should have regarded Mexico like the developing economy that it was—not as the developed economy we portrayed.

Many supporters of NAFTA told me that if I were to vote for NAFTA, I would be doing the right and responsible thing. Now they claim that the

right and responsible thing is to bail out Mexico.

The value of the Mexican currency, the peso, fell a dangerous 40 percent in just three weeks. In one week alone, American investors withdrew $12 billion dollars from Mexico. But—that's the free market at work.

Our middle class stands to be a big loser in this deal. Of the billions of dollars pumped into Mexico in the wake of NAFTA, many were invested by U.S. speculators who sent to Mexico the hard-earned dollars of middle class families in the form of mutual or pension fund investments.

With the passage of NAFTA, we created a speculative environment in which middle class investors, the mom and pop investors so vital to Wall Street brokers, were led to believe that investing some of their hard-earned life savings on emerging Mexico was a safe bet. But billions of dollars later, we know it's not.

Now the United States proposes to act as a lender of last resort to salvage the Mexican economy. But will this bailout really help? Even the most ardent NAFTA supporters have their doubts. Listen to avid NAFTA backer, Wesley Smith of the Heritage Foundation: ''This takes real pressure off the Mexican Government to make substantive changes.'' James K. Glassman of the Washington Post agrees that the loan guarantees may provide a disincentive for reforms in Mexico. Like parents who are too lenient with a rebellious adolescent, we may be encouraging misbehavior in the future. We may be helping the speculators who poured money into Mexico, but harming the prospects there for economic and political reform. I have serious doubts as to whether the Administration's proposals will win my support.

If the United States is going to be generous as a lender of last resort, then it is appropriate that we ask Mexico to be a first-rate client. The administration must insist on assurances that would make the loan guarantee effective:

The money that the United States guarantees must only be used for what it is intended: to pay the debts on short-term Mexican bonds.

If we are going to bail out speculators, then we should protect middle class Americans by reporting to the American people through this legislation the losses they incurred through mutual or pension funds invested in Mexico.

The billions in oil revenues that Mexico earns annually must be used as collateral should the Mexican Government default.

The Mexican Government should accelerate and broaden its privatization program.

The Mexican Government should continue the political, economic, and social reforms that it requires if it is to achieve long-term stability.

And by the way, none of this money should be used to prop up the 36 year Cuban dictatorship of Fidel Castro, who has recently benefited from generous Mexican investments, debt forgiveness, and debt-for-equity swaps. No Mexican foreign assistance, nor any investments sustained by United States credit lines, should go to Cuba's oppressors—neither from the Mexican Government nor any of its banks or state-related companies. Not one red cent.

This crisis is about speculation. It is about the speculative environment created by those who supported NAFTA without the appropriate safeguards. That speculative environment has led to the loss of billions of United States dollars invested by hard-working American families who put their savings in mutual funds and pension funds investing in Mexico. It is time to bring a reality check to the risks of the emerging markets and to the joys of the good old U.S. Treasury and blue chip stocks.

□ 2100

NUTRITION PROVISIONS IN THE PERSONAL RESPONSIBILITY ACT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Missouri [Mr. CLAY] is recognized for 5 minutes.

Mr. CLAY. Mr. Speaker, I rise to oppose the provisions in the Personal Responsibility Act which contains a food assistance block grant.

The child nutrition provisions in the Personal Responsibility Act will completely eliminate the National School Lunch Program as it has existed since 1946. The Personal Responsibility Act would combine a set of Federal food assistance programs—including food stamps, school lunch, school breakfast, the WIC Program, elderly nutrition, and the Emergency Food Assistance Program [TEFAP] into a single block grant to States, with a reduction in overall funding for the programs. The House Republican Conference has estimated that the 4-year reduction in funding as compared with current law would be $11 billion. Probably a more accurate reduction is $17.5 billion as projected by the center on budget and policy priorities.

There are many reasons why I oppose the block grant method for the distribution of funds:

Historically, when Federal funds have been left to the discretion of a few, they have not been distributed to the most impoverished or the ones in need the most. Giving States carte blanche authority does not guarantee that Federal funds will be used to address the national needs that Congress has identified.

By definition, block grant programs do not require that specified programs are provided for specifically targeted populations. Reporting and evaluation requirements for most block grants are so limited that information about program participation levels, implementation and effectiveness is not sufficient to provide guidance for continued funding of the programs.

Even though education is administered through 50 States and over 15,000 local educational agencies [LEA's], and conditions do differ among States and LEA's, certain identifiable national problems are of sufficient importance to merit special Federal programs.

For these and other reasons, I ask my colleagues to oppose this movement to combine nutrition programs into a block grant.

SPECIAL ORDERS

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

WHY I SUPPORT THE BALANCED BUDGET AMENDMENT

Mr. FORBES. Mr. Speaker and Members of the House, I rise today in support of the Contract With America's version of the balanced budget amendment that requires a three-fifths vote of this body in order to raise taxes. It is the most responsible proposal on the table for bringing down our national debt and applying discipline against this Nation's outrageous spending programs.

I support the tax limitation amendment because I agree with President Reagan who so often reminded us that the problem is not that the government spends too little. It is that the American people are taxed too much.

The budget must be balanced, and it must be balanced by cutting spending, not by raising taxes.

On election day, Mr. Speaker, the people in my area on Long Island and the rest of the country spoke loud and clearly. They sent me and my new colleagues in the freshman class—in fact they sent all of us here to Washington with a very specific mission, to end business as usual. No more raising taxes, no more reckless spending, no more of the arrogance and the double standards that have plagued this distinguished body and that have punished this country for the past half century. My neighbors on eastern Long Island want Members of Congress, and in fact all of Washington, to start acting like so many families have to act, with responsibility for our actions and a good dose of common sense in our decisions. But the people's call for responsibility was not an angry and hysterical demand for change of any sort. On the contrary, Mr. Speaker, it was a very specific endorsement of a very particular set of policies.

The Contract With America is a study in middle class values, and ideas and goals that can bring our government, once and for all, under control and restore fiscal integrity across this Nation, and the notions contained in the Contract With America, to the chagrin of many of my Democratic colleagues, have been embraced by the people whom we have the privilege and the obligation to serve, and key to our contract with the people is a tax limitation balanced budget amendment, a call to live within our means, a demand

to keep our books in order. It is a reasonable, common sense request that simply requires that we will not spend more money than we have.

But after listening to so much of the discourse today, and as we will listen tomorrow, I am shocked that so many people in this body still do not quite get it. Some people think that it is OK for Congress to go on spending more money than we take in and to spend money faster than it is printed while too many middle class families, who we are supposed to champion, are at home struggling to try to meet basic needs, while parents at home in my area in Medford, and Speonk, and Montauk, and Smithtown, are working sometimes two, and three, and even four jobs to meet their monthly obligations, to try to put money aside to send their children to college. This body has routinely voted to mortgage their children's future with reckless spending programs that have left us with a $4.7 trillion debt.

Now let us be absolutely clear about what this means. Congress has spent $4.7 trillion and never had the money to back it up. That is a pretty bad credit rating in my book, and in the book of most of America's families, and in the credit book of most of America's businesses. Decency, responsibility and basic fairness all demand that we balance the budget and that we do it without raising taxes, but so does the law of economics. A higher deficit is proof positive of fiscal irresponsibility.

□ 2110

It leads to higher long-term interest rates, that in turn decrease investment and economic expansion. The effect on our country's small business community is devastating.

Let me quote from a letter that is circulating here from the U.S. Chamber of Commerce, the largest representative of our Nation's small businesses. The Chamber of Commerce writes to each Member of this House,

> Perhaps more than any other sector of the American economy, small businesses have felt the effects of Federal fiscal mismanagement and inefficiencies. Large and growing Federal deficits reduce savings and investment, stymie income and job growth, and reduce our overall standard of living. They ultimately lead to increased taxes, higher interest rates, and reduced global competitiveness.

The bottom line is obvious. We must balance the budget, and we must do it without raising taxes, and we must start today.

We owe it to the American people to start behaving like grownups. But just deciding to balance the budget is one thing. Actually doing it is quite another, as we are finding out, and it is a much more difficult task. But time after time, this House has attempted to rein in spending and pare down the deficit.

Some of us will remember that 10 years ago here in Washington, an innovative creation came to the floor, it was called Gramm-Rudman-Mack. And it was a good effort to slow the growth in Federal spending, and it followed years and years and years of promises to rein in Federal spending and get toward a balanced budget. And Gramm-Rudman worked for a few years, until it was gutted in the 1990 budget deal.

Likewise, the Kasich-Penny budget cuts were a courageous proposal to reduce spending, but they too were rejected because the choices were just too tough for a body that lacks the discipline and the political courage to make them work.

A balanced budget amendment to the Constitution that includes real tax limitation is the only way of imposing discipline upon Congress that it needs to get the job done. Too much time has been spent hoping and talking and breaking promises and waiving the rules. And all that time the debt has continued to soar.

The reason I think it has been so difficult for measures like Gramm-Rudman and Kasich-Penny to succeed is because it is difficult to cut spending, and it is difficult to say no to powerful lobbyists and concentrated special interests that permeate this town. But ultimately, cutting spending is the only responsible way to balance the budget.

Let me be perfectly clear: We cannot, we must not, force the people of this country to pay higher taxes, because we do not have the political will to make the tough choices. And time and time again we have examples that this body has lacked that political will.

Simply put, the budget should not be balanced on the backs of the taxpayers, and that is why I am a strong supporter of the Barton balanced budget tax limitation amendment. The Barton amendment's 60 percent supermajority is the strongest defense we have against the easy route of punishing the taxpayers for this body's spending excesses. It forces Washington to cut spending, to get rid of waste, and to do it all without raising taxes. Not only is raising taxes in order to balance the budget an unfair and irresponsible way to go, it just does not work as well.

The 1990 budget agreement promised to reduce the deficit by $500 billion over five years simply by raising taxes. But now, 5 years later and after lots of pain, our so-called reward for paying higher taxes has not been a lower deficit, has not been a reduced debt. As a matter of fact, precisely the opposite effect has occurred. Since the 1990 budget agreement, the debt has grown by more than $800 billion. And the lesson is simple: More taxes lead to more spending and a higher public debt. More taxes do not balance the budget. They simply rob the American people of their hard-earned dollars.

The solution to this crazy cycle of taxing and spending is the solid tax limitation proposed by the Barton amendment. By requiring 60 percent of the Congress to approve a tax increase rather than a simple majority, we guarantee that tax hikes will not be the solution to a problem that originates on the spending side of the Federal budget.

To quote Milton Friedman in a recent Wall Street Journal editorial, it cannot be emphasized too much that the real burden on the economy is what government spends or mandates others to spend, rather than how much it receives in taxes.

And he is right. Raising taxes can only lead to an increased debt. If we are serious about wanting a balanced budget, if we are serious about wanting to live responsibly and within our means, then we must be serious about opposing any and all tax increases. And the only balanced budget amendment that guarantees that is the Barton balanced budget amendment. That is the original balanced budget amendment in the Contract With America.

The Barton amendment imposes a discipline that this House lacks and that this House has proven time and again it is willing to waive. The economic facts back up the Barton amendment's central theory that too much spending is the cause of the deficit, not insufficient revenues.

Since the 1960's, Federal spending as a percentage of Gross Domestic Product has increased by 5 percent, from less than 18 percent in the sixties, to more than 23 percent in 1995. But at the same time that the rate of government spending has increased so dramatically, the Government's revenue from taxes has actually stayed fairly steady, between 18 and 19 percent. Essentially, while the rate of government spending has increased, the percentage of that spending that the Government pays with tax revenues has stayed the same.

The difference in those two figures is our deficit. These numbers prove that the real cause of the deficit is too much spending, not too few tax dollars. And the Barton amendment is the perfect antidote to this problem. It safeguards the hard earned dollars of America's families from the greedy hand of a bureaucratic government. It makes sure that the taxpayers do not have to subsidize the spending habits of the tax spenders.

The Barton balanced budget amendment will work. Four of the last five major tax increases that this House unfortunately passed did not receive a 60 percent supermajority in the House. If we had had the Barton amendment in place just 2 years ago, President Clinton could never have passed the largest tax increase in this Nation's history.

Opponents of tax limitation say that it goes too far, that it shouldn't be any more difficult to raise taxes than it is to do anything else in this body. To them I respond that holding the line on taxes is one of the most important obligations of this Congress, this new and dynamic 104th Congress. We must do everything that we possibly can to guarantee that the incessant urge of this body to tax is calmed. Tax limitation is not radical, it is necessary. It is

right, and it is a proper antidote to the perennial Congressional sickness of taxing and spending. The American people have spoken. More than 80 percent of the hard working men and women of this great country have balanced their own budgets, and they expect us to do the same. It is now our obligation to act.

I am proud to stand with my colleague from Texas and my friends from across this great Nation who have the courage to cut spending and balance the budget without punishing the already overburdened American taxpayer. I urge full consideration of the balanced budget amendment with the tax limitation included.

I yield to the gentlewoman from California [Mrs. SEASTRAND].

□ 2120

Mrs. SEASTRAND. Mr. Speaker, my constituents elected me to do a job, to pass the agenda I campaigned on and to disagree with legislation that is not good for my district. The tax limitation balanced budget amendment is not only good for my district, it is good for my State of California and it is good for America and it is good for our future.

We have the chance to fundamentally change the way Washington operates. Nothing will change Congress more than to force basic budgetary discipline on Washington.

I want to point out a little-noticed fact about the three-fifths balanced budget amendment. What this amendment does is to let the people speak. No one seems to talk about the fact that after Congress passes this amendment, 38 of our 50 states must approve it. We should let the people speak. Since 49 States already operate under a balanced budget requirement, the American people know this balanced budget requirement will work.

If in our personal lives we are required to balance our budgets, if in our business worlds we are required to balance the books, and if States are required to balance their budget, there is no reasons why we cannot have a balanced budget in Washington, DC.

Because the Barton amendment requires a three-fifths supermajority to raise taxes, our budget would be balanced from cutting spending, not from raising taxes on hard-working American families.

I just ask that we support the Barton amendment, the tax limitation balanced budget amendment.

I thank the gentleman for yielding to me.

Mr. FORBES. Mr. Speaker, I yield to the distinguished gentleman from Texas, [Mr. BARTON].

Mr. BARTON of Texas. I thank the distinguished gentleman. I want to thank him for taking this special order this evening on the eve of the most historic day, in my opinion, in the history of the U.S. Congress.

Tomorrow, when we vote on the tax limitation balanced budget amendment, I think there is a tremendous opportunity to put a halt to the spiraling spending spree that this nation has been on at the Federal level the last 30 to 40 years.

I would like to ask the gentleman from New York and perhaps some of our other colleagues that are here to help me in a little exercise, question and answer.

I would first ask the gentleman if he knew the last time we actually had a federal budget that spending went down from the previous year? Would the gentleman from New York happen to know when that might have been?

Mr. FORBES. I believe it may have been as far back as the Truman administration; is that correct?

Mr. BARTON of Texas. Well, it was not quite that far back, but in 1964, we spent at the Federal level $118.5 billion. To put that into perspective, last year we spent over $200 billion just to pay interest on the national debt. But in 1964, the entire Federal budget was $118.5 billion.

In 1965, while I was a senior at West Junior High School in Waco, TX, playing on the football team and going on my first date and watching the Untouchables on television, things like this, the Federal Government actually spent less money than the year before, $118.2 billion. So we went down $300 million that year. That is the last year that federal spending has decreased from the previous year.

In each year since then, 1966, 1967, 1968, all the way down to the current date, Federal spending has increased.

Would the gentleman from New York care to hazard a guess as to the first year the Federal Government spent more than $200 billion?

Mr. FORBES. I may yield to one of my colleagues. I did not do well on the last question.

Mr. BARTON of Texas. We have the distinguished gentleman from South Carolina, from Arizona, the distinguished gentlewoman from Idaho, from Pennsylvania, would any of these Members care to hazard as to when was the first year the Federal Government spent $200 billion?

The distinguished gentleman from South Carolina says 1968. That is the year I was a senior at Waco High School in Waco, TX. The actual year was 1971. So it took us from 1964, when we first—1962, when we first broke the $100 billion spending barrier, to 1971, 9 years, and then we spent $200 billion.

When do you think we spent for the first time $300 billion. What year?

Mr. FORBES. 1975.

Mr. BARTON of Texas. 1975 is correct.

Mr. FORBES. Thank you.

Mr. BARTON of Texas. 1975 we spent $332 billion, for the first time spent over $300 billion.

When do you think we spent $400 billion for the first time?

Mr. FORBES. Well, let us try 1978.

Mr. BARTON of Texas. 1978. The exact answer is 1977. I see that the Speaker has arisen.

The SPEAKER pro tempore. (Mr. GEKAS). Only to remind the Members that the gentleman from New York controls the time, so that the yielding has to conform to that pattern.

Mr. BARTON of Texas. I respect the Speaker's ruling. I apologize. I knew better than to violate the rules of the House.

Would the gentleman from New York yield and give me an opportunity to ask a question to the gentleman?

Mr. FORBES. I am glad to yield to my friend from Texas.

Mr. BARTON of Texas. I appreciate the gentleman from New York yielding.

As I pointed out, it took us 9 years to go from $100 billion to $200 billion. It took four years to go from 200 billion to 300 billion. It took three years to go from 300 billion to 400 billion. And we first broached the 400 billion barrier in 1977.

When would the gentleman from New York hazard a guess as to when we first spent a half a trillion dollars or $500 billion? What fiscal year would that be?

Mr. FORBES. Fiscal year 1979.

Mr. BARTON of Texas. Would the gentleman yield for me to answer the question?

Mr. FORBES. Yes, I yield to my colleague.

Mr. BARTON of Texas. I thank the gentleman for yielding. The actual year was 1979. I would think the gentleman may have looked at my notes.

Mr. FORBES. These figures are getting bleaker. Is there any frame of reference that there is a local government that perhaps has gone 30 years or a school district that has gone 30 years without balancing its budget or a State government that consistently has gone that length of time without balancing their budgets?

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will continue to yield, to my knowledge and myself and my staff and the Congressional Research Service and the Heritage Foundation and the Citizens for a Sound Economy and many other conservative think tanks have researched this question. We can find no record of any other State or local entity that has gone that many consecutive years without at least once balancing their budget.

Mr. FORBES. And yet what we are establishing here is that the Federal Government in the greatest Nation on this earth has failed to balance its budget for over 30 years?

Mr. BARTON of Texas. Has not balanced the budget, the Federal Government has not balanced its budget since 1969, as the gentleman pointed out in his remarks.

The point that I am trying to make by this question and answer session is that in every year since 1965, Federal spending has gone up, so that in the

year that we are in now, Federal spending is expected to be $1.531 trillion. That is a 1,300-fold increase in Federal spending in the last 29 years. In no year has Federal spending decreased. It has gone up.

In the decade of the 1990's, from fiscal year 1990 through the fiscal year that we are now currently in, fiscal year 1995, Federal spending has increased an average of $65 billion, an average of $65 billion. That is an annual rate of over 6 percent in an era when the inflation rate has gone up less than 3 percent per year.

So what does this all mean? It means, quite simply, that lack of revenue is not the problem in Washington, DC. The problem is that spending is out of control, increasing at a rate of over $60 billion a year in the decade of the 1990's, and annual deficits in the $100 to $200 billion range. So we need to do something about it, and we need to pass a balanced budget amendment. We need to pass a tax limitation balanced budget amendment, because tax limitation keeps spending under control and forces the legislative body that is accountable to cut spending, not to just spend more money and raise taxes.

□ 2130

Mr. Speaker, if the gentleman would look at the charts to his left, he can see that in the period between 1980 and 1990, in the nine States that had tax limitation provisions in their Constitution or their statutes, that taxes went up in those States a total of 87 percent cumulatively in a 10-year period, but in States that didn't, taxes went up 104 percent. That is a difference of 17 percent.

The States that had tax limitation, spending also went up, but it went up less than in States that didn't have it, 95 percent over the 10-year period versus 102 percent. That is a difference of 7 percent.

That is statistical verification that tax limitation does work. it limits taxes, obviously, and more importantly, it limits spending, and in Washington, DC, that is our problem, limiting spending.

Therefore, tomorrow when we vote on the tax limitation balanced budget amendment, it is very important that we get an affirmative vote, because that is what is the solution to the problem. It is not simply saying ''balance the budget,'' and directly or indirectly putting the emphasis on raising more revenue. We don't need more revenue, we need the fiscal discipline to cut spending, and the tax limitation amendment gives that discipline.

Mr. Speaker, we do have a number of other distinguished Members here, and we certainly need them to have time to speak. I have spoken too long.

Mr. Speaker, I simply want to say I thank the gentleman from New York for his special order, and I say God bless you and the other freshmen in the 104th Congress for coming to the rescue of us senior citizens who have been fighting this fight so long shorthandedly.

Mr. FORBES. I thank the gentleman.

Mrs. CHENOWETH. Mr. Speaker, will the gentleman from New York yield, please?

Mr. FORBES. I am glad to yield to the distinguished gentlewoman from Idaho.

Mrs. CHENOWETH. Mr. Speaker, as I sat here and listened to the debate this evening, I found that our good colleagues from the other side of the aisle just simply don't understand some of the basic economic dynamics that have come into play over the last 30 years, and that is the reason that the call and the mounting movement for the support of the Barton amendment is now in place.

I heard the distinguished gentleman from North Carolina say that borrowing is the American way. Everybody borrows. We borrow money to buy a house, we borrow money to buy a car, we borrow here and we borrow there, so why shouldn't the Federal Government borrow?

I just borrowed money to buy a car, and I engaged in a mutual contract where there were mutual benefits of the bargain. I received a car, and I borrowed money while they, the lender, made money from my borrowing, but it was by mutual consent.

What my distinguished colleagues misunderstand about the basic dynamics of borrowing is the fact that this body, through the public trust, has been entrusted with the ability to tax. That is not lending from the American people, that is taking money by government fiat.

Today the American taxpayer has to spend from January 1 to May 20 just to pay his responsibilities to us because of the power that we have. It is not borrowing. That is a complete misunderstanding.

In fact, today our research shows us that the American people really feel that the Federal Government is a bad investment, that we are using their money as if we were administering a bad charity, where we were taking most of the money for administration, and that is quite true. The services that have been referred to in this body just over the last few minutes sound very good, but the fact is that most of the services are rendered when 80 cents out of every dollar is taken for administration. That is not a good bargain, that is not a good contract.

Mr. Speaker, it was Thomas Jefferson who said so well that it's time that we chain the government and free the people, and that is what the Barton amendment will do. Really, a balanced budget amendment has no substance unless the Barton amendment becomes a reality.

Today this Nation is facing a $4.7 trillion debt, and we talk in round, pear-shaped tones about $1 trillion here and $1 trillion there, and $100 billion here and $100 billion there, but we must never forget how big $1 trillion is.

If we started paying $1 million a day, day one, year one, and paid $1 million a day from that time until today, we would still have to pay $1 million a day seven days a week for 700 more years into the future to reach just $1 trillion. Today we very easily talk about our debt being $4.7 trillion. That is the legacy that we are leaving to our children and grandchildren.

I would say to the gentleman from New York, and certainly, Mr. Speaker, the only chain that we can put on the government at this point in time is the Barton amendment. I am very proud to support the Barton amendment.

Mr. FORBES. Mr. Speaker, I would ask the gentlewoman, as we sit here in the bastion of Federal spending, Washington, DC, would the gentlewoman care to venture, based on her conversations with the folks back home, about what their feelings are about putting a tax limitation on the balanced budget amendment?

Mrs. CHENOWETH. If the gentleman will continue to yield, I am receiving hundreds of calls from my State of Idaho in support of the Barton amendment. The President of the United States referred last night in his speech to the fact that there was a shout in 1992 that went across the Nation, there was a shout that went across the Nation in 1994, but he said America isn't singing.

But I will say to the gentleman from New York that America will be singing when we pass the Barton amendment, because only with the Barton amendment will we then begin to see the stability in our tax structure and in our government programs that will free small business and large business; will we be able to give individuals and businesses the ability to anticipate what they will be able to do with their future and their capital.

Mr. FORBES. Mr. Speaker, as I venture around eastern Long Island, where I am from, and talk to small business men and women and average families on my weekend visits home, they tell me increasingly that they do not understand a Washington that feels this compulsion to continue to spend, and does not think about looking in the checkbook to see if there is really any money there.

I think that they would tell us this evening that if the Federal Government started acting like they do and only spent the kind of money that was coming in, as opposed to mortgaging us well into three and four generations out, that they would have more respect for their Federal government and the ways of Washington.

It just causes me to pause here for a moment to wonder why we don't have multitudes rushing to get on board this tax limitation balanced budget amendment and to get it passed as soon as possible. Of course, that is what we are working tonight to encourage.

Mrs. CHENOWETH. If the gentleman will continue to yield, I believe we are seeing this growing dynamic, Mr.

Speaker, outside these halls. The only thing is that is is incumbent upon us and our colleagues to have the ears to hear from the American people.

It was not due to so much of an ideologic bent that caused the wave that we saw in the elections in November of last year. I think it focuses to one thing, and that is that a year and a half ago the Congress passed the largest tax increase, an unconstitutional tax increase, in the history of this Nation, and we saw the reaction to that November 8.

Mr. FOX of Pennsylvania. Will the gentleman from New York yield?

Mr. FORBES. I would be honored to yield to my friend, the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from yielding.

Mr. Speaker, since the 1980's the Democrats in Congress have argued that fiscal discipline, not a constitutional amendment, is needed to balance the budget, but absent a constitutional amendment, Congress has refused to make any progress in balancing the budget. In fact, it has resisted serious efforts to hold the line on reducing spending. Clearly, a constitutional amendment is needed to force Congress to make the tough decisions it has dodged for years. I know that my friends and neighbors in Pennsylvania and in fact all across America feel that same way.

□ 2140

Forty years of deficit spending have got us in that trouble. Like the gentlewoman from Idaho said, over $4.7 trillion, and in real dollars that we can relate to, that is $18,300 for every man, woman and child in America.

You say, ''How do we solve this problem?'' We solve it by adopting tomorrow, and I hope that everyone will call their Congressman and talk to him about it, or their Congresswoman, and talk about the Barton tax limitation balanced budget amendment. That has teeth, that is the centerpiece of the Contract With America.

It also will have along with it in the next days and weeks ahead, a line-item veto to cut out pork-barrel spending. Unfunded mandates that we have put upon our States and local communities will be eliminated. Welfare reform, we will make sure that we have able-bodied people that do not want to be on welfare back to work. With regulation reform and sunsetting Federal agencies, all of those programs together will make sure we have fiscal responsibility here in the United States.

Frankly, those who are here with us tonight on the Republican side of the aisle want to put Congress on a diet and I think that all of the Members of Congress who look at this clearly and carefully, Republicans and Democrats alike, will want to vote for the Barton amendment. It deals with tax limitation as well as balanced budget.

We need to lead by example here in this Congress. States, counties and all local governments have to live on a budget, a balanced budget. They cannot have deficit financing. Our families cannot have deficit financing. Our businesses cannot have deficit financing. So how can the Federal Government expect others to have their houses in order when we do not have ours? Even the Wall Street Journal has endorsed the Barton tax limitation balanced budget amendment.

This point I think is also important, Congressman FORBES from New York, who has been doing a great job here tonight leading this debate, many organizations have endorsed this proposal: Americans for Tax Reform, United States Chamber of Commerce, Citizens Against Government Waste, National Federation of Independent Business, National Taxpayers Union, Coalition for America, National Association for Manufacturers, Realtors, Homebuilders, and hundreds of other groups.

I am asking my colleagues on both sides of the aisle to do what is best for America, to make sure we get our fiscal house in order, we spend less, we tax less, but we spend on items that the Contract With America talks about, those things that people really need, and eliminate the waste, eliminate the wasteful spending, and let us get America back on track.

I yield back to the gentleman from New York and thank him for taking the leadership role here in this debate tonight.

Mr. FORBES. Would the gentleman yield for some questions here for just a moment, if we could?

Mr. FOX of Pennsylvania. I just want to make sure we preserve time for my friend the gentleman from Arizona.

Mr. FORBES. My concern is that of course in November, the American people took dramatic action and they allowed the Republicans to take control of the House of Representatives for the first time in 40 years. I think the effort here obviously was that they wanted things done differently in Washington.

If the gentleman from Pennsylvania would comment on an overriding concern I have that watching this body for so many years that the naysayers, the doomsayers often tend to win the day when something as dramatic as balancing the Federal budget with a tax limitation is brought to the floor.

Mr. FOX of Pennsylvania. I think we have seen a whole new changing of the President last night in his State of the Union address. It is very clear for the doomsayers; they like to say we are going to cut Social Security. Absolutely hogwash. As you well know, Congressman, the fact of the matter is that Social Security is off the table. All of our senior citizens will be protected. And the fact is that people across America in every single district, in every single State are saying we want a balanced budget amendment and we want the Barton one, the one that is going to call for tax limitations.

People do not want to see wasteful spending. When they see their tax bills, they know that is happening in this Congress. I think people are getting the message all across America. I hope those on the other side listened to what the President said last night about reaching out to America. He saw the result from last November's election and he wants a join us in the Contract With America. Let us get this bill to his desk and get it signed.

Mr. FORBES. I think the gentleman from Pennsylvania.

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

Mr. FORBES. I yield to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman and commend him for his leadership in this fight.

I rise tonight simply to add my voice to those voices that have spoken out.

As I sat back and listened, all too often on this floor we talk in kind of government-speak. We talk about the Barton amendment or the tax limitation amendment. In Arizona when we carried this debate forward, we called it the supermajority amendment. Unfortunately, there are a lot of people back home who perhaps do not understand those terms. But it is really straightforward, and it is important that people understand.

Paul Harvey has said, and I admire him greatly, that self-government without self-discipline does not work. Tomorrow there will be a historic vote on the floor of this House. It is a vote which is focused around that notion. That is, that to preserve self-government, we must institute self-discipline. And what is the form of that self-discipline? It is a change to the United States Constitution. But it is a change that many people in this body I do not believe understand yet and that many people at home may not yet understand.

Oh, they understand that we will vote tomorrow on a balanced budget amendment, and they understand that the Federal Government must balance its budget because they know they have to balance their own budget. And they are very much aware that we are awash in Washington in a sea of red ink that is literally drowning the Nation and threatening our survival.

But this debate tomorrow goes one step beyond that. We cannot simply agree to balance the budget. We must recognize that that alone is not at the root of America's problem. The root of America's problem is that government taxes too much and it spends too much.

I was born in 1949. One year later, the average American family with children paid $1 out of $25 in federal taxes. In 1993, just a short year ago, it was $1 out of every $4 in taxes.

In 1950, it was $1 out of $25. Today it essentially is something in excess of $1 out of every $4. We cannot continue on that path.

The tax burden is crushing our families. It is crushing our small businesses. It is crushing our economies.

How many households are required, indeed compelled, to have both spouses work just to have one pay the tax burden for that family? And mind you, and I might remind those on this floor that that $1 out of $25 and the $1 out of $4 is just Federal taxes. It does not even begin to contemplate the addition of State and local taxes.

What have we gotten for this massive increase in taxes? We have gotten a massive Federal Government which fundamentally fails to do its burden.

Is the crime rate in America lower in 1993 than it was in 1950? Did we buy safer streets with that massive increase in taxes? We did not.

Are welfare recipients in our cities better off? Has the level of poverty in America fallen? It has not. We have failed.

Those who have argued that each problem that comes along simply needs a few more dollars have been proven flat wrong. Government is not the answer. Higher taxes are not the answer.

How then do we stop those taxes? The answer is what Paul Harvey said. It is self-discipline. We need to add to the American Constitution something that is necessary in order to restrict the ability of the people who sit on this floor to continue to tax ''you'' to pay for what ''he'' needs, and we need to do that in the form of what has been called in this discussion tonight the Barton amendment, or the supermajority amendment, or the tax limitation amendment.

It is this simple. It says that it has been too easy in America to raise taxes, so we are going to raise the threshold, not from 50 percent, not one-half of the Members of this body plus one, but a slight raise, indeed for me not enough, to a 60 percent requirement to try to institute some discipline.

Those who have gone before me tonight have pointed out that Congress time and again has said that it was going to cut taxes, has said that it was going to cut spending, and it has failed over and over and over again. Without external discipline, it will fail again.

If we enact a balanced budget amendment alone, we may indeed balance our budget, but we will do it at the expense of raising taxes.

The message sent by the people of America on November 8 was clear. It was that we must balance the Federal budget not by tax increases, not by increasing the burden on the backs of the American family who are already overtaxed, but by cutting spending. And the most important step we can take in that direction is to pass a balanced budget amendment with a restriction that says, ''You cannot raise taxes again, Federal Government, unless you get 60 percent of the Members of Congress to agree.'' We need to put that in the Constitution so it is sacrosanct.

Let me briefly conclude by the history in Arizona. Two years ago in Arizona, we fought this battle and we won. We won with citizen support. We took an initiative to the streets. We said to the spenders at the Arizona State capitol, no more.

☐ 2150

The Arizona constitution had in it from statehood a balanced budget requirement. But the spenders, those who believe that they can solve every problem facing society just by raising taxes and creating a government program, got carried away and year after year after year, they raised our taxes and increased government spending.

Do you know what they did? They damaged the Arizona economy. It plummeted from one of the best climates in the Nation, with a healthy economy and happy families and a prosperous place to come to an economy where we tax more than the State of Massachusetts and where it was a damaged economy.

So, we said no. We went to the streets with an initiative called ''It's Time'' initiative, and by a vote of over 70 percent we amended the Arizona constitution to say that there would be no future net increases in Arizona's taxes without a two-thirds majority of the members of the legislature.

We must do that here. We must do it now. I implore those citizens listening tonight to join us in this fight. It is not an initiative, but your voice heard by your Member of Congress tonight or tomorrow that can make the critical difference in this race.

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

Mr. FORBES. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, I heard a story about a little boy recently who wrote a letter to God, and in that letter he said: ''Dear God, please send me $10.'' I guess he thought that would be the best way to get the money. And the post office, not knowing where else to send the letter, sent it to the Office of the President. The President thought it was a very cute story, so he decided to send the little boy a dollar.

A couple of weeks later the little boy received the dollar in the mail, and he was very, very disappointed. So he wrote another letter back to God, and this time it said, ''Dear God, thank you very much for the money. But as you recall, I asked for $10. Next time please don't send it by way of Washington. Those folks took $9 out of the $10.''

I do not think truer words were ever spoken. The fact is, this place taxes too much.

When I was a little boy from a small family of 6 children, my father bringing up his family had to pay roughly about 2 percent of his income to the Federal Government. As Archie Bunker would say, ''Those were the days.'' But now we have taxed our way into oblivion. And what have we got to show for it?

As the previous speaker mentioned, is the crime rate any better, and as a result of the Great Society programs of the 1960's, has our War on Poverty succeeded? With the programs we have instituted here in Washington, DC., have we really made things better or have we made things worse? I would submit we have made things much worse, and that is because of these failed programs. We have taxed and broken the backs of the American people, of the small businesses out there, and it is time to draw some lines in the sand. It is time for us to follow up and to do that thing that Thomas Jefferson regretted not putting in the Constitution, and that is a balanced budget requirement.

We can even go one step better and make it tougher to tax. I cannot fathom how anybody in this body would not want to make it tougher to raise taxes on individuals out there who are struggling to make ends meet. I personally have four children. I consider myself the most average of average people. I came here not a man of wealth, but a man that had to struggle from paycheck to paycheck, and I understand what it is like out there in the real world to try to raise a family. My wife had to work a second job as well just to try to make ends meet, just so that we could pay our debt to Uncle Sam. And frankly, I think my children would be much better off, and so does she, if she would be able to spend a little bit more time at home with them rather than work to pay off Uncle Sam.

If this truly is going to be a family-friendly Congress, and one that cares about people, let us draw that line in the sand. Let us pass the Barton amendment. Let us make it tough to raise taxes.

I live in the same State as Mr. SHADEGG does and served in the State legislature, and let me tell my colleagues, in the 1980's we were fourth in the Nation in per capita tax increases. It seems our answer for solving the problems of Arizona year after year after year was to raise taxes. And finally, when we got some common sense from the people, we, through the initiative process, passed a two-thirds requirement for any tax increase. And you know something, it did not paralyze government. In fact, after 3 consecutive years of decreasing taxes, out of a $4.5 billion State budget we had a $800 surplus this year by decreasing taxes.

The same phenomena could happen at the Federal level. But we have to make tough decisions. But the people who elected us, elected me, elected me to come here and fight hard for them, not for government. They elected me to come here to stop spending and fight taxes at the same time, and I intend to do that.

Just finally, I would like to reiterate what my colleague, the gentleman from Arizona [Mr. SHADEGG] did. Please, those who are out there, please,

we implore you, call your Congressman or your congresswoman, ask them, no, demand that they support the Barton amendment. It is crucial to each and every one of us.

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

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

Mr. SOUDER. Mr. Chairman, I really want to thank the gentleman tonight for pulling this together. I think there is a lot of confusion as to what is going on.

To follow up on what the gentleman from Arizona said, as I campaigned in Indiana, and I was I think in over 40 different parades in the small towns and cities, nobody came out and said, ''Hey, MARK, will you see if you can expand the power of the government in Washington? Will you see if you can figure out how to spend more money ought there? And by the way, can you tax me a little bit more?''

That is not what the American people sent us here to do. They sent us here to reduce the size of government and to reduce the burden and to give them control over their lives.

We are saying that in our unfunded mandates. We are saying it in the line item veto, and we are looking at it here in the balanced budget amendment with tax limitations.

This is for your children's future. I have 3 children. I am concerned not so much about myself. A number of my colleagues here have and I have a little bit of gray hair, some a little less than that, and this is not really just about our future. It is about our kids' future and whether we are mortgaging it, and that is both on the tax side and the spending side.

I believe myself that none of the amendments that are coming up are satisfactory. They are not tough enough. There should be a spending limitation that is written in there to protect the taxpayers and the citizens of America. There should be some sort of a penalty if you do not reach a balanced budget.

I am concerned that some of these spending cuts can be illusory, that we will wind up with a deficit. There is no penalty for having that deficit, and it could accumulate.

This does not start until the year 2002. That is putting a lot of faith that we can stand here and get it to that point. So I have a number of concerns with that.

Yet, tomorrow and in the next few days the key thing is not whether we are going to pass a balanced budget amendment, because there is a majority in this body to pass a balanced budget amendment. This is a tax debate, and it is not even all taxes. We are down to income taxes and we are reduced to saying can we not at least have some protection, not a two-thirds protection. You know, if we polled Indiana, they would want 100 percent protection.

At one point I answered a question to one of the newspapers in Indiana. They said, ''Would you support a tax increase?'' I said, ''If we were in war, and if the only way to pay for it was through a tax increase, I might consider a tax increase,'' because people want the spending reduced. They do not want their taxes raised. And we are down to one little clause, a 60 percent supermajority on the taxes, and we cannot get, it seems, to this point enough to get over the top. We need the people of America to call in, to let their Members know that we need their help, we need their vote or we may get an amendment that will merely lead to illusory budget cuts and certain taxes.

We have been down this road before. It was miserable. We need to stop it. People have lost faith in us, and we need to give them a down payment on faith by passing the Barton amendment.

Mr. FORBES. I thank the gentleman.

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

Mr. FORBES. I yield to my distinguished colleague from South Carolina.

Mr. GRAHAM. Mr. Speaker, do my colleagues not feel like we are at a telethon tonight and we are not asking you to give anything, we are trying to give you money?

Let us really explain what we are talking about here in real terms. Does the gentleman agree with this statement, that if every Republican voted for the Barton amendment we could not get there by ourselves? Does the gentleman agree with that statement?

Mr. FORBES. I do.

Mr. GRAHAM. Will the gentleman yield further for another question?

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

Mr. GRAHAM. Does the gentleman believe that there are 60 Members in the Democratic Party, which in many ways has a great tradition in this country, who believe that the time has come to limit government, to turn over fiscal responsibility back to the States, and that there are 60 Members in that great party that will step up and help us fill the mandate of November 8? Does the gentleman believe there are 65 Members over there that could do that?

□ 2200

I think with the encouragement of the American people that there are certainly 60 of our distinguished colleagues on the Democrat side that would come join us.

Mr. GRAHAM. If the gentleman would yield further, would you agree that it is probably the best thing that could happen for the future of this country, not just in the 104th Congress, but for the 21st century, for two parties with different opinions coming together under one roof, based on the principle that if we continue to spend this way we will bankrupt the American character, and this would really be a way to fulfill what President Clinton said in his State of the Union that we can work together to make this country better? And we have a historic opportunity and all we need is 60 Democrats who will help us fulfill our mandate. Do you agree with that statement?

Mr. FORBES. I agree with the gentleman on that statement. I think we have proof in 1990 and 1993 where there was a rush to raise taxes that the American people want this body unified, the House of Representatives to act responsibly, and embrace tax limitation, a balanced budget amendment.

Mr. GRAHAM. Thank you.

Mr. FORBES. I yield to my friend, the gentleman from Illinois.

Mr. WELLER. Well, I thank the gentleman from New York [Mr. FORBES], my good friend from Long Island. I want to commend you for your leadership in organizing tonight's discussion of the tax-limitation, balanced budget amendment.

I just came from my office, and I have been receiving phone calls tonight from taxpayers in my congressional district which, of course, is the south suburbs of Chicago, rural areas, industrial communities, probably the most diverse district in the State of Illinois, and I have received a good number of phone calls.

I am glad I answered the phone. Because they were calling in support of the tax-limitation, balanced budget amendment and from those calls, and every one of them were from middle-class average working men and women. They are concerned about the massive deficit and its impact on the future and their children's future, and they point out, or I had three of them point out, they are aware that the average cost today for every man, woman, and child in the 11th Congressional District in Illinois, as throughout this country, is $18,000 for every man, woman, and child. The average taxpayer is aware of these things.

Congress for far too long has thought that the average taxpayer just did not know. Well, the taxpayers are better informed today.

You know, in the past Congress has said, ''Trust us, we will balance the budget. We have got the discipline. We will do it.'' Well, they have never kept their promise, and they have failed.

One call tonight from a working man from the city of Joliet, an industrial community of about 100,000 in the heart of my congressional district, was frustrated. He is a man who drives a long distance to work, works in industry, and he was frustrated by last year's tax hike which, of course, the administration and the liberal majority in the previous Congress proposed as their solution and imposed it upon the people and the taxpayers in my district as well as yours, and they were aware that that tax increase last year cost the taxpayers in my district $410 million, $60 million in higher gasoline taxes which drives up costs for average working middle-class families, just to go to work or go to the store, and $90

million in higher taxes on Social Security benefits for the senior citizens in my district alone.

Well, that family, as well as others, they have seen their taxes go up, and they have not seen any results in reduction of the deficit or long-term discipline over controlling Congress' historic ability to overspend. They want to be able to afford to go to work and take care of their families' needs, and they want to be able to live comfortably in retirement. They want Congress, they told me tonight, to have Congress to have the discipline and the confidence to cut spending and to oppose higher taxes and, at the same time, protect Social Security.

Today with the passage of the Flanagan resolution, this Congress is on record saying that Social Security is off the table.

THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Texas [Mr. BARTON] is recognized for 60 minutes.

Mr. BARTON of Texas. I yield to the gentleman from Illinois.

Mr. WELLER. Well, you know, thank you. I would like very much to thank the gentleman from Texas for your hard-fought long effort historically to bring this initiative to the floor of the House for debate, and you have worked long and hard to bring a tax-limitation balanced budget amendment, and I just want you to know the phone calls that I have been receiving in my office here in Washington tonight from the taxpayers in my district, they are calling. I had six calls tonight.

Mr. BARTON of Texas. I, too, have received a number of telephone calls, and I had a constituent call my office in Texas today and said, ''We want Congressman BARTON to vote for that Barton three-fifths tax-limitation amendment.'' And my receptionist said, ''Well, he is the named sponsor.'' He said, ''Well, you just tell him if he does not vote for it, he is not going to get my vote next year.'' She said, ''Well, I think you can expect the Congressman to vote for his own amendment.''

But there may be some people in this Chamber that want to make a phone call to their Congressman and do not know the phone number. The number, if anybody in the Chamber would like to make such a phone call tomorrow, is area code 202, 224–3121, and then just ask for their Congressman, Congressman BARTON, Congressman FORBES, Congressman WELLER, you know, whoever your Congressman happens to be, and you will be put through, and since the vote is going to be at about 11, 11:30, Eastern time tomorrow, those phone calls should come in earlier. If Congressman FORBES wanted to call his own office, he would need to do that before 11:30 tomorrow morning.

I yield back to the gentleman from Illinois.

Mr. WELLER. You are absolutely right. You know, there is nothing I value more than hearing from the folks that I have the privilege of representing, and when I know that I get 10 phone calls from the taxpayers in my district, I recognize that they probably represent a total of 100 voters who agree with them and just did not take the time to make the telephone call. So those telephone calls, I know, are extremely important and, you know, one of the questions that a caller told me tonight is that they say, you know, the Republicans are in the majority now. It is going to be an easy sell. You are going to be able to pass that, are you not? I said, ''Well, you realize it takes a supermajority to pass a constitutional amendment like this.'' We need a bipartisan vote. We need, if every Republican votes for this, we need over 60 Democrats to support us, and I said, ''You know, if you have friends that know Democratic Members of Congress that they should call them and support the balanced budget amendment.''

It is so very important that they make calls, and I certainly made that point, and again, I want to thank my colleague for his leadership on this issue. It is so important that we give Congress the discipline, the backbone to balance the budget and to resist the temptation to go back to the old ways which is always to raise taxes.

I served in the legislature for the last 6 years in Illinois. We were fortunate to have a balanced budget provision in the State constitution. That was effective in giving those of us who wanted to balance the books the backbone, the discipline, to get the job done before we went home.

However, my State is one of those that unfortunately does not have what we call the tax accountability amendment, and we are still trying to do that in Illinois, which would require a three-fifths vote. We know if you require a three-fifths vote to pass a tax increase, those who would like to push a tax increase know it is going to be much more difficult, and the obvious solution is to cut spending.

Congress needs that discipline. I am proud to cosponsor the Barton amendment, the tax-limitation balanced budget amendment, in the Contract with America, and I certainly am proud to join with you tonight and participate in tonight's discussion on this important initiative which frankly is a historic change on how Washington works.

Mr. BARTON of Texas. I yield to the gentleman from New York if he sought time.

Mr. FORBES. I thank the gentleman.

I would say that it is startling to me to listen to this experiment that they had in Arizona, if you will, the notion that they went forward and did the responsible thing, but they did not hold the taxes, and the people of Arizona unfortunately were the recipients of some bad policy that hurt them over the years, and my concern here is that our Federal taxpayers, our folks back home, understand the urgency of getting to the phones and making sure that Members of Congress understand that they want Congress, while they want them to balance the budget, they do not want them to take the easy way out and increase spending and that they want a balanced budget amendment that does put a lid on the ability to raise taxes.

I know the people on Long Island, we have amongst the highest taxes in the Nation. We have the highest property taxes and sales taxes and Federal taxes to boot, and it is tough on the people of Long Island and our economy is still very shaky there, and people are struggling to hold onto their jobs, and many people do not have jobs. They are looking for them.

The difficulty is to think that you have a Federal Government that just does not quite get it and continues to grow at alarming rates, and the need, I think, across America is understood, the need for a balanced budget amendment, and most particularly the need again, and I cannot stress it enough, the need to make sure that it is a balanced budget that does put a lid on this Congress' ability to just wantonly raise taxes.

□ 2210

Mr. BARTON of Texas. I thank the gentleman from New York and I yield to the gentleman from Indiana.

Mr. SOUDER. I thank the gentleman from Texas.

Mr. Speaker, I have a question. The gentleman from New York [Mr. FORBES] and myself have served as staffers in the other body and have some healthy skepticism. The gentleman from Texas [Mr. BARTON] as a Member maybe could enlighten us a bit. Under the balanced budget amendment, and part of the reason I am sure the gentleman has his tax limitation supermajority in it, is it not possible to have a category that would say with waste and fraud as a deficit reduction?

Mr. BARTON of Texas. In my town meetings, and I am sure as the gentleman begins to do his town meetings, his constituents are going to come and demand that he cut out that waste, fraud, and abuse and cut out pork-barrel spending. The gentleman would say that he will do it and he is going to be a bulldog to do it. The problem is there is no line in the Federal Government's budget that says waste, fraud, and abuse. When you get to a specific program and you say, ''Mr. Director, can you tell me where the waste, fraud, and abuse is, in your particular program?'' And the director is going to say, ''Congressman, there is no waste, fraud, and abuse in my program.''

Now, I was a White House Fellow at the Department of Energy in 1981, part of 1982, and was a staff liaison to the Grace Commission that President

Reagan empowered to look for waste, fraud, and abuse in the executive branch of the Federal Government. One of my jobs was to look at all the committees that Department of Energy officials served on. It turned out there were over 300 standing committees that either the Secretary of Energy, Deputy Secretary of Energy, the Assistant Secretary of Energy served on.

So I sent out a questionnaire to everybody who served on these standing committees. I said, ''How often do you meet? What are the subjects? Do you think you can do without this committee?''

Not one Assistant Secretary, Deputy Secretary, or Secretary himself wrote back in response to my question and said that the committee was eliminated and did not need to be established. Some of those committees have never met. They had never met, and yet they were not even willing to disestablish any of these intra-agency committees, Department of Energy, Defense, Department of Commerce.

The bottom line, as the gentleman well knows, is we have simply got to put a disciplinary tool in the Constitution that says, ''You shall balance the budget.'' We need to put in that with it, ''You shall balance the budget, with the incentive being cutting spending, not raising taxes.'' That is why the three-fifths' tax increase is so important.

Mr. SOUDER. Mr. Speaker, I am most concerned that most of the agreements that are made wind up with tax increases because the spending cuts are not real.

Is it possible to give another possibility of how this could evolve? While I think the tax increases could be permanent but the spending cuts never occur, a common tactic is to have an asterisk saying, ''Specifics will come at a later date.'' Is it possible under a balanced budget amendment to do that; that is, to have illusory spending cuts but the tax increases be real?

Mr. BARTON of Texas. Mr. Speaker, in order to answer that, it might be illuminatory to explain how the tax limitation balanced budget amendment is actually structured. Section 1 says that the President shall submit to the Congress a balanced budget and Congress shall vote on a balanced budget. It requires that the actual expenditures and receipts be less than the estimates, it requires that in order to increase receipts, there shall be a three-fifths' vote in both bodies in order to borrow money in any fiscal year and in order to increase the debt ceiling there shall be a three-fifth's vote in both bodies.

There is a section that requires that the Congress shall implement the amendment by the appropriate legislature. There is a section that says the amendment shall become effective in the year 2002, or 2 years after requisite 38 States ratify the amendment.

Every effort has been made to close all the loopholes so that in fact the President will be submitting a balanced budget, the Congress shall be voting on a balanced budget, the actual numbers during the fiscal year cannot exceed the estimates so the magic asterisk that OMB Director David Stockman used as a Director of the Office of Management and Budget for President Reagan in the early 1980's, the magic asterisk has gone away.

Even the unspecified savings that Director Darman, President Bush's Office of Management and Budget, unspecified, to be determined later—he had over $300 billion in those types of savings—would go away. Under the leadership of the new chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH] and the distinguished leadership of our new Speaker, and, of course, the Senate majority leader, Senator DOLE from Kansas, we are going to present to the American people a true budget that does move us toward a balanced budget by the year 2002. There will be no budget gimmicks, no magic asterisks, no funny money. This is real, it is serious, it starts tomorrow at approximately 11:30 on this floor in this city when we vote to pass the tax limitation balanced budget amendment and send it to the other body. So people in America can call the U.S. Senate.

Mr. SOUDER. I thank the gentleman for his leadership.

Mr. BARTON of Texas. I yield to the gentleman from Arizona [Mr. SHADEGG], and I see the former member of the Gang of Seven a few Congresses ago is back and loaded for bear and is just brimming to speak in the next 3 to 4 minutes.

I yield to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman from Texas, and I will be brief.

You know, as I listened to the discussion tonight, it occurred to me it might be helpful if there was a practical explanation of at least how one Member of this body thinks this provision will work day to day. Let me tie into that how we got into the mess we are in now.

Mr. Speaker I am on this floor for the first time. I am a freshman Member of this Congress. I have not served in any public office before. But I did serve a period of 7 years in the Arizona attorney general's office. Then I was hired to advise the Arizona State Legislature.

I sat in on literally hundreds of meetings in those capacities where a member of the Arizona legislature would be present and a contituent or a group of constituents would come forward and they were well-intended, serious, concerned citizens. And they would come forward and explain to the members of the Arizona legislature their dire need, this severe problem this, unmet problem in society which government could solve. In Arizona it was easy for the citizens to get to their legislature and to go and implore their members of the legislature to help solve this problem with one little program.

That same scene happens here in Washington thousands of times every day. It happens in your office, I suspect, and in my office and the office of every Member who votes on the floor of this Congress. Constituents come in, lobbying groups come in, organizing groups come in and say, ''We have a small problem, but it is serious and it needs your help. We need just a little bit of money. It is not a lot of money, but a little bit to solve this very serious problem,'' sometimes it affects children, sometimes we say it is going to solve a problem that will pollute our society or pollute our Earth. Whatever the reason is, it is always compelling, whoever the advocate is, he is always sincere and well-intended.

But there is something missing in that conversation.

What is missing is the person of the people who have to pick up the tab. They are not sitting there. I often thought as I sat in on those conversations in the members' offices in the Arizona legislature, why not have one more Chair sitting in that discussion, empty, that says, ''The Arizona taxpayer''? We ought to have somebody. We are all talking about lobbyists. The President devoted a great deal of time last night to the pressure of lobbyists.

It occurs to me that the people do not have a lobbyist who sits in on that conversation.

So the pressure is there and no one is sitting in that empty chair that I envisioned, saying, ''Wait a minute. Who is going to pay for this?''

Well, a supermajority requirement for future tax increases raising the hurdle so that it is not just 50 percent but rather 60 percent would be a structural change which would put essentially that Chair in the room and say, ''It may be a good idea, but somebody has got to pay for it, and you have to go get the assent of just a few more people to do that.'' It is the kind of discipline we desperately need in this body.

I thank the gentleman. I ask if it is possible to join in this conversation briefly with the gentleman from Illinois, my colleague.

Mr. BARTON of Texas. If the gentleman, the distinguished gentleman from Illinois, requests such time yielded to him as he may require.

□ 2220

Mr. SHADEGG. I would like to ask one quick question. I noted that like Arizona——

Mr. BARTON of Texas. The gentleman from Arizona [Mr. SHADEGG] has to ask the question of me, and then we would yield time to the distinguished gentleman from Illinois [Mr. WELLER]. That is the parliamentary triangle that we have to honor.

Mr. SHADEGG. Then let me honor that tradition and ask the question.

I understood from the gentleman from Illinois [Mr. WELLER] that they

have a balanced budget requirement in their State, but they do not have what Arizona now has, which is a supermajority requirement for future tax increases.

Mr. BARTON of Texas. Would the gentleman from Illinois like to have time to answer that question?

Mr. WELLER. I say to my colleagues, ''Thank you, thank you very much. I appreciate this opportunity, and I thank the gentleman from Texas for the opportunity to respond to the gentleman from Arizona's question.''

As I pointed out in my little brief conversation with my colleagues a few minutes ago, Illinois is a State, of course a great State, and I am proud to represent the State of Illinois, and we have a balanced budget provision in the Illinois constitution. However it only requires a simple majority to pass tax increases, and I served in the Illinois legislature for 6 years, and during that period of time I was actually involved in the appropriations process where I was involved in the spending end of the State legislature, handling the human service appropriations portion of the State budget. It is about half the State budget. We have a State budget of $34 billion, 10 percent of what would be called the gross State product, which is a big chunk of the Illinois economy, and we wrestled every year.

Of course we have a balanced budget provision which requires we have to balance our books, and all too often at—towards the end of session or at the beginning of session, if we had a hole in the budget where we knew we were short of dollars, all too often particularly certain special interests, and always representing those who want to spend money, would always say to the legislature, ''You know, we really need to do the right thing, and you know the right thing is to raise taxes.''

Well, they knew that the so-called right thing to raise taxes, which they always argued for, is the easier way out because I guess, if we look at the history of this Congress, it has always been easier for Congress to raise taxes than it has been to cut spending, and I saw how those pressures worked in the State legislature, and rather than cutting spending the special interests would always say, ''Why don't you just raise taxes,'' because, as the gentleman from Arizona pointed out, the taxpayers are not in the room, and that three-fifths provision is the silent partner that the taxpayers need to have in this room when we debate whether or not we should raise taxes.

And let me tell my colleagues, if we have a three-fifths majority in the Constitution as a requirement to pass a tax increase, there has to be a lot of public support, there has to be a real justification, to get those 290 votes to pass the tax increase, and, had we had that provision in Illinois, I can think—during the period of time that I was in the legislature I can think of about half a dozen tax increases that would not have been passed on the taxpayers of my State.

I think it is so important that we include the tax limitation provision because not only does it protect the taxpayers' interest, act as a silent partner, but it is a reality check. It is going to require a supermajority. The special interests are going to realize that Congress is going to think twice before they raise taxes.

It is time to protect the taxpayers' pocketbooks.

Mr. BARTON of Texas. I thank the gentleman from Illinois.

I would like to point out that the three-fifths requirement for a tax increase would not mean 290 votes in the House. It would mean 262 votes in the House. It is certainly more than 218——

Mr. WELLER. If the gentleman would yield, that is certainly Illinois math. I apologize. It is the end of the evening I guess.

Mr. BARTON of Texas. I might also point out that those who say all that necessary—the only protection that is necessary is protection of a constitutional majority to pass a tax increase—we have researched in the House, and there has not been a tax increase that passed with a minority vote.

Now there have been some that passed on a voice vote, two in the last 30 years that passed by a voice vote, but if it came to a vote, in every occasion obviously it won by getting a majority vote.

So to say that a constitutional majority is sufficient protection against the tax increase on this floor every time a tax increase is passed by rollcall vote, it has had a majority, and in most cases it has had a constitutional majority, which is 218. A simple majority would be maybe 216, if several people were not voting, and traditionally the Speaker does not vote.

But to get real protection against tax increases you do need the three fifths, and, as the gentleman from Arizona pointed out, in many of the States that have tax limitation provisions it is two thirds, and in some it is three fourths. In the President's home State of Arkansas it is a three-fourths vote necessary for a tax increase, so a three-fifths vote, or 60 percent, is certainly stronger than the constitutional majority, but it is by no means as strong as many of the States have in their statutes or their constitutions.

I see that the gentleman from California has approached the rostrum, and I would be happy to yield to him and welcome him back to the 104th Congress.

Mr. RIGGS. I thank the gentleman from Texas [Mr. BARTON] for both his kind comments and his outstanding leadership on this extremely important legislative initiative.

The gentleman just a moment ago referred to—I cannot recall if he said famous or infamous gang of seven, but I can remember standing on this very floor in the wee hours of the morning, actually much later than it is now, participating with my fellow gang of seven colleagues on the debate regarding the balanced budget tax limitation amendment in the 102d Congress, and I can tell the gentlemen—in fact I frequently relate this story back home, that that was probably my single greatest disappointment from my prior service in this distinguished body.

I recall though on that occasion one of the gang members, who has now gone on to greater heights in the other body as a junior Member from the State of Pennsylvania, holding up at a particularly poignant moment in the proceedings the photographs, little wallet sized snapshots, of his young children who now obviously are a few years older and making the point, as several of my colleagues did earlier, that we are really acting on their behalf and in their interests. We are talking about, of course, the future taxpayers of the United States of America who will inherit this enormous sum and growing debt that we, sad to say, have imposed upon them as a rather dubious legacy, one which, in fact, does indeed mortgage the future and diminish the economic opportunity they and their children will be able to realize.

So, that was a tremendous disappointment, and I also wanted to share with the gentleman that just today I fielded a few calls from the media saying, ''Well, why is this really necessary? After all, you in legislative branch have the ability to ultimately adopt and enact a balanced Federal budget.''

And I hasten to point out to those particular folks who—frankly they are the skeptics and the pundits who do not face the difficult decisions we will make in the days following our adoption of the balanced budget tax limitation amendment, but I point out to them that of course the Federal Government has the unique ability to make money, print new currency and to borrow more to continue its deficit spending ways.

I also point out to them that history, as the great teacher, shows us that basically anything Congress does can be undone, short of an amendment to the Constitution, and that has clearly been the case in the past, and prior efforts of the Congress, as the gentleman well knows, have been routinely circumvented by this body whether it is sequestration procedures or the Gramm-Rudman Act which effectively gutted over a short period of time but allowing us to continue our spendthrift ways.

The other thing I wanted to point out to the gentleman is that—he obviously knows, and he has been a leader in this body in terms of making this point frequently during this critical debate, and that is that we are not an undertaxed society. We need to make it difficult to raise Federal income taxes and to raise the debt limit.

As my colleagues know, I—again having the distinct honor and privilege of serving in this body before, and taking

a sabbatical away from the body, and now returning—I have a unique perspective on the matters that are deliberated in this body. I reflect back on that prior service, the 50 some odd town meetings I did the width and breadth of my Congressional District over that two year period, and I cannot recall a single occasion when a constituent came up and said ''you know, Congressman, we really are an undertaxed society, and I would like to pay more taxes.''

□ 2230

To the contrary, as the gentleman well knows, with 42 percent of our economy going to some taxing authority or another, 21 percent of that, I believe the numbers are roughly, or about 19 percent of that, rather, is going to the Federal treasury, and we are spending the equivalent of about 21 percent, and, of course, running these enormous deficits. But with 42 percent of our $6 trillion economy going to the taxing authorities, we are not an undertaxed economy. Furthermore, we have received a clear mandate from the American people to cut spending and taxes as well. In order to do that, the first step is clearly the gentleman's balanced budget and tax limitation amendment.

The other point I wanted to share with the gentleman is a few weeks ago I had the opportunity to go up to Baltimore. I obtained an invitation to go up and, actually a first for me, observe a focus group being conducted by a well-known research group, and it was quite an eye opener.

The purpose of this particular focus group, which we were able to observe through a one-way mirror, was to watch as ordinary Americans, and these were actually I believe above average in terms of their educational and economic backgrounds, but to watch the proceedings as they attempted to go through one of these exercises involving balancing the Federal budget.

They were provided I think with a three or four page list of all the discretionary spending items in the Federal budget and then asked to make specific programmatic spending cuts by going down that list. And after two hours of discussion, they had not agreed on a single specific spending cut, illustrating the difficulty of our challenge ahead. They were able, after another hour or so of conversation, to finally agree on across-the-board spending cuts, which is frankly something we are going to have to consider in this body I think in order to meet our mandates and in order to comply with the balanced budget tax limitation amendment.

But it was a very revealing experience for me and a very sobering drive back from Baltimore to the Capitol as a result.

But in the course of that conversation, one of the folks in the room said ''if we all ran our personal finances like the government, we would all be bankrupt,'' reminiscent of the wonderful movie ''Dave,'' where the accountant is brought in to look at the Federal Government's books, and said, ''Who did these books? If I did my books like this, I would be out of business.'' The point being that, you know, the time has come to impose some very real constraints, a sense of restraint on what we do back here with the Federal taxpayers' dollars.

Previous attempts short of the constitutional amendment approach have not worked. It is very clear that in enacting the constitutional amendment, the balanced budget requirement, we have to create, as the gentleman has put it, a disincentive for raising income taxes.

So I commend the gentleman, and urge him on in his efforts tomorrow, which I fully intend to support on this floor, in the hope that ultimately we will do the right thing and we will show to the American people at the conclusion of the debate tomorrow by our votes as we stand and ultimately become accountable that we really did get the message from the voters last November, and that we really are serious about rearranging and ultimately reducing the size, the scope, and the cost of the Federal Government.

Mr. BARTON of Texas. I thank the gentleman from California, and again cannot express in the most positive terms how delighted we are to have him back serving with great distinction in the body.

The hour is getting late. I would be happy to recognize the gentleman from South Carolina for some brief remarks, so we may hopefully soon conclude.

Mr. GRAHAM. I was very intrigued by the gentleman from California's comments there. I think they are right on point, especially the comment from the constituent or the lay person that said if we ran our affairs like you do up here, we would be bankrupt.

Would the gentleman agree that if the American public ran their affairs like we do up here, that they would go to jail?

Mr. BARTON of Texas. I would agree with that in a fiduciary sense. No cooperation in America could utilize its assets and abuse its borrowing privileges like we have here in Washington the last 30 to 40 years.

Mr. GRAHAM. The essence of this debate I think comes down to this point: During your dissertation a while ago you made some very important points that I didn't realize, that I believe you said for the first time 30 years ago, in 1964 and 1965 era, that the entire Federal budget was less than $200 billion. Is that correct?

Mr. BARTON of Texas. We reached the $100 billion spending mark at the Federal level in 1961 or 1962, and in the current fiscal year, it is expected we will expend just for interest on the national debt, over $225 billion. So we now pay more in interest than the entire Federal budget was in the early 1960's.

Mr. GRAHAM. I believe the gentleman stated further that during that period of time the national defense sector spending has increased by 1300 percent.

Mr. BARTON of Texas. Thirteen hundred percent since 1964. This year we are expected to spend $1 trillion, which is 1 thousand billion, $531 billion. Those numbers are from President Clinton's Office of Management and Budget. Those are not the Republican numbers, but the official budget numbers of the President of the United States.

Mr. GRAHAM. Would the gentleman agree with that tendency in place, the ability to spend far more than we make and it is escalating at monumental proportions, that if there ever was a time to have a three-fifths majority vote it is now, and could you comment on the likelihood of balancing the budget with tax increases if we don't have the three-fifths majority?

Mr. BARTON of Texas. If the gentleman would yield on that point, in the early 1980's, then President Reagan accepted a tax increase with the understanding for every dollar of taxes that were increased, there would be $2 of spending cuts. Well, we got the tax increase, but we got $1.58 of spending increase for every dollar of tax increase.

We have researched that back to the mid 1940's. And in no year have we seen when a tax increase was passed, that the next year the spending cuts materialized. In the time that I have been in the Congress, and I was elected in 1984 and sworn in in 1985, we have eliminated in its entirety one Federal program, the Urban Development Action Grant Program.

Now, we have reduced some in real terms, but in every year Federal spending in the aggregate has gone up, and it has averaged over $50 billion a year increase in the time I have been in the Congress. And in the nineties it has averaged over $65 billion a year. I don't know about the gentleman from South Carolina or the gentleman from New York or California or Indiana, but in my family household, if I had an extra sixty or seventy billion dollars a year, I believe I could get by. I believe I could make it. And yet we talk and talk and talk about making the tough choices and cutting spending. The reality is in almost every case in Washington, that is a phony game. We take the baseline, adjust it for inflation, adjust it for growth, adjust it for unanticipated consequences that may never occur, and then say that is what we would really like, but we will take 10 percent less than that, and they end up with 10 or 15 percent more than they had the year before.

There have been years when the average Federal program had a net increase after inflation and after growth in the economy of over 13 percent. Yet we still cry out about needing more revenue. That is simply not the case.

I am going to conclude this special order, if none of the other distinguished gentleman wishes time, by

simply stating the obvious: Tomorrow is a historic occasion. For the first time in over 200 years, we have a real opportunity to amend the Constitution of the United States to require a Federal balanced budget, and to do so in a way that we would cut spending and not raise taxes by adding a three-fifths requirement for a tax increase.

□ 2240

Thomas Jefferson, one of our founding fathers, the author of the declaration of independence, rued the fact that when the constitution was adopted in 1787, it did not have a requirement that the budget be balanced. In the modern era, it is, I think, factual to state that if we do not amend the constitution to require a balanced budget, we will never have a balanced budget.

When our current President's economic advisors state that there is not even an attempt to get to a balanced budget and that balanced budgets do not count and that under the most rosy scenario, the budget deficit begins to climb next year and climb to infinity after we get to the millennium in the year 2000, it is absolutely imperative that we act now.

This dialog, colloquy that we have had this evening on the House floor is not an exercise in academic opportunism. We are going to vote on the constitutional amendment to require a balanced budget with a tax limitation provision tomorrow morning between 11 and 12 o'clock Eastern Standard Time. And if 290 Members of this body vote in the affirmative, we will have passed it. If less than 290 vote in the affirmative, we will have 4 other amendments that are made in order and whichever of those 4 gets the majority vote will be the vote on final passage for the two-thirds requirement sometime early tomorrow evening.

This colloquy this evening on the House floor has the potential to go down in history as the most important colloquy that has ever been heard in this chamber in terms of fiscal responsibility. It is not of the same significance as declarations of war, which we have had in the early 1940's and some of those types of debates, but in terms of fiscal responsibility and our children's future to have the same type of economic opportunity that we have had, it is important.

If the American people agree with the distinguished Members that have participated with us this evening of its importance and if they take advantage of the opportunity to express their serious demand that we pass the tax limitation balanced budget amendment, we will do so.

I want to thank the gentleman from New York for having the first special order and the gentleman from Indiana and the gentleman from South Carolina and the gentleman from California and all the other distinguished gentlemen and gentlewomen that have participated this evening and simply ask that they really search their consciences and come prepared tomorrow to exert every effort in a positive way to pass this historic amendment.

THE LINE-ITEM VETO

The SPEAKER pro tempore (Mr. GEKAS). Under the Speaker's announced policy of January 4, 1995, the gentleman from Wisconsin [Mr. BARRETT] is recognized for 15 minutes.

(Mr. BARRETT of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, I come before the House and I welcome my new colleagues on the other side of aisle who are here tonight and I ask them to stay so perhaps we can listen to some of the comments I want to make on the important issue that we are going to be facing in the next two weeks, which is the line item veto.

I am a supporter, Mr. Speaker, of the line item veto, because I think it is an important tool that the President should have to help us control the runaway spending that we have seen in this country over the last 30 years.

But I am very troubled by what I have seen in the committee that I serve on, the Government Reform Committee, by what is occurring there, because I think that the Government Reform Committee, under the new leadership of the Republican party, is only dealing with half the problem.

The problem that the new leadership is dealing with is the problem of spending, pork barrel spending in appropriations bills that I believe should be taken out.

I think that the President should have the authority with the line item veto to remove pork barrel spending from appropriation items.

I also feel very strongly, though, Mr. Speaker, that the President should, in addition to having the power to remove pork barrel spending, that the President should have the additional power to remove tax expenditures or special tax breaks that are given through our Tax Code as well.

This is not a new concept. In fact, because I am relatively new in the House, I thought it would be smart for me to draw on some expertise of far more learned Members of this House to try to come up with the language to make sure that the people in this body do not use our Tax Code to create what are in essence tax expenditures and lowering the amount of money we have in our treasury and increasing the size of our national deficit and our national debt through the Tax Code.

So the perfect person to call on in order to come up with the exact language is the former minority leader, Mr. Michel, a person who was very well respected throughout this institution, who also was very concerned with this issue.

He raised this issue last year in the expedited rescissions bill that we considered. Actually it was in 1993, as I recall, but he was concerned with this provision as well, this issue as well. So he created an amendment that he offered to the House that made it possible for the President of the United States to also use his line item authority to get rid of targeted tax breaks.

I would like to spend several minutes, if I could, reading from his testimony or his colloquy on the floor because I think it was very powerful, and unfortunately, I think that the Members of his own party today in our committee ignored his very own advice, even though the Republican Members of this House unanimously supported his amendment when he offered it just a short time ago.

Now I am reading verbatim from Mr. Michel's statements which were given on this floor not long ago.

Mr. Chairman, I rise today to offer my amendment to the real legislative line item veto proposal offered by my colleagues. My amendment adds an additional dimension to the debate. Should the President be allowed to strike special interest tax provisions from tax bills in addition to appropriations from appropriation bills? I believe that the President should be given this additional authority.

I am amazed and obviously very gratified that this issue has gained so much momentum. I began the drumbeat earlier this year after seeing the number of special interest tax provisions contained in last years's tax bill, H.R. 11. That bill was vetoed by President Bush due to the sheer weight that it gained through the legislative process here in Congress.

As you know, that bill initially was the vehicle for the enterprise zone provisions in response to the Los Angeles riots.

By the time it was on the President's desk, it was a huge bill containing over 50 special interest provisions. My understanding is that the cost of the special interest provisions exceeded the cost of the supposed cornerstone of that bill, the enterprise zone provisions that we all thought was the real reason for our having considered that particular tax bill.

Several weeks ago during initial consideration of this matter, a group of freshman Members on the Democratic side of aisle asked that an amendment be made in order to the base bill that included presidential authority to repeal tax expenditures. There was also an effort by members of the Committee on Appropriations to give the President such authority. They, like myself, have been precluded from raising the tax issue in the base bill.

Now, you are going to hear several arguments why you should not vote for this amendment. You will hear that it is uncertain what I mean by the term 'targeted tax benefits.' Well, I can assure you I know one when I see one, and so do you. I am talking about special interest tax items, tax pork, tax loopholes, tax carve-outs, Members' projects, special tax exemptions, et cetera, et cetera.

I am talking about tax goodies, the kind of things that insiders get in abundance and the regular taxpayers get in the neck.

I am talking about a wind and a nod and a nudge and all the other political insider body language that says, give me a break because I am somebody special.

There are big, big bucks associated with these sweetheart tax provisions, believe me. If you agree that the President should not be held hostage to special interests and tax bills as well as appropriation bills, then support

my amendment today. When we see that whopping big tax bill coming down the pike later this year, you better believe that it is going to be loaded with lots of tax goodies, if it is going to get any mileage in either one of the bodies of the Congress.

In order to get the votes to pass it, I can assure you, as I said, that members of the committee, particularly the chairman, are going to be under immense pressure to do just these kind of things that ought not to be done. My amendment would add some accountability in the tax area as is provided in the appropriation area.

The second argument that you will hear against my amendment is that it raises constitutional questions. Well, when these constitutional questions arose during my testimony before the Government Operations Committee, I contacted a well-regarded constitutional expert, Mr. Bruce Fein, for his opinion on the matter.

□ 1050

Mr. Speaker, I would like to quote from a March 16 letter that I have received from him relative to the bill that I introduced. This is what he said:

The purpose of the President's targeted tax authority is unquestionably legitimate, to assist in attacking ballooning budget deficits. The method is plainly adapted to that end, enabling the President to veto only the mischievous portions of a revenue bill that he might otherwise sign because of offsetting attractions.

The authority does not usurp legislative power. Congress may override a targeted veto. Further, at any time it may, by legislation, rescind the President's targeted veto power. Moreover, insofar as the bill delegates legislative revenue power to the President, it contains sufficient standards to guide the exercise of delegation to pass constitutional muster.

Now on these grounds, I believe that I have a legitimate legal and constitutional basis upon which to offer my amendment.

Mr. Speaker, I would like to reiterate once more that I believe the President of either party should have the option to get at special interest provisions in both appropriations and tax bills. It is a good management tool, both on the appropriations side and on the tax side.

It is not one of those issues, quite frankly, that divides along political lines. I have heard Members in the earlier debate mentioning, conservative Members on my side who have an absolute opposition to a line item veto, and I respect them for their feelings on that score

People ask me, ''BOB, why would you give up your legislative authority to an all-powerful Chief Executive?'' I will say, ''Because we have loused it up here in the Congress. That is why.'' If 43 Governors have the power to use to good advantage, then why should we not give it to the President of the United States?

When Jimmy Carter was President I said, ''If you don't want to give him authority for a complete line item veto, give him at least authority to reduce items by some arbitrary figure—10, 15, 50 percent—if you want to hold on jealously to your power.''

But it is a management tool to try and save some bucks around here, and I am willing to give that to President Clinton, President Carter, as I proposed earlier, and yes, certainly my own President. I do not want to hamstring any President to the degree that they would not have their kind of ability to use a good management tool that 43 of our Governors are currently using to their advantage.

Again, I continue to read from Mr. Michel's statement, and I think the next paragraph is important:

Quite frankly, if you are for special interests, then vote against my amendment. If you are for a more complex tax code, then vote against my amendment. Now, if you believe that the President should not be held hostage to special interests, then I say vote for my amendment today. It will make a better piece of legislation.

Mr. Speaker, I read this to you because I think it is very important as we prepare for the debate on the line item veto that we do not forget the problem of tax expenditures. Quite frankly, the bill that is moving through this House at lightning speed does not deal sufficiently with the issue of tax expenditures.

Let me tell you how the bill deals with it. As originally drafted, it said the President would have the authority to line item a tax expenditure if the number of people who benefitted from it were fewer than five.

That is ridiculous, because many of these tax expenditures apply to corporations, apply to individuals, and with 260-plus million people in this country, you are not going to have a tax provision that is going to only apply to fewer than five people. In committee today we raised that to 100, which I still think is woefully inadequate.

In fact, the gentleman from Pennsylvania [Mr. CLINGER], who is the chairman of our committee, last year testified or spoke on the floor in support of the amendment of the gentleman from Illinois [Mr. Michel], and he said:

I agree with the Minority Leader that it is important that the President be able to single out both excessive and unnecessary spending, and special sweetheart tax provisions, for an individual vote. Often such provisions are buried in large bills and Members may not even be aware of each of these individual provisions when they vote on a nonmiscellaneous bill.

The American people hear of these special tax giveaways only after they take effect, and they are outraged at the arrogance of Congress to give special deals to special friends. A meaningful way to strike these provisions from omnibus tax bills is one way for the government to reclaim the respect of the American people.

That is what he said last session, in support of this very amendment that today was voted down in the Committee on Government Reform and Oversight.

So what is going on here? Why do we have this sudden change in the treatment of tax expenditures, now that the Republicans are in the majority?

I hope I am wrong, Mr. Speaker, I sincerely hope I am wrong, but my fear is that although the Republicans are quick to say ''Let's get rid of the pork barrel spending projects in Members' districts,'' which I agree with, and that is why I support the line item veto, that they are very hesitant to say, ''Let's get rid of special tax breaks for wealthy individuals.''

I think if we are going to have a complete bill, an honest bill, a bill that we can all be proud of to take home to our constituents, that it is imperative that we follow what the Members of the now Majority party were pushing two years ago: that we include in this bill real power for the President to get rid of these special tax breaks.

To do so I think is going to require some courage on the part of Members of the other side of the aisle, who thus far this session have not shown any willingness to vote independently from the leadership. However, I think they can do it.

I think if we are serious about the deficit, and we just heard four or five Members talking about the deficit and the debt, that this is another tool that we have to have, so I would ask the Members of this body, and in particular those who look at this issue, to reconsider their assistance.

I will be presenting this, along with other Members, to the Committee on Rules, and ironically, looking at the Committee on Rules, the makeup of the Committee on Rules, 9 of the 12 members on the Committee on Rules voted for this amendment last year. As the gentleman from Illinois [Mr. Michel], indicated, it crossed party lines. This is not a partisan issue, it is a bipartisan issue, and it should have bipartisan support.

RULES OF PROCEDURE FOR THE COMMITTEE ON COMMERCE FOR THE 104TH CONGRESS

(Mr. BLILEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLILEY. Mr. Speaker, pursuant to the requirements of clause 2 of rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Commerce for the 104th Congress, as adopted by the committee in open session on January 10, 1995.

RULES FOR THE COMMITTEE ON COMMERCE

RULE 1. GENERAL PROVISIONS

(a) Rules of the Committee. The Rules of the House are the rules of the Committee on Commerce (hereinafter ''the Committee'') and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee and its subcommittees.

(b) Rules of the Subcommittees. Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent

with the Rules of the House, shall be binding on each subcommittee of the Committee.

RULE 2. TIME AND PLACE OF MEETINGS

(a) Regular Meeting Days. The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his direction, cancel, delay or defer any meeting required under this section, after consultation with the ranking minority member.

(b)(1) *Additional Meetings.* The chairman 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 purposes pursuant to that call of the chairman.

(b)(2) *Special Meetings.* If at least three members of the Committee or subcommittee (which is applicable) desire that a special meeting of the Committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the Committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calender days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee or subcommittee (whichever is applicable) may file in the offices of the Committee their written notice that a special meeting of the Committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee or subcommittee (whichever is applicable)— that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(c) Vice Chairman; Presiding Member. The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Each meeting of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(e) Regular Meeting of the Chairmen. At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the Committee and the procedures for Committee and subcommittee consideration of such matters. This discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction, and the conduct of joint subcommittee hearings.

RULE 3. AGENDA

The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee by delivery to his or her office at least 36 hours in advance of such meeting.

RULE 4. PROCEDURE

(a)(1) The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays and legal holidays) in advance of the commencement of such meeting.

(B) The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or a subcommittee, at least 2 working days in advance of his or her appearance, 75 copies of a written statement of his or her proposed testimony and shall limit his or her oral presentation to a brief summary of the argument, unless this requirement, or any part thereof is waived by the Committee or subcommittee chairman or the presiding member.

(c) The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) Opening statements by members at the beginning of any hearing of the Committee or any of its subcommittees shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members.

RULE 5. WAIVER OF AGENDA, NOTICE, AND LAYOVER REQUIREMENTS

Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

RULE 6. QUORUM

Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the Committee or subcommittee, as the case may be, except that a matter may not be reported by the Committee or a subcommittee unless a majority of the members thereof is actually present.

RULE 7. PROHIBITION AGAINST PROXY VOTING

No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

RULE 8. JOURNAL, ROLLCALLS

(a) The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule X1, clause 2(e) of the Rules of the House.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, 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. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the rule.

RULE 9. FILING OF COMMITTEE REPORTS

If, at the time of approval of any measure or matter by this Committee, any member or members of the Committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (exclusive of Saturdays, Sundays, and

legal holidays) in which to file such views in writing and signed by that member or members with the Committee. All such views so filed shall be included within and shall be a part of the report filed by the Committee with respect to that measure or matter.

RULE 10. SUBCOMMITTEES

There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

RULE 11. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings wherever possible.

RULE 12. REFERENCE OF LEGISLATION AND OTHER MATTERS

All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the Committee within 5 legislative days, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittees having legislative or oversight jurisdiction.

RULE 13. RATIO OF SUBCOMMITTEES

The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

RULE 14. SUBCOMMITTEE MEMBERSHIP

(a) The majority party members of the standing subcommittees shall be selected by a process determined by the majority party members. The selection of majority party members of the standing subcommittees shall be conducted at a meeting of the majority party caucus of the Committee held prior to any organizational meeting of the Committee.

(b) The minority party members of the standing subcommittees shall be selected by a process determined by the minority party members. The selection of minority party members of the standing subcommittees shall be conducted prior to any organizational meeting of the Committee.

(c) The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members.

RULE 15. SUBCOMMITTEE CHAIRMEN

(a) The chairman shall nominate a slate of chairmen for the standing subcommittees. The chairman's slate shall be subject to approval by a majority of the majority party caucus of the Committee. If the chairman's initial slate is not approved by a majority, the chairman shall present an alternative slate of nominations until a slate is approved by a majority of the majority party caucus.

(b) The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

(c) The chairman of the Committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

RULE 16. COMMITTEE PROFESSIONAL AND CLERICAL STAFF APPOINTMENTS

(a) Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

RULE 17. SUPERVISION, DUTIES OF STAFF

(a) The professional and clerical staff of the Committee not delegated to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

RULE 18. COMMITTEE BUDGET

(a) The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 104th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the House Committee on Oversight unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the House Committee on Oversight, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

RULE 19. BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by him in accordance with the Rules of the House.

RULE 20. COMPTROLLER GENERAL AUDITS

The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94–163), after consultation with the members of the Committee.

RULE 21. SUBPOENAS

The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the Committee or subcommittee (as the case may be), a

quorum being present. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. Subpoenas may be issued over the signature of the chairman of the Committee, or any member of the Committee authorized by such chairman, and may be served by any person designated by such chairman or member. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than 1 week after service of such subpoena.

RULE 22. TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; and (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP (at the request of Mr. GEPHARDT) for today, on account of family illness.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.
Mrs. LINCOLN, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. MENENDEZ, for 5 minutes, today.
Ms. ESHOO, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Mr. FALEOMAVAEGA, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. DE LA GARZA, for 5 minutes, today.
Mr. MILLER of California, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. BECERRA, for 5 minutes, today.
Mrs. THURMAN, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mr. KILDEE, for 5 minutes, today.
Mr. PASTOR, for 5 minutes, today.
Mr. CLAY, for 5 minutes, today.

(The following Members (at the request of Mrs. CHENOWETH) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, on January 26.
Mr. GRAHAM, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.
Mr. BLILEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LOBIONDO, for 5 minutes, today.

EXTENSION OF REMARKS

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

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. LANTOS.
Mr. DINGELL.
Mr. TOWNS.
Mr. NEAL.
Mr. KANJORSKI.
Mr. HAMILTON in three instances.
Mr. WILSON.
Mr. UNDERWOOD in two instances.
Ms. JACKSON LEE.
Mrs. KENNELLY.
Mr. SKELTON.
Mr. MINETA.
Mr. JACOBS.
Ms. SLAUGHTER.
Mr. TOWNS.
Mr. REED.
Mr. MARTINEZ.
Mr. SERRANO in three instances.

(The following Members (at the request of Mrs. CHENOWITH) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. DAVIS.
Mr. DICKEY.
Mr. FRANKS of New Jersey.
Mr. QUINN.
Mr. PACKARD.
Mr. COX.
Mr. GALLEGLY.
Mr. THOMAS of California.
Mr. FAWELL.
Mr. BARR.

(The following Members (at the request of Mr. BARRETT of Wisconsin) and to include extraneous matter:)

Mr. PAYNE of New Jersey.
Mr. FORBES.
Mr. TAUZIN.
Mr. MCINNIS.
Mr. OLVER.
Mr. BARR.

ADJOURNMENT

Mr. BARRETT of Wisconsin. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, January 26, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

195. 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.

196. 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.

197. A letter from the Assistant Secretary for Economic Security, Department of Defense, transmitting the strategic and critical materials report during the period October 1993 through September 1994, pursuant to 50 U.S.C. 98h–2(b); to the Committee on National Security.

198. A letter from the Acting Director, Office of Thrift Supervision, transmitting information on changes in district offices; to the Committee on Banking and Financial Services.

199. A letter from the Comptroller General of the United States, General Accounting Office, transmitting the Comptroller General's 1994 annual report, pursuant to 31 U.S.C. 719(a); to the Committee on Government Reform and Oversight .

200. A letter from the Chairman, Agriculture and Transportation Barriers Compliance Board, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

201. A letter from the Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

202. A letter from the Executive Secretary, Barry M. Goldwater Scholarship, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to

the Committee on Government Reform and Oversight.

203. A letter from the Chairman, Consumer Product Safety Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

204. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

205. A letter from the Deputy Secretary of Defense, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

206. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

207. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

208. A letter from the Chairman, Farm Credit Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

209. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

210. A letter from the Chairman, Federal Communications Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

211. A letter from the Chairman, National Transportation Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

212. A letter from the Director, Office of Personnel Management, transmitting the Office's report on its health promotion and disease prevention activities for Federal civilian employees; to the Committee on Government Reform and Oversight.

213. A letter from the Administrator, Panama Canal Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

214. A letter from the Secretary of Labor, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

215. A letter from the Secretary, The American Battle Monuments Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

216. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S. 3512(c)(3); to the Committee on Government Reform and Oversight.

217. A letter from the Director, Administrative Office of the U.S. Courts; transmitting the Judicial Conference of the United States biennial report to the Congress on the continuing need for all authorized bankruptcy judgeships, pursuant to 28 U.S.C. 152(b)(3); to the Committee on the Judiciary.

218. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of additional program proposals for purposes of nonproliferation and disarmament fund activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on International Relations and Appropriations.

219. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the fourth quarter of fiscal year 1994, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committees on International Relations and Appropriations.

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. MCCOLLUM:

H.R. 665. A bill to control crime by mandatory victim restitution; to the Committee on the Judiciary.

H.R. 666. A bill to control crime by exclusionary rule reform; to the Committee on the Judiciary.

H.R. 667. A bill to control crime by incarcerating violent criminals; to the Committee on the Judiciary.

H.R. 668. A bill to control crime by further streamlining deportation of criminal aliens; to the Committee on the Judiciary.

By Mr. BOEHNER:

H.R. 669. A bill to repeal the Perishable Agricultural Commodities Act, 1930; to the Committee on Agriculture.

By Mr. COLEMAN:

H.R. 670. A bill to waive certain statutory time limitations with respect to the award of military decorations in the case of the award of the Medal of Honor to Marcelino Serna; to the Committee on National Security.

By Mr. FALEOMAVAEGA (for himself, Mr. RICHARDSON, Mr. WILLIAMS, Mr. MILLER of California, and Mr. DEFAZIO):

H.R. 671. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

By Mr. FIELDS of Texas:

H.R. 672. A bill to improve recreational boating safety; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY:

H.R. 673. A bill to establish a national commission to review the regular military compensation of members of the Armed Forces and develop recommendations to end the dependence of some members and their families on Federal and local assistance programs; to the Committee on National Security.

By Mrs. MALONEY:

H.R. 674. A bill to provide that a spouse, former spouse, surviving spouse, or surviving former spouse may qualify for retirement, survivor, and health under the Foreign Service Act if the Foreign Service participant is disqualified for such benefits for reasons of misconduct or disloyalty to the United States; to the Committee on International Relations, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINETA (for himself and Ms. ESHOO):

H.R. 675. A bill to amend the Securities Exchange Act of 1934 to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act; to the Committee on Commerce, 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. NADLER:

H.R. 676. A bill to require the Secretary of the Interior and the Secretary of Agriculture to establish grazing fees at fair market value; to the Committee on Resources.

By Mr. NEAL of Massachusetts:

H.R. 677. A bill to amend the Internal Revenue Code of 1986 to repeal the special $15 million limitation on the amount of a tax-exempt bond issue which may be used to provide an output facility; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 678. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. PALLONE, Mr. ZIMMER, Mrs. ROUKEMA, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. MARTINI, and Mr. SMITH of New Jersey):

H.R. 679. A bill to amend the Federal Water Pollution Control Act to make Barnegat Bay, NJ, eligible for priority consideration under the national estuary program; to the Committee on Transportation and Infrastructure.

By Mr. SOLOMON (for himself and Mr. MCNULTY):

H.R. 680. A bill to extend the time for construction of certain FERC licensed hydro projects; to the Committee on Commerce.

By Mr. TAUZIN (for himself, Mr. HALL of Texas, Mr. TOWNS, Mr. RUSH, and Mr. BROWN of Ohio):

H.R. 681. A bill to amend the Securities Exchange Act of 1934 in order to reform private enforcement of the Federal securities laws, and for other purposes; to the Committee on Commerce, 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. THOMAS (for himself and Mr. NEAL of Massachusetts):

H.R. 682. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement

accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON:

H.R. 683. A bill to extend Federal restrictions on the export of unprocessed timber to timber harvested in the State of Texas; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 684. A bill to provide a minimum for payments with respect to counties in the State of Texas from receipts from national forests; to the Committee on Agriculture.

H.R. 685. A bill to prohibit exports of unprocessed timber and wood chips to any country that does not provide reciprocal access to its markets for finished wood products and paper produced in the United States; to the Committee on International Relations.

H.R. 686. A bill to amend title 28, United States Code, to provide for the use of volunteers for Federal Bureau of Investigation tours and at the Bureau's training facilities, and for other purposes; to the Committee on the Judiciary.

H.R. 687. A bill to designate the maintenance facility and future visitor center at the Big Thicket National Preserve as the ''Ralph W. Yarborough Center''; to the Committee on Resources.

H.R. 688. A bill to require the Secretary of Agriculture to take action to control the infestation of southern pine beetles currently ravaging wilderness areas in the State of Texas; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 689. A bill to authorize the Secretary of Agriculture to convey certain lands in the Sam Houston National Forest in the State of Texas to the current occupant of the lands, the Gulf Coast Trades Center; to the Committee on Resources.

By Mr. ZIMMER.

H.R. 690. A bill to improve the use of risk assessment and cost-benefit analysis by Federal agencies; to the Committee on Government Reform and Oversight, and in addition to the Committees on Science, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS (for himself, Mr. KIM, and Mr. SOLOMON):

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework; to the Committee on International Relations.

By Mr. YATES:

H. Con. Res. 20. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of January 23, 1995]

H.R. 5: Mr. MILLER of Florida.

[Submitted January 25, 1995]

H.R. 5: Mr. BUNN of Oregon and Mr. ROYCE.

H.R. 6: Mr. SAM JOHNSON, Mr. COLLINS of Georgia, Mrs. SEASTRAND, Mr. MCKEON, and Mr. POMBO.

H.R. 7: Mr. LUCAS, Mrs. VUCANOVICH, Mr. TALENT, Mr. BAKER of Louisiana, Mr. KING, and Mr. BROWNBACK.

H.R. 10: Mr. LONGLEY, Mr. ROBERTS, Mr. POMBO, Mr. SALMON, and Mr. GALLEGLY.

H.R. 24: Mr. FRELINGHUYSEN.

H.R. 28: Mr. LIGHTFOOT.

H.R. 44: Mr. BONIOR and Ms. ESHOO.

H.R. 58: Ms. DANNER.

H.R. 62: Mr. BLUTE, Mr. ENGLISH of Pennsylvania, Mrs. MEYERS of Kansas, Mr. FOX, Mrs. MYRICK, Mr. CHRISTENSEN, and Mr. ANDREWS.

H.R. 70: Mr. FIELDS of Texas and Mr. SOLOMON.

H.R. 76: Mr. VENTO and Mr. LIGHTFOOT.

H.R. 77: Mr. LATOURETTE and Mr. ZELIFF.

H.R. 130: Mr. SMITH of Texas.

H.R. 208: Mr. BARTLETT of Maryland.

H.R. 209: Mr. DOOLITTLE, Mr. KING, Mr. MCKEON, Mr. CHRYSLER, and Mr. HAYWORTH.

H.R. 216: Mr. CHRISTENSEN.

H.R. 218: Mr. BILBRAY and Mr. MCKEON.

H.R. 326: Mr. EWING, Mr. LIPINSKI, and Mr. ZELIFF.

H.R. 370: Mr. LIPINSKI, Mr. MCCRERY, Mr. ALLARD, Mr. BACHUS, Mr. ISTOOK, Mr. METCALF, Mr. ZELIFF, Mr. BOEHNER, Mr. ARMEY, Mr. HOUGHTON, Mr. CHRISTENSEN, Mr. LARGENT, Mr. FORBES, Mr. KIM, Mr. ROGERS, Mr. KING, Mr. LONGLEY, Mr. DICKEY, and Mr. GOODLATTE.

H.R. 390: Mr. BARCIA of Michigan, Mr. SCOTT, Mr. PACKARD, Mr. LAZIO of New York, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. BALLENGER, Mr. SANDERS, Mr. HALL of Ohio, Mr. CRANE, Mr. MCKEON, Mr. PORTMAN, Mr. ROGERS, Mr. COLLINS of Georgia, Mr. DURBIN, MS. VELÁZQUEZ, Mr. PETE GEREN of Texas, Mr. RANGEL, Mr. BECERRA, MS. WOOLSEY, Mr. ARMEY, Mrs. SMITH of Washington, Mr. TATE, Mr. LEWIS of Kentucky, Mr. REGULA, Mr. LATOURETTE, Mr. SAWYER, Mr. JOHNSON of South Dakota, Mr. FILNER, Mr. KASICH, Mr. FRANKS of Connecticut, Mr. MYERS of Indiana, Mrs. MORELLA, Mr. STUMP, Mr. WALSH, Mr. POSHARD, Mrs. MALONEY, Mr. HYDE, Mr. SCARBOROUGH, Mr. MICA, Mr. DICKS, Mr. BUNNING of Kentucky, Mr. GEKAS, Mr. WELDON of Pennsylvania, Mr. SERRANO, Mr. DELLUMS, Mr. CLEMENT, Mr. GOODLING, Mr. FAWELL, Mr. BILIRAKIS, Mr. WATTS of Oklahoma, Mr. HANSEN, Mr. GONZALEZ, Mr. HALL of Texas, Mr. CHAPMAN, Mr. MCCOLLUM, Mr. GUNDERSON, Mr. DOOLEY, Mr. LUCAS, Mr. BAKER of Louisiana, Mr. WOLF, Mr. ROTH, Mr. REYNOLDS, Mr. SAM JOHNSON, Mr. RAMSTAD, Ms. DANNER, Mrs. FOWLER, Mr. LAFALCE, Mr. PAYNE of New Jersey, Mr. MOAKLEY, Mr. CUNNINGHAM, Mr. BROWN of California, Mrs. VUCANOVICH, Mr. FLAKE, Mr. CLAY, Mr. TUCKER, Mr. CHABOT, Mr. YOUNG of Florida, Mr. HERGER, Mr. DELAY, Mr. BALDACCI, Mr. HOKE, Mr. QUINN, Mr. SMITH of Michigan, Mr. CRAMER, Mr. LEWIS of Georgia, Mrs. MINK of Hawaii, Mr. GILCHREST, Mr. HINCHEY, Mr. EVANS, Mr. FAZIO of California, Mr. FARR, Mr. FATTAH, Mr. COMBEST, Mr. MANZULLO, Ms. HARMAN, Mrs. SEASTRAND, Mr. GORDON, Mr. FOGLIETTA, Mr. BONIOR, Ms. KAPTUR, Mr. JACOBS, Mr. DE LA GARZA, Mr. DREIER, Mr. BILBRAY, Mr. STOKES, Mr. EVERETT, Mr. KIM, Mr. HOUGHTON, Mr. THORNTON, Mr. MANTON, Mr. MEEHAN, Mr. BREWSTER, Mr. MCCRERY, Mr. JEFFERSON, Mr. SKELTON, Mrs. CUBIN, Mr. STOCKMAN, Mr. MILLER of Florida, Mr. BLUTE, and Mr. FIELDS of Texas.

H.R. 464: Mr. LIGHTFOOT and Mr. CHRISTENSEN.

H.R. 502: Mr. GENE GREEN of Texas, Mr. SMITH of New Jersey, and Mr. COBURN.

H.R. 593: Mr. ANDREWS.

H.R. 663: Mr. CUNNINGHAM and Mr. NEY.

H.J. Res. 8: Mr. INGLIS of South Carolina.

H.J. Res. 28: Mr. LUTHER and Mr. WELLER.

H. Con. Res. 5: Mr. LIGHTFOOT, Mr. PACKARD, Mr. MOORHEAD, Mr. CRAPO, and Mrs. CHENOWETH.

H. Con. Res. 12: Mr. ORTIZ.

H. Con. Res. 17: Mr. WHITFIELD, Mr. BURR, and Mr. SMITH of New Jersey.

H. Res. 30: Mr. DANNER, Mr. WISE, Mr. MORAN, Mr. SANDERS, Mr. SHAYS, Mr. UNDERWOOD, Mr. TAYLOR of North Carolina, Mr. ROEMER, Mr. RICHARDSON, Mr. SMITH of New Jersey, Mr. BONO, Mr. WAXMAN, Mr. MCNULTY, Mr. VENTO, Mrs. MYRICK, Mr. WALSH, Mr. CONYERS, Mr. FROST, Mr. LEWIS of California, Mr. FARR, Mr. BROWN of California, Mr. BARRETT of Wisconsin, Mr. GENE GREEN of Texas, Mr. GOSS, Mr. FIELDS of Texas, Mr. DEUTSCH, Mr. KNOLLENBERG, Mr. DELLUMS, Mr. ROGERS, and Mr. CALLAHAN.

H. Res. 33: Mr. GENE GREEN of Texas and Mr. HINCHEY.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, JANUARY 25, 1995 No. 15

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:

In a moment of silence, let us remember Senator ALAN SIMPSON and his family in the loss of his beloved mother. Two great mothers have gone from us recently.

Beloved, let us love one another: for love is of God * * *.—I John 4:7.

Our Father in Heaven, we thank Thee for the beautiful differences in the human family—for its varied shapes and sizes, its features and colors, its abilities and talents. We thank Thee for Democrats and Republicans and Independents. We thank Thee for liberals and conservatives, for moderates and radicals. Deliver us from the forces which would destroy our unity by eliminating our diversity.

Help us to appreciate the glorious tapestry of life—the harmonious symphony which we are together. Help us to respect and love each other, to listen and understand each other. Grant us the grace to work together in the strategic mix that is the United States of America.

We ask this in the name of the Lord of Life and History. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with the time until 10:30 a.m. under the control of the Senator from Idaho [Mr. CRAIG], or his designee.

The Senator from Idaho is now recognized.

SCHEDULE

Mr. CRAIG. Mr. President, thank you very much. Following the 10:30 special order, the Senate will resume consideration of S. 1, the unfunded mandates bill, and rollcall votes are to be expected throughout the day, and a late night session should be anticipated, according to our leader.

(Mrs. HUTCHISON assumed the chair.)

THE NEED FOR A BALANCED BUDGET AMENDMENT

Mr. CRAIG. Mr. President, I have requested and gained an hour of morning business under a special order today to discuss the beginning of what I believe will be one of the most historic debates that the Congress of the United States will engage itself in and most certainly that the 104th Congress will become involved in. That debate will begin in the House today and will begin in the Senate early next week.

What I am talking about is an issue that many of us for a good number of years have believed is the most important issue to bring our Government back on track and to focus it on the priorities that the American people want us to focus on and that, of course, is the issue of our fiscal matters and our spending under a balanced budget amendment to the Constitution of the United States.

In November of this year, as for a good many years, the American people have spoken very loudly about their desire to see this Congress, and all past Congresses, move in a fiscally responsible way. Our failure to do so over the last good many decades has produced our Nation's largest Federal debt of now 4.6-plus trillions of dollars. It has produced an annualized deficit of nearly $200 billion and an interest on debt—now the second-largest payment in our Federal budget—of nearly $300 billion a year.

I think the American people spoke with fright and alarm this year, that this Congress and its political leaders seem to be unsensitive to the continued mounting of a Federal debt and the potential impact that debt will have on future generations.

Before the President pro tempore opened the Senate this morning, I asked him if he would address us on this issue briefly before he resumed his duties as chairman of a very important committee in the Senate. Certainly, for all of his political life, Senator THURMOND has led this issue, has offered the American people and the Congress of the United States the foresight to focus on the issue of balancing the Federal budget, and he was the first, some 30-plus years ago, to introduce the concept of a constitutional amendment for a federally balanced budget.

At this time, I yield to Senator THURMOND such time as he might consume.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

A BALANCED BUDGET AMENDMENT

Mr. THURMOND. Madam President, I am very pleased to say a few words on behalf of the constitutional amendment to balance the budget. I have been in the Senate 40 years now and for 36 of those years I have favored a constitutional amendment to balance the budget. I worked with Senator Harry Byrd, Sr., Senator Styles Bridges, Harry Byrd, Jr., and many others in the past, in an effort to get this amendment adopted.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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As chairman of the Judiciary Committee a few years ago when President Reagan was the President, I was chairman of the Judiciary Committee and was the author of a constitutional amendment to balance the budget. We got that amendment through the committee and we got it through the Senate. We sent it to the House and the House killed it. The Speaker of the House and the majority leader led the movement to kill that amendment.

Evidently, they did not want to stop spending. And the spending has gone on year after year after year. We have not balanced this budget but one time in 32 years. We have not balanced this budget but eight times in 64 years. That is a disgrace to this Nation. We should not spend more than we take in in any year. And if we do spend more, it should be made up immediately.

Under the South Carolina law and constitution, we have to balance the budget every year, and we do it. If we can do it in South Carolina, we can do it in the United States. It is nothing but reasonableness and fairness and exercising foresight that will balance the budget.

I am very anxious to see us pass this amendment. I think it would be the greatest step we could take.

There are two threats to this Nation that we must realize. One is that we must keep strong armed services. We have threats now throughout the world. We have hot spots in North Korea, Iran, Iraq, and other places. We must keep a strong defense if we are going to remain free.

President Clinton has taken steps to reduce our strength in defense. I am hoping we can rebuild that strength. We need to make the 1996 budget for defense equal to the 1995 budget. We must take steps to rebuild defense so that this Nation can remain free and strong and preserve all that this country has stood for.

The other threat is the fiscal threat, and that is a serious threat. When we have not balanced this budget but one time in 32 years, that means it is a threat. How are we ever going to balance it if we do not take steps? I remember a statute was passed years ago to balance the budget. Before the end of the session, we had passed appropriations to overcome that statute. The statute did not amount to anything. It will not amount to anything now.

The only way, in my judgment, to stop spending more than we take in and to balance this budget is to pass a constitutional amendment to mandate, to make, the Congress do it. The Congress has not shown the attitude to do it. They have not shown the will to do it.

How are we going to handle it? I do not know of any other way under the Sun to do it except to pass this constitutional amendment. I urge my colleagues to go forth and show the courage and take the steps necessary to balance this budget. The best way I know to do it is to pass this constitutional amendment.

First, I want to commend the able Senator from Idaho for the great interest and leadership he has shown on this important question. He is a very fine representative. He represents his State and Nation well. On this particular question he has shown unusual leadership and is to be commended.

Mr. CRAIG. Madam President, let me thank the Senator from South Carolina and once again recognize his early and continued leadership on this most critical issue. I thank him for making those opening comments this morning on this special order as we begin to debate the balanced budget amendment.

As I mentioned in my opening comments, Madam President, the House begins debate on House Joint Resolution 1. Under the rule reported from the Rules Committee, six substitute amendments are in order from the following Members: Mr. BARTON, Mr. OWENS, Mr. WISE, Mr. CONYERS, Mr. GEPHARDT, and SCHAEFER-STENHOLM. In other words, the House is looking at a variety of approaches to offer an amendment through the resolution process to our American citizens.

Of course, we must recognize that any one of those resolutions, as is true of the resolution here in the Senate, has to gain the necessary two-thirds vote for final passage. There will be about 3 hours of general debate and 1 hour of debate on each one of the substitutes.

The reason I bring this up, Madam President, is because early next week we will begin debate on a very similar resolution to the Schaefer-Stenholm resolution. Already there is talk that that debate could go on for 2 weeks, 3 weeks. There could be 200 or 300 amendments, all dealing with different aspects of Federal spending that some Members of the Senate think ought to be exempt from the rule or the constitutional requirement of a balanced budget.

Whatever time we take in the House and in the Senate, I believe the most significance to that time will be reflective on the importance of this debate and the attention the American people are giving it. There will be a good many arguments about whether we should or should not balance the Federal budget, whether we should exempt certain portions of the budget, whether we should clearly establish priorities of spending within the Constitution, or whether we ought to be sensible, as I think the Senate resolution is, to establish the ground rules of a constitutional requirement for a balanced budget and then to recognize, as I think all Americans recognize, that over the length and breadth and strength of a Constitution now having directed the Senate for over 208 years, that it is the Congress itself what must establish the spending priorities from one generation to another.

It is clearly important that we establish the rule of a balanced budget and the dynamics of how we get to a balanced budget through a procedure. Certainly, it is the responsibility of the House and the Senate, of the Congress of the United States, to establish the spending priorities. That certainly is what the Senator from South Carolina was referring to this morning when he placed high on the list of priorities for the strength and stability of our Nation in a world of nations our national defense and a concern that that ought to be, as our Founding Fathers said, one of the primary responsibilities of a Federal central government: providing for our national defense and our human freedoms. That is a priority that the Senator from South Carolina would establish. It would be a priority similar to the one that I would want. It would list high on a number of items that I might place as priorities for spending.

What is reality today is that there is no fiscal discipline within the bodies of the Congress of the United States, so there need not be the listing of priorities, there need not be the responsibility of turning to the American citizen and saying, ''Here is the money we have to spend; here is where we are going to spend it'' because we believe that is the best priority outline that we can offer to the American people at this time.

Second, under our Constitution, we have clear obligations, and that is, of course, to provide for the common defense and, in the words of our Constitution or the preamble, to promote our Nation's welfare.

I am pleased to be joined this morning with the Senator from Wyoming, and I ask at this time if he would like to participate in our special order. I yield to the Senator from Wyoming such time as he may consume.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

A BALANCED BUDGET IS NOT A NEW IDEA

Mr. THOMAS. Madam President, I thank the Senator. I am pleased to have the opportunity to join in to talk about a balanced budget amendment.

There has been a great deal of talk about it. There continues to be a great deal of talk about it. There is a great deal of interest in this matter, as there should be. I think most of all, as evidenced by the leadership of the Senator from Idaho, there is a great deal of dedication to getting this job done.

Voters supported the idea in November. It is not a new idea. Somehow some of the discussion seems to center on what will we do with such a thing. The fact is that it is not a new idea. It is not a new idea for the Congress. It is not a new idea for the Nation. Indeed, it is used by 48 States now, and used successfully in my State of Wyoming. We have a constitutional balanced budget amendment. The legislature and the government live by that constitutional amendment without a great deal of problem, as a matter of fact.

So, it seems to me that it is terribly important. It is important because it

will result in a balanced budget amendment and a balanced budget that we all agree should happen.

It is also a symbol of responsibility, both morally and fiscally. So it is something that we really ought to do. There are, of course, a couple of questions that are always asked. The first question and the basic question we ought to ask ourselves and voters ask themselves and citizens ought to ask themselves is: Should we, in fact, balance the budget? Should we in the Congress spend more than we take in? Should we live on the same basis as our families must? As our businesses must? As local governments must? And that is, that we have to have a balance between revenue and expenditures, a reasonable thing. That first question is: Should we do that? The answer is, I think, almost unanimous, not only among Members of the Congress, but among voters and among citizens: Yes, indeed, we should do that.

So, a citizen in Greybull, WY, says: What is the discussion about? I do not quite understand this. Of course we ought to balance the budget.

The fact is we have not balanced the budget and we need to do something about it.

He says: Gosh, everyone says they are for a balanced budget. Do you know of anyone who says, no, we should not balance the budget? Of course not. Everyone wants to balance the budget. And yet we find more and more people who are saying, ''What is the hurry? Let us delay this. I am not sure about this. Let us talk about it,'' as if we had not talked about it before.

They oppose the amendment saying we do not need an amendment; we have the tools. The Director of OMB was on TV the other day in sort of a debate about it and saying, ''Gosh, we do not need an amendment; we can balance the budget. We have the tools.'' The fact is, the evidence is, that that is not true. We have not balanced the budget. We have balanced the budget once, I think, in 26 years or something and just a few times out of the last 50 years.

So the fact is that there does need to be some discipline. The idea that we want to balance the budget does not just make it happen. I understand why it does not happen. There is always a reluctance to raise revenues and there is always a willingness on the part of politicians to want to do things for their constituents. And I understand that. The result, of course, is that we spend much more than we take in. The result is that we have nearly a $5 trillion deficit that you and I and our children and our grandchildren must live with.

So then some say, ''Well, what about the details? We want to know precisely how you are going to do this.'' Obviously, that is almost an impossibility. It is going to be done over a period of time and, I must tell you, I am not concerned about the fact that it is 5 years or 7 years or, personally, if it is 10 years. If we are in a course toward balancing the budget, moving without deviation to that, if it takes longer, let it take longer.

But who knows what the economy will be in 5 years? Who knows? So the idea that you can lay out in detail how you are going to do it does not seem to be reasonable. It seems to me, rather, to be a way of saying, ''Yes, I am for a balanced budget, but unless you can give the details, then I am not for it.'' It is simply a way of saying I am for it and not for it, which is not a new technique in this place, by the way. It is done quite often.

The other interesting thing about that is the same person will say, ''We can balance the budget without the amendment, but I want to know the details if you are going to have an amendment; tell me the details of how you are going to do it without an amendment.'' The cuts are going to have to be about the same.

Then I heard someone this morning on TV say, ''We want to know about Social Security.'' We have clearly said Social Security is not to be a part of the reduction. We have clearly said that Social Security is an obligation that we have to Social Security recipients.

We hear a great deal about cuts, as if there would be draconian cuts to do this. The fact of the matter is that what we are really talking about is a reduction in the growth. That is what it takes, the discipline to have a reduction in the growth.

I noticed there are others on the floor who want to talk about this. I feel very strongly about the balanced budget amendment. As I indicated, as a member of the Wyoming Legislature, I was involved with this process. I think it works. I think it should work for us on the national level. I think we have a great opportunity to do that now.

I think this is one of the procedural changes that we really need to have if you want to have a change in Government. Procedural changes are, in the long run, more important than are the specific changes that we will make in this year or any other year because they change the way that the Congress deals with problems.

Procedural changes, like the one that we have already passed on making the Congress accountable, to live under the same rules that we expect everyone else to live under, changes like line-item veto are very important, it seems to me.

It is almost impossible for Members of this body or the House to reach into bills and make changes on the floor. But the President is the only person who has the kind of political structure on which to stand to make those sorts of cuts in pork. The line-item veto is very important.

I happen to believe that unfunded mandates is one that we have to pass. Procedurally, that will change the future of how this Congress behaves. I personally believe we ought to have term limits. These are the procedural changes that will impact the decisions we make.

I am persuaded—I think most people in this country are persuaded—it is morally and fiscally correct to balance the budget. I am persuaded the evidence shows we have not and cannot do it without the discipline of an amendment. I am persuaded that the States and the people, through their legislatures, ought to have a chance to deal with it on a constitutional basis.

I urge that we move forward and give the people of America an opportunity to deal with this issue through their legislatures.

I yield the remainder of my time.

(Mr. JEFFORDS assumed the chair.)

Mr. CRAIG. Mr. President, I thank the Senator from Wyoming for participating with us this morning in the discussion of the debate that, as I mentioned earlier, is beginning today in the House and will commence next week in the Senate, one of the most important debates, I think, any of us who are privileged to serve in this Chamber will engage in in the course of the next good many years.

Let me now yield such time as he would desire to the Senator from Georgia for comments on the balanced budget amendment.

A GREAT ISSUE BEFORE THE NATION

Mr. COVERDELL. Mr. President, I thank my colleague from Idaho for the opportunity to share thoughts on this great issue before the Nation called a balanced budget amendment.

I really do not think we would be in this debate this year except for one thing: I believe this would have passed the U.S. Senate last year. We had a very strong debate and very narrowly failed to pass a balanced budget amendment a full year ago.

Why did we not pass it? In my judgment, it failed because the President of the United States chose to oppose it. When it was clear that the President would not throw his weight behind this idea, I sensed the energy in letter after letter coming in from one special interest group after another that had become dependent upon the Federal Government and its largess, stacks upon stacks upon stacks, in an effort to frighten the American people about the consequences of a discipline machinery to deal with the financial health of our Nation.

Fair tactics—will somebody be affected? Will there be less there for them if we manage the financial health of the Nation?

In my judgment, we would have passed it had the President assisted.

This is important as we begin this debate, Mr. President, because shortly thereafter—shortly thereafter—the Nation had a chance to reflect on that debate and this Presidency, and the contest that has been waging in our Nation's Capital about governance, how are we going to govern ourselves? As we have, or are we going to change our ways in the Nation's Capital?

The election of November 8 probably is only paralleled maybe four other times in American history. Four other times in the entire history of this Nation has the whole of the Nation come so forcefully to an election. I think much of it was shaped by that balanced budget debate which was defeated with the weight of the Presidency against it.

Then we have a public opportunity to comment and the public says, ''We want the way things are done in Washington changed and we are going to change the people who represent us there.'' And they did, in overwhelming numbers.

At the center of the debate, over and over, was the balanced budget amendment. The people who were sent here are supporters of the balanced budget amendment. Many of the people who opposed it were not returned. Today, between 7 and 8 out of 10 Americans across the land support the balanced budget amendment.

In the last few weeks, we have heard talk about ''reinventing the President.'' From my point of view—I am sure my advice is not adhered to down at the Pennsylvania Avenue White House—you really cannot reinvent people who have been in public life a quarter of a century. I do not think it is a useful term. But in any event, ''reinventing the President.''

Last night, we were to have our first view of the new look. I think it has all paled and will all be forgotten and will all be set aside except for two paragraphs of the speech; a 1½-hour speech and about a 3-minute piece will be the substance that will be remembered.

That is when the President about midway through the speech said, ''I do not support the balanced budget amendment,'' having supported a balanced budget. But that is the routine we have been playing for the last 30, 35 years. We all support a balanced budget, but we never get to one.

To me, the President defined and made vivid his decision about the next 2 years of his administration when he decided: ''I do not support the balanced budget amendment.'' That means that the message of November 8 has not been embraced by this President. Anything that was so core to the election, so overwhelmingly supported, to be rejected in the face of all this, to be set aside, that he will stand in the way of that yet again as he did last year, defines his view of this capital city. What it says is I think things are just fine the way they are. I do not think we need to change the rules. We do not need to change the rules to balance the budget. The reason so many Americans support it is they do not believe that anymore. And why should they? We never do.

Mr. President, the American people realize that we must change the process and the procedures by which we deal with governance in this country. They believe the Federal Government has become too big; that it exacts too much of the fruit of their labor. They work from January to June, some of them August, before they get to keep the first dime for their own dreams. They feel the Federal Government has become too intrusionary, too much in their face.

The balanced budget amendment is symbol and substance—symbol and substance. It symbolizes that we are going to change; that we are going to reorder the way we manage our financial health; that we are going to come to grips finally with the setting of priorities; that we are going to force ourselves to pick that which we can do and that which we cannot do.

When the President decided he would not support it, he was saying, loud and clear, we are going to keep on doing things just the way we have been, and I am not going to listen to the message of November 8.

Then he went a step further; he began using the same techniques that have been used historically to frighten America, to frighten her about a discipline and a new set of rules, to start picking out different groups of people and saying, now, wait a minute. If we start setting priorities, this may affect you.

It had been that technique over the years that has blocked, time and time again, our coming to grips with our priorities. You know what I would say to those groups? I would say that if this Nation does not find a way to discipline its financial management, it will be unable to care for anyone.

Have you ever known a family, have you ever known a business, have you ever known a community, a State or a nation that was able to effectively provide for its needs and its priorities if it was financially weakened or unhealthy or it had been undisciplined in the process by which it governed itself, that it had mounted debt it could no longer control?

We only need to look south of the border, not far from here, to know what happens when you do not have sound financial management. Who is impacted by that? By every report, the disadvantaged, the poor. Those who are on the margin are the ones who are going to suffer from that crisis in Mexico.

The balanced budget amendment is a fundamental core process that forces our Nation to set priorities and assures us that we will always maintain financial integrity, and that integrity is fundamental to our ability to take care of our responsibilities for ourselves and our responsibilities as the leader of the free world and civil order in that world.

Mr. President, I yield the floor to my colleague from Idaho.

Mr. CRAIG. Mr. President, I thank our colleague from Georgia for those well-placed comments and pointing out some of the stark reality of the debate and the support and the opposition for this most important issue.

I was in the Chamber of the House last night for the State of the Union speech, and I was very disappointed when our President used the old argument: well, if you are going to balance the budget, show us where you are going to cut.

That is like saying to a man or a woman who is terribly overweight and they are just getting ready to start a diet, tell me every bite of food you are going to take over the next 4 or 5 years to lose all of your weight—every bite, every kind of food.

You and I know that is not possible. What we do know, when someone announces they are on a diet and has consulted a doctor and is beginning to work, they have started a process, and they have begun to work toward a goal and they have put themselves on a regimentation.

Mr. President, that is a phony argument, and you used it last night, and you know it is. Over the next 5 or 6 or 7 years, as the Senator from Wyoming spoke, as we balance the Federal budget, priorities may shift, they may change a little, and we may choose to spend less in one area and more in another because we have seen that is where the American citizenry needs their tax dollars spent.

So as the Senator from Georgia said, what we speak about today and what begins in the House today and on this floor next week is the debate about putting into the Constitution a process requiring a procedure through a process that gets us to a balanced budget and begins to build the enforcement of what we hope would become a standard discipline in this Congress, and that would be to balance the budget on an annual basis.

Mr. President, we are now joined by our colleague from Michigan who just in the past few months has campaigned on this issue and others. The people of Michigan decided to send him here to work in their behalf on issues like the balanced budget, and I would now yield to that Senator such time as he might consume.

BALANCED BUDGET AMENDMENT

Mr. ABRAHAM. Mr. President, as Congress prepares to take up a balanced budget amendment, I would like to offer to my Senate colleagues the perspective of a new freshman Senator who ran on an aggressive platform to reform Congress and limit the size of Government.

In my view, the balanced budget amendment to the Constitution embodies the spirit of the electorate that voted for a Republican Congress for the first time in 40 years last November. We in the Senate should not let them down.

The Founding Fathers recognized that persistent Government deficits and the growth of Government has consequences for the long-term stability of our democracy and implications for our individual freedoms.

The reason why the Founding Fathers did not include a balanced budget requirement in the Constitution is because they felt it would be superfluous.

Paying off the national debt and balancing the budget was considered a high priority of the early administrations.

Consider the following comments by some of our Nation's early leaders:

Thomas Jefferson: ''The public debt is the greatest of dangers to be feared by a republican government.''

John Quincy Adams: ''Stewards of the public money should never suffer without urgent necessity to be transcended the maxim of keeping the expenditures of the year within the limits of its receipts.''

James Monroe: ''After the elimination of the public debt, the Government would be left at liberty to apply such portions of the revenue as may not be necessary for current expenses to such other objects as may be most conducive to the public security and welfare.''

From 1879 until about 1933 the Federal Government operated under an implicit balanced budget requirement. Spending remained low—and rarely exceeded revenues. To the greatest extent possible, the existing debt was reduced.

As a consequence, Federal spending as a share of GNP never rose above 10 percent. In the mid-1930's, the rise of Keynesian economics gave politicians the economic rationale to increase Government spending to solve the Nation's economic problems. As a consequence, the balanced budget discipline was abandoned—and Federal spending exploded.

Today, Federal spending as a share of our national income stands at 22–23 percent—near historic levels. In effect, deficit spending has become the norm.

Because there are no limits to the availability of deficit spending, Members of Congress find it extraordinarily difficult to resist such spending. On the one hand, every dollar of deficit spending creates some measure of political advantage by pleasing parts of a Member's constituency; on the other hand, there is no need for Members to incur equivalent political disadvantage by having to raise anyone's taxes.

All the balanced budget amendment does is eliminate from our system this built-in bias toward spending caused by the unlimited access to deficit spending.

Critics of the amendment charge that it is a hollow gimmick, a substitute for making real choices about how to balance the budget. Perhaps the best way to respond to this charge is to examine how balanced budget constraints have worked on the State level. Every State except Vermont has some sort of statutory or constitutional requirement to balance its budget.

According to economist Bruce Bartlett, in 1933 total Federal spending was $3.9 billion and total State and local spending was $7 billion; 60 years later, however, the situation was almost reversed. By 1993, Federal spending had risen to $1.5 trillion, while total State and local spending had risen to $865 billion.

The fact that State governments were required to make real choices and balance their budgets, while the Federal Government did not, was the major reason why Federal spending has dramatically outraced State and local spending.

Without a balanced budget amendment, this Nation could be looking at Federal deficits in the trillions of dollars within 15 years. I was sent here by people who will not accept such a fate.

The proposed amendment does not read into the Constitution any particular level of spending or taxation, or mandate particular economic policy outcomes. It only restores the historical relationship between levels of public spending and available public resources. National solvency is not—nor should it be—a partisan political principle. It should be a fundamental principle of our Government.

Mr. President, I yield the floor.

BALANCED BUDGET AMENDMENT

Mr. CRAIG. Mr. President, let me thank my colleague from Michigan for saying that a balanced budget amendment should be a fundamental principle. It was historically. While it was not embodied in our Constitution, it was a fundamental principle of our Founding Fathers. And it was a fundamental principle of many Congresses for well over a century.

This Congress, this Government recognized there might be times of deficit. But during the good times, after you had overspent—whether it was for war or for other extraordinary purposes—you paid off your debt. In fact you ran a surplus.

That was an important part of the way our Nation kept its fiscal house in order. Of course we have lost that principle and now, for many decades, we have run deficits that mounted the debt I referred to earlier. Over the course of the next good many weeks there will be a variety of arguments about why we cannot balance the Federal budget.

I ask unanimous consent to have printed in the RECORD an article from Business Daily that appeared this morning entitled ''A Balanced Budget Myth Bared: Economic Cycles Unlikely To Worsen Under Plan.''

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Investors Business Daily, Jan. 25, 1995]

A BALANCED BUDGET MYTH BARED; ECONOMY CYCLES UNLIKELY TO WORSEN UNDER PLAN

(By John Merline)

A balanced budget amendment will either restore fiscal sanity to a town drunk on deficit spending or lead the country toward economic ruin.

Those, at least, are the stark terms typically used by supporters and opponents of a constitutional amendment outlawing deficit spending.

And, while passage of a balanced budget amendment is almost a sure thing this year, debates over its merits remain fierce—with critics from all sides of the political spectrum lobbing grenades at it.

Democrats don't like the rigidity it imposes while conservatives fear it may bias Congress towards tax increases.

One of the principal criticisms of the amendment is that it would short-circuit the federal government's ability to fight recessions, either with ''automatic stabilizers'' or with stimulus spending like temporary tax cuts or spending hikes. Yet there is little evidence to support this view.

''When purchasing power falls in the private sector, the budget restores some of that loss, thereby cushioning the slide,'' said White House budget director Alice Rivlin in testimony before the Senate Judiciary Committee earlier this month.

''Unemployment compensation, food stamps and other programs fill the gap in family budgets—and in overall economy activity—until conditions improve,'' she said, defending the budgetary ''automatic stabilizers.''

In addition, because of the progressive income tax code, tax liability falls faster than incomes drop in a recession, slowing the decline in after-tax incomes.

The result, however, is typically an increase in the deficit.

Mandatory balanced budgets would, she argued, force lawmakers either to raise taxes or cut spending in a recession to counteract increased deficits.

''Fiscal policy would exaggerate rather than mitigate swings in the economy,'' she said, ''Recessions would tend to be deeper and longer.''

Other economists agree with Rivlin.

Edward Regan, a fellow at the Jerome Levy Economics Institute in New York, argued that the amendment would ''restrict government efforts to encourage private sector activity during economic slowdowns.''

The assumption, of course, is that these automatic stabilizers actually work as advertised, an assumption not all economists share.

''If anything, I think the government has made economic cycles worse,'' said James Bennett, an economist at George Mason University.

Bennett, along with 253 other economists, signed a letter supporting a balanced budget amendment introduced last year by Sen. Paul Simon, D-Ill.

Ohio University economist Richard Vedder agrees. ''If you look at the unemployment record, to use that one statistic, it was more favorable in the years before we began automatic stabilizers than in the years since,'' he said.

Much of the countercyclical programs were implemented in the wake of the Great Depression.

Unemployment data show that in the first three decades of this century the average jobless rate was roughly 4.5%.

PROLONGING SLUMPS

In the four decades since World War II, the rate averaged 5.7%. And, from 1970 to 1990, it averaged 6.7%.

In addition, some of the stabilizers may actually keep people out of the work force for longer periods of time, possibly prolonging economic slumps.

A 1990 Congressional Budget Office study found that two-thirds of workers found jobs within three months after their unemployment benefits ran out—suggesting that many could have found work sooner had they not been paid for staying home.

Other data suggest that, at most, federal fiscal policy has had only a small stabilizing effect on the economy, despite the sharp increase in the economic role played by government.

A study by economist Christina Romer of the University of California at Berkeley

found that economic cycles between 1869 and 1918 were only modestly more severe than those following World War II.

Romer corrected what she said were serious flaws in data used to suggest that the pre-war economy saw far larger swings in economic cycles.

The finding runs contrary to conventional wisdom—which posits that government fiscal programs enacted after the Great Depression have greatly reduced the magnitude of boom and bust cycles.

''I think there are plenty of arguments against the balanced budget amendment,'' said Christina Romer is an interview. ''I would not put much emphasis on taking away the government's ability of having countercyclical fiscal policy.''

PRIVATE INSURANCE

Other economists argue that, even if economic stabilizers made a difference at one time, vast changes in the economy have diluated the importance of government efforts.

''All this policy was formulated before the days of easy access to credit cards, two-earner families, and so on,'' said Bennett.

Finally, some economists note that the stabilizers Rivlin points to don't have to be a function of government.

Private unemployment, farm or other insurance could provide needed cash during economic downturns, they say, replacing the government programs as the provider of these funds.

While the effectiveness of automatic stabilizers is doubted by some, straightout antirecessionary stimulus spending has few outright backers—for one simple reason.

Every major stimulus package since 1949 was passed after the recession was already over.

These packages typically consisted of temporary tax cuts or spending hikes designed to boost economic demand and artificially stimulate growth.

The problem has been that, by the time Congress recognizes the economy is in a slump and approves a package, it's too late.

TOO LITTLE, TOO LATE?

Clinton's failed stimulus package, for example, was proposed nearly two years after the 1990–91 recession ended, and half of the money wouldn't have been spent until 1994 and 1995.

A study of the 50-year history of stimulus-packages by Bruce Bartlett, a senior fellow at the Arlington, Va.-based Alexis de Tocqueville Institution, concluded that ''without exception, stimulus programs have failed to moderate the recessions at which they were aimed, and have often sowed the seeds of the next recession.''

''These programs have not been simply worthless, but harmful,'' Bartlett wrote. ''It would have been better to do nothing.''

Further, even assuming the economic stabilizers or stimulus spending work as intended, a balanced budget amendment would have little bearing on the government's ability to pursue these policies during recessions.

First, the amendment allows Congress to pass an unbalanced budget, as long as it can muster 60% of the votes.

And, lawmakers could avoid that by simply running a budget surplus during growth years.

''The best technique is to aim for a modest budget surplus, of about 2% of GDP, over the course of the business cycle,'' Fred Bergsten, director of the Institute for International Economics, told the Judiciary Committee.

''This would permit the traditional 'automatic stabilizers,' and perhaps even some temporary tax cuts and spending increases, to provide a significant stimulus to the economy,'' he said. Interestingly, Rivlin herself made similar arguments in her book, ''Reviving the American Dream,'' which was published shortly before she joined the Clinton administration.

In that book, Rivlin said that the federal government should run annual budget surpluses—increasing national savings and, in turn, economic growth.

At the same time, Rivlin said the federal government could strengthen federal ''social insurance'' programs designed to mitigate economic swings.

To accomplish this, she proposed shifting whole blocks of federal programs down to the states, including education, welfare, job training and so on.

Whether the amendment should contain a tax or spending limitation provision is another subject of debate.

''Absent a three-fifths majority provision, there will be significant tax increases if a balanced budget amendment is approved,'' said Allen Shick, a budget expert at the Brookings Institution in Washington, at a recent Brookings-sponsored budget briefing.

That is precisely what worries conservatives who insist that the supermajority language is included in the amendment.

A SUPERMAJORITY ON TAXES

''The supermajority requirement is premised on the fact that there is an intrinsic bias in favor of tax increases,'' said Rep. Joe Barton, R-Texas, who co-sponsored the tax limitation amendment.

While benefits go to specific groups who can effectively lobby Congress, taxes as spread more widely, he said.

A balanced budget amendment without a supermajority might, Barton and others argue, exacerbate this bias—requiring a supermajority to borrow money but only a simply majority to raise taxes.

He points out that in states with tax limitation laws, taxpayers saw taxes decline 2% as a share of personal income between 1980 and 1987. States without such protection saw taxes climb a comparable 2% over those years.

Sen. John Kyl, R-Ariz., argues that a spending limit, rather than a tax limit, should be included in the amendment.

''It's very important both how you balance the budget and at what level you balance it,'' he told Investor's Business Daily.

''If all you have is a requirement to balance the budget, Congress can fix the level of balance at too large a percentage of gross national product,'' he said.

SPENDING LIMIT AMENDMENT

Kyl proposes a constitutional limit on federal spending at 19% of gross national product—roughly equal to the average level of federal revenues over the past several decades.

Not everyone things these limits need to be in the amendment.

''The balanced budget rule should stand alone on its own merits,'' said James Buchanan, Nobel Prize winning economist at George Mason University, at the Judiciary committee hearing. ''To include a tax or spending limit proposal . . . would, I think, make the proposal vulnerable to the charge that a particular economic attitude is to be constitutionalized.''

Buchanan argues that such limitations should be passed as separate laws.

Others argue that even without a supermajority tax requirement, voters will not stomach more tax hikes. They point to the recent election outcomes as proof of the punishment leveled against tax-raising lawmakers.

''That's the true tax limitation,'' said Sen. Larry Craig, R-Idaho.

Mr. CRAIG. Mr. President, the writer of this article suggests that one of the standard arguments we are hearing, and we have now heard before both the committees—the Judiciary Committees in the House and the Senate—that have taken testimony on a balanced budget amendment, have come from people like Alice Rivlin who, in testimony for the White House as the Budget Director, suggests that we cannot possibly strive to balance the budget because, she suggests, that when purchasing power falls in the private sector—in other words referencing a recession—that the Federal budget must be there to stimulate, to cushion the slide, to cushion the downfall. She and others have used that as a standard argument, that under the ''straitjacket of a balanced budget amendment, the Federal Government will not have that kind of flexibility. As a result, recessions will become deeper, verging on to depressions. Certainly our citizens will suffer as a result of it.''

That is what she and other economists believe. They would argue that is largely the substantial majority of belief embodied in the community of economists in our Nation today.

I would like to argue differently. James Bennett, who is an economist at George Mason University, along with 235 other economists, have signed a letter supporting a balanced budget amendment of the very kind that the Judiciary Committee here in the Senate has brought forth that we will begin debate on next week.

Ohio University economist Richard Vedder agrees that the automatic stabilizers, if you will, that Alice Rivlin talks about, really are not necessary if you treat the economy of this country and if you treat the budget of our Government in an interesting way, and that is to keep it balanced and in the good years run a little surplus like they used to do, a good many years ago, and use that surplus in the more difficult times or recessionary times, to provide the cushion, and that in fact you will have fewer recessions, fewer radical swings in the economy, because you have created a much more stable private sector with a much stronger private sector financing base than to constantly be pulling from the private sector ever larger sums into the Federal package.

Every major stimulus package, this article says—which I think is fascinating—every major stimulus package that the Federal Government has passed to soften a recession since 1949 was passed after the recession was over.

If you remember, last year our President brought a stimulus package to the floor of this Senate, and to the Congress of the United States, arguing that this was going to be a cushion in the recession. Yet we were out of the recession. We had been out of the recession a year and a half. Last night this President touted that in his 2 years of Presidency so far we have had the

strongest economy, we have created the largest number of jobs, that our economy is stronger now than at any other time in the Nation. How could, just a year ago, this President have been offering a stimulus package to pull us out of a recession because we were still in one? Mr. President, you cannot have it both ways. Because what you were suggesting last night was true, or what you were suggesting last year was true, but both cannot be true.

This article points out that historically, every time we have used a stimulus package since 1949 it has been at least 1 year after a recession was over with, and in the case of last year, nearly 2 years after the recession was over with.

What that references then is that it was not necessary, that, in fact, it created a deficit and it created debt, and it may well have brought on the next recession by pulling an excessive amount of money out of the private sector at just the time it was lifting off, growing, and creating jobs.

Mr. President, at this time let me yield to my colleague from Montana to use such time as he may desire.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized using the time of the Senator from Idaho which expires at the hour of 10:30.

THE BALANCED BUDGET AMENDMENT

Mr. BURNS. Thank you, Mr. President. I want to thank my friend and neighbor from Idaho, not only for this time but also for his leadership on this particular issue. It is not just this year that he has been involved in this. I think he has been involved in the balanced budget debate ever since he served in the House of Representatives, and he still works very closely with our friends in that body.

I just need a couple of minutes to remind the American people about, basically, representative government and the debate on priorities. If we ever worked in local government where the law says you will balance a budget and you will retain reserves on each line, no matter what the county government or what part of county government you look at, there was always a reserve. You were by law given a cap on how much reserves you could keep, but you also maintained those reserves.

So, basically, that is what we are talking about when we talk about a balanced budget amendment. It is the old self-governed philosophy as we pick our priorities and what is important to the survival of a free society.

We worked in Montana under an initiative called 105. We could not levy any more mills to raise taxes. In a time of declining property values when your entire budget almost was set on property values, the mills that you collected and put in your coffers and delivered the services that people then wanted, it was a wrenching experience to go through and say, ''We just cannot find enough money for our museums, for our libraries, for our schools, for roads and bridges.'' Then we had to go back and sort of survey exactly the mission of government. What is government for? We had to reidentify. What is our mission here? What is our primary consideration? What are our second considerations if we have the money?

I would suggest that those primary considerations would be, first, public safety. That is our fire, our police, our emergency. I say that is the first consideration of government, public safety. Then I would go to probably transportation because we have to get farm-to-market roads; to provide, in other words, transportation, that highway of commerce that leads to all other elements of government. Then I would have to say it has to be education. They do not have to be in that order. But that is the primary purpose of government.

Then, when you move off of that—you are talking about dollars—if we have some, it is nice to add some amenities. Then we have to start looking at utilities, water, public health.

But I think we have to reevaluate why we have government. That is what this debate will be about; where we set our priorities. After all, is not that the debate of a free people? We will have to redefine the mission of government as we go into this debate called a balanced budget amendment. It forces us to take a look at those priorities, to set them and fund the ones we can. Yes. If the public wants more, then we should say it will cost such and such dollars. Are you willing to pay those dollars for that particular program?

I have said all along we can get to where we want to go in this debate if we have some reform. We need regulatory reform and spending and budget reform. The balanced budget amendment makes us go to those reforms and makes us take a look at them. In fact, as our good friend from Pennsylvania said yesterday in a small debate on a balanced budget, it starts the clock. It puts us on the field. It makes us look at our priorities.

So I thank my friend from Idaho. I just wanted to make those comments this morning. But we must not take our eye off of the ball. It forces us to set priorities. I think that is what the American people say. I think that is why they sent us here, to say, look at your priorities.

We heard the discussion about public radio and the NEA, the National Endowment for the Arts. I am saying, if my particular area of great interest is the ability to feed and clothe this great Nation, where are our priorities? Where are our priorities to maintain a free society and to bring together those elements that create a standard of living that is unmatched by any other society to this date in our history, and to take care of this little piece of mud that happens to be whirling through the universe? What this does is set priorities. I support it wholeheartedly.

I thank my friend from Idaho.

I yield the floor.

Mr. CRAIG. Mr. President, in my concluding minutes, let me thank my colleague from Montana for his strong support and for the always strong dose of good common sense he brings to the floor of the U.S. Senate, which sometimes does not prevail here when we debate fiscal matters, when we work in setting the priorities that he so clearly spelled out are the responsibilities of legislators like ourselves in meeting the mandates of a constitution and of the kind of government we have.

I think we all recognize that our Government cannot be all things to all people, and yet for well over three decades we have had a Congress that largely believed we could continue to spend and get involved in almost every aspect of American life, stimulating, offering, providing, adding to and always directing and controlling ultimately when we put the Federal tax dollar there. That has amounted, as I mentioned in my opening comments, to a $4.7 trillion debt that is now more than $18,500 of debt for every man, woman, and child in the United States.

In just a few moments we will resume debate of S. 1. That again is symbolic of a Congress and a government that has lost its vision of what our Government and country ought to be like. Our State Governors said, if you are going to pass a balanced budget, then pass S. 1 first so that you will not have the ability of a central Federal Government to push through to us mandates and then require that we raise the taxes. In other words, S. 1 really forces the priority process that my colleague from Montana so clearly talked about, which is part of the debate that is very much important in the whole of what we plan to do in the reorganization and redirection of our Government that was demanded of us by the electorate on November 8.

But, once again, let me remind my colleagues that as we begin this debate, there will be loud cries of: Show us your nickel and show us your dime, show us where you are going to spend, show us every bite of food you are going to take as you scale down your diet and you plan to lose weight.

Let me remind my colleagues we are talking about, with this Senate resolution, a balanced budget amendment to the Constitution. That is a process. That then requires a procedure to be adopted by the Congress of the United States to establish the priorities and spending and to bring us to a federally balanced budget.

So let the debate begin. Let us recognize over the next several weeks that this is only the beginning, that if this Congress sends forth a constitutional amendment, it must go to every State capital in this Nation and every legislator. And I hope every citizen becomes involved in what could be one of the most unique national debates in the history of our country as the citizens determine whether they want to ratify

by 38 States the balanced budget amendment and begin to require the Congress of the United States to live within the parameters of a process that we will soon begin to debate and hope to establish.

I yield the remainder of my time.

THE STATE OF THE UNION ADDRESS

Mr. DOLE. Mr. President, last night was a time for rhetoric. And no doubt about it, President Clinton knows how to give a good long speech.

And now that the President has delivered his speech, the Republican Congress will continue to deliver on the promises we made to the American people.

For we know that the success of this Congress—as well as the future of our country—does not depend on our words. They depend on our actions.

And now it is time to act. It is time to carry out the mandate the American people gave us on November 8. And that means limited Government, less spending, fewer regulations, lower taxes, and more freedom and opportunity for all Americans.

As Governor Whitman said last night in the Republican response, if President Clinton is ready to help us achieve those goals, then we welcome him aboard. But we won't wait long to see if he means what he says. The train is pulling out of the station. Republicans are getting on with the business of changing America.

If President Clinton is truly committed to change, I hope he has a talk with with congressional Democrats—many of whom are devoting themselves to derailing Republican efforts to give government back to the people.

And while I do not begrudge anyone standing firm against legislation they oppose, some of my Democrat friends are doing their best to block legislation they support.

The American people are in a demanding mood—and rightfully so. They are watching us very closely. And they will know who is responding to the message they sent, and who is restoring to 100 percent pure partisan politics.

The President spoke again last night about Americans he terms as ''middle class'' and those he terms as the ''under class.''

We have a basic fundamental disagreement in philosophy here. Republicans do not believe we should create factions of Americans competing against one another for the favors of Government. Instead, we believe we should lead by taking actions that instill hope and restore freedom and opportunity for all Americans.

So, this Congress will carefully consider the President's so-called middle-class bill of rights,—but our actions will flow from the real Bill of Rights—the one that contains the 10th amendment to the Constitution.

The President did not mention that amendment last night, so let me read it for the record. It is very short.

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

End of quote. That is all there is. That is the 10th amendment.

Let me close by saying how exciting it was for some of us, particularly me, to look up last night and see a Republican Speaker sitting behind the President. We have waited—some almost a lifetime, 40 years—to see this happen. In fact I think it was a sight I was beginning to loose hope of ever seeing.

But now it is a fact. And the President well knows that this Congress is much, much different from those in the recent past. He talked about yesterdays. This is not yesterday's Congress. This is a new Congress. This is not a big taxing, big spending Congress. This is not a Congress that has a government-mandated solution to every problem.

Rather, this is a Congress that has a very specific mandate from the American people. President Clinton said last night that despite his liberal policies of the past 2 years, he accepts and understands that mandate.

Republicans and all Americans who support our efforts to return Government back to the people hope that is a reality, and not just rhetoric.

So, Mr. President, it seems to me the President has spoken. He has every right to. He spoke as most Presidents do, laid out the best that has happened in the administration. That is true whether you are a Republican or Democrat President. The President talked about lobbying. He did not mention how many lobbyists contributed to his legal defense fund. So if we are going to stop and give it all back, maybe we will hear that announcement today that all that money is going to go back, the $1 million raised from lobbyists around the country for his legal defense fund.

We are prepared to work with the President. I must say I did not hear any cheers go up on the other side of the aisle when Mexico was mentioned. I do not know where the Democrats are on Mexico. The President said it is not foreign aid, it is not a loan. Maybe there is something we are not aware of.

But I would say as far as that issue is concerned, we told the President in good faith at this meeting at the White House, which Secretary Rubin has talked about a number of times, that we understood there was a problem and we wanted to help. But we are not going to help on just this side of the aisle. Unless there is some help on the other side of the aisle, forget it; it is not going to happen.

I do not see much support. I did not see any applause last night when the President talked about our special relationship with Mexico and our boundaries and the history of the two countries. But I would say to the President that we are still prepared to work out some arrangement—maybe a different arrangement than has been proposed so far. But it must be bipartisan. It cannot be Republicans in the House and the Senate providing the votes while the Democrats vote the other way.

If that is the case it will never be brought up in the U.S. Senate.

Mr. HOLLINGS. Mr. President, as I passed through the Chamber and heard the distinguished majority leader, I remembered the words of John Mitchell, the former Republican Attorney General. He said, ''Watch what we do, not what we say.''

As I heard the distinguished Republican leader, he asked that we not resort to class warfare. Yet almost in the same breath, he waxed eloquently about the ''Contract With America'' and sank into the very game he indicted. Yes, President Clinton has put forward a proposal to cut middle-class taxes. But let us not forget that an important part of the Republican ''Contract With America'' is none other than a middle-class tax cut. It is ironic, if nothing more, that Republicans would attack the President for something they themselves have done.

Having said that, I feel strongly that the formulation of public policy should not be based on class, or age, or race, or anything of that sort. We are Senators for all the people, in our State and throughout the entire country. Unfortunately, we too often fall into the trap of conducting politics by poll numbers and forgetting that fact.

We need to get out of that habit and start doing what is best for the American people. Otherwise we end up admonishing each other about lobbyists on the one hand, and then accepting contributions from them on the other, as might the distinguished majority leader when he establishes his committee for the Presidency. In the end, we haven't done anything, and the electorate simply grows angrier and angrier.

We should not resort to demeaning the Government. That is what I heard in the majority leader's speech today and in the President's last night. Sometimes I feel like Republicans and Democrats are in a footrace to see who can demean the Government the most, to which I take strong exception. After all, we are never going to work together and be effective, if we are always finding fault and pointing fingers.

Mr. President, let me briefly turn to another subject, namely, the crisis in Mexico. I shall have more to say on this issue at a later time, but let me make a few brief points. It is my opinion that the risk subsidies which the administration is seeking on the $40 billion in loan guarantees would require the Mexican Government to pledge some of its oil revenues. While that may be a good business decision to secure the loan guarantee, my fear is that we will be taking the wherewithal from the Mexican people to recover as a country. In essence, in a year or two, the United States of America will not be seen as a friend, but as an enemy. In

that sense, I think it is a bad, bad policy.

Furthermore, the President should not be obligated to get Democrats together.

It is a Republican program to bail out the billionaires. Former President Salinas was given tremendous credit for privatizing. But if you look at Forbes magazine last year, you will see that of the 24 to 25 billionaires, 22 were created under the Salinas administration. What we saw was the good old boys system where the newly privatized companies were farmed out to political allies.

If the Mexican Government really needs money, they should tell that crowd to give some of the money back. The people need it badly down there. But what we don't want is to get into a situation where we bail out Wall Street and the billionaires in Mexico but breed resentment from the Mexican people.

Supporters of the loan guarantees have taken pains to stress that it does not cost the United States anything. While that may be true on paper, I immediately recall the $7 billion we guaranteed to Egypt, the $14 billion to India, and the $2 billion to Poland. I do not mean to question the need for that assistance, but I merely raise that point to illustrate that when this crowd in Washington says it won't cost anything, it is the taxpayers who ends up holding the bag when loan forgiveness occurs.

Mr. President, I did not intend to talk at length. I only wanted to comment on the tone of today's political discourse which paints Government as the enemy. It isn't new. I heard the same singsong when I was a member of the Federalism Commission under President Reagan. ''Get rid of the Government.'' Indeed, 15 years ago, President Reagan came to town pledging to slash Federal programs and send Government back to the States. Five years later, what we slashed was the funding by eliminating revenue sharing. That is what has caused the dilemma that brings this bill before the Senate today.

It is time for elected officials to quit blaming the Government in Washington and acting as if we were not part of the Government. Instead, we need to get down on the floor of the Congress and do the job, which the distinguished Senators from Ohio and Idaho are attempting to do. I thank them for their courtesy in yielding.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that ''Reagan ran up the Federal debt''; or that ''Bush ran it up,'' bear in mind that it was, and is, the constitutional duty of Congress to control federal spending. We'd better get busy correcting this because Congress has failed miserably to do it for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,799,369,247,041.81 as of the close of business Tuesday, January 24. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,218.49.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. The hour of 10:30 having arrived, under previous order, the Senate will resume consideration of S. 1.

The clerk will report the bill.

The 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 resumed consideration of the bill.

Pending:

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''.

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 modified 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.

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. 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.

Byrd amendment No. 200, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

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.

Boxer amendment No. 202, to provide for the protection of the health of children, pregnant women, and the frail elderly.

Boxer amendment No. 203, to provide for the deterrence of child pornography, child abuse, and child labor laws.

Wellstone amendment No. 204, to define the term ''direct savings'' as it relates to Federal mandates.

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.

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.

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.

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.

Kempthorne amendment No. 210, to make technical corrections.

Kempthorne (for Dole) amendment No. 211, to make technical corrections.

Glenn amendment 212, 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.

Byrd modified amendment No. 213, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

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.

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.

Byrd amendment No. 217, to exclude the application of a Federal intergovernmental mandate point of order employer-related legislation.

Levin amendment No. 218, in the nature of a substitute.

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.

Brown amendment No. 220, to express the sense of the Senate that the appropriate committees should review the implementation of the Act.

Brown-Hatch amendment No. 221, to limit the restriction on judicial review.

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.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I notice that the managers are not present. I know the Senator from Minnesota is present to offer an amendment. But since the managers are not present, I ask unanimous consent to speak as if in morning business for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. DORGAN. Mr. President, I recognize that the Senator from Minnesota would like to offer an amendment that I think is actually related to the discussion just held on the floor of the Senate, as soon as the floor managers are here.

The Senator from Idaho, a friend of mine, has, along with his colleagues, been discussing an issue for the past hour that is very important for this country, the issue of a constitutional amendment to balance the budget. He knows and understands that there is not necessarily a partisan difference on that subject in the Senate. Many of us, myself included, have voted in the past for a constitutional amendment to balance the budget and are prepared to do so again.

I think most people believe that it would be desirable to move this country toward a point when we are spending only the resources we have. There may need to be some exceptions to that. If you run into a depression, you might want to have a stimulative kind of fiscal policy. But generally speaking, we ought to balance what we spend with what we raise. We are nearing $5 trillion in debt. I have a couple of children who will inherit that debt, as will all of America's children. We have a responsibility, it seems to me, to address this question and address it in the right way.

I do want to talk a little about the nuance of the discussion. Some have been suggesting that Federal spending is out of control because there are folks who swagger over to the Chambers of the House and the Senate and propose wildly irresponsible spending schemes and programs for which they have no idea where the resources will come. The Senator from Idaho and others know, of course, that this is not the case. And I am not saying that the Senator suggested that. I am saying that people who understand the system know that what is causing these substantial run-ups in the deficit are——

Mr. CRAIG. Will the Senator yield for a moment?

Mr. DORGAN. Retirement programs and health care programs, Medicare and Medicaid. Each year more people become eligible for Medicare because they have reached the age of 65. Each year, Medicare becomes more expensive and so does Medicaid. So each year these programs grow in cost without anyone having done anything to increase their costs. I am happy to yield at this point.

Mr. CRAIG. Very briefly. I thank my colleague for engaging in this issue this morning. I will say that clearly the balanced budget amendment is a bipartisan issue. I have always appreciated the support of my colleague in this issue. It must be bipartisan. This is a national debate that involves all partisan interests. I thank my colleague for coming to the floor this morning and making that very important point.

Mr. DORGAN. I appreciate the Senator's comments. I want to make this point again and again. It is not a basket full of new and irresponsible Federal programs, being offered by Members of either side of the political aisle, that are causing this problem. The cause is entitlement programs, whose costs increase very substantially year after year and therefore claim an increasing amount of money out of the Federal budget and run-up the Federal deficit.

The question for those who want to address this, whether in the Constitution or through a statute, is: Exactly how do you do it? What do you choose to cut? What do you keep and what do you get rid of? We could change the Constitution 2 minutes from now, if procedures would allow it, and it would not make a one-penny change in the Federal deficit. Two minutes from now, we could change the Constitution to read that, from this moment forward, there would not be a one-cent increase in the Federal deficit, and yet this would not reduce the deficit by one penny. Why? Because changing the Constitution does not solve the problem. Changing the Federal budget is what solves the problem.

I have seen the sunny side of this little thing called the budget fracas. It came to us from Art Laffer and a bunch of folks in the early eighties. These folks believe that you can double defense spending and cut the revenue base and there would be nirvana around the corner, and the budget would be balanced. We have heard that. That was about $3.5 trillion ago. Of course, it was preposterous when it was proposed and when it was implemented. They saddled this country with an enormous debt. Supply side economics they called it. Some have said that is where the other side gets all the supplies. But it is a little more complicated than that. Now we have some who are saying again let us increase defense spending, cut taxes again, and let us change the U.S. Constitution to require a balanced budget.

Well, I happen to support a constitutional provision requiring a balanced budget. I did not come to Congress thinking I would support this, but that was about $3.5 trillion ago. I would support virtually anything requiring that there be a sober and serious solution to this problem because, frankly, I think this fiscal policy very much limits our country's opportunities in the future.

Two years ago, we had a vote here in Congress on a budget bill. It was a terrible vote. People talk about politicians not caring and not being connected, not having any courage. The vote was ''shall we increase some taxes?'' That was unpopular. And the vote was ''Shall we cut some spending?'' That was unpopular. ''Shall we do that in a significant combination to reduce the Federal deficit?'' Enough people in this Chamber—by one—voted yes to pass the deficit reduction bill. There was a one-vote margin here and a one-vote margin in the other body. I regret to say that not one Member of the Republican side voted with us on that bill. It was not an easy vote. It was an awful vote. If one were just going to be a politician, one would say, ''Count me out, I am not going to cast a tough vote. This increases taxes and cuts spending. Count me out. I am not involved in this.'' But enough people voted yes to say we are willing to do

this. It might not be popular or the political thing, but we are willing to do it for the benefit of this country.

When we pass—and I think we will—a constitutional amendment to balance the budget, the question becomes even more intense. How do you, with a specific series of changes in taxes and in spending, reach a balanced budget by the year 2002? I voted for, and intend to vote for again, a constitutional amendment to balance the budget. But I would say this: When we have people who propose a constitutional amendment to balance the budget and at the same time say increase defense spending and cut the revenue base, I say they need to spell it out. We understand that this is the point on the map you want to get to. I want to find out the route, especially if you are going to stop near the bridge of ''increased defense spending'' and go down the hollow called ''a cut in taxes.'' How do you reach that destination in the year 2002? I think the American people want to know that, as well.

Are you going to cut Social Security? Not with my support. Why? Social Security is paid for by every single person in this country who works and by everyone who employs the people who work. This money is taken from paychecks and put into a very specific account, a trust fund. We have said that we are going to take this amount from your paycheck and put it into a trust fund so that it will be safe for the future. This problem is a solemn one, a compact among those who work and those who retire and the system that funds it.

Are we going to raid the trust funds to balance this budget? Not with my vote. Not one cent of this deficit is caused by Social Security. This year, a $70 billion surplus will occur in the Social Security trust fund. We will have collected, in other words, $70 billion more in the Social Security System than we will have paid out. Can anybody reasonably claim that Social Security has caused this problem? So when the constitutional amendment to balance the budget comes up, we will have an amendment that says you will not balance the budget by raiding the Social Security trust funds. This program has not caused one cent of the deficit, and we will not allow a raid of the trust funds to accomplish the goal of this amendment.

Second, we say we have a right to know what route you will take to reach a balanced budget. There is a special right to know, and it seems to me an obligation on the part of those saying we want to increase one of the largest areas of public spending and cut the revenue base to tell us how they plan to get there. Show us a 7-year budget and tell us the result. Then we and the American people and the States and local governments know what the plan is. Share with us the plan. That is the issue.

I have mentioned Social Security. Does one get to a balanced budget by cutting Social Security? Not with my support. It does not cause this problem.

Does one get there by cutting defense? No. A large number in this Chamber now say they want to increase defense spending. That is one of the largest areas of spending in the Federal Government.

Well, if not defense, then what? Interest on the debt? No, we pay interest on the debt. There is no way of avoiding it. And the folks on the Federal Reserve Board, meeting in secret, have increased the interest rate six times and are set to do so again. There is not much we can do about that. Interest on the debt is another of the largest areas of public spending.

How about Medicaid and Medicare? There is considerable support for Medicaid and Medicare.

And for health care, are the requirements for these programs any less this year than last year? Hardly. Health care costs are going up, not down. So are we going to cut health care spending? If so, how? How do you do that when health care costs are rising, more people are becoming eligible for Federal health programs, more people are growing older, America is graying?

Or, I guess, if that is the plan, then tell us who is not going to get the health care that was promised? If that is part of the plan, let us hear it.

Medicaid. Forty million people live in poverty in this country. Which poor people are going to be denied access to health care?

Interestingly enough, health care costs are increasing. Yet we do not address the causes for the increases in health care costs. If we do not do this, in my judgment we do not have a chance to deal with this budget deficit problem.

What about veterans issues. Do you propose that we cut veterans' compensation, veterans' hospitals? I do not think so. I do not think somebody is going to say that those soldiers who put their lives on the line for this country will now have to discover that the promises this country made to them will not be kept. I do not think that is going to be the case.

So I guess the question is not with respect to intent; the intent around here is wonderful. And I am going to join those who intend to do this, and I will vote for a constitutional amendment to balance the budget, but with two caveats.

One, I am not gong to let anybody under any circumstance raid the Social Security trust fund to do it because the Social Security trust fund is a solemn compact between generations and has not caused one penny of this deficit. If that is the fight we have to have, that is the fight we are going to have.

Two, it seems to me—and I think the Senator from Minnesota has an amendment on this issue coming up next on this floor—that there is an obligation—especially given the circumstances these days of saying we want to increase spending on one hand and cut the revenue base on the other, while saying we want a constitutional amendment to balance the budget—to tell us how that is achieved. The American people and State and local governments should be able to make judgments: Does this make sense? What will this do to us? What does it mean to our revenue base out in the States? What programs will we have to assume? What programs will people do without?

Having said all that, a lot of strange things go on. All of us know that. This is reform time, and when you deal with reform, there are a lot of nutty ideas bouncing all over the walls. There are also some timeless truths in this country. One of the timeless truths for me as a public servant is that we want to help people who need help in this country, to provide opportunity and hope. In this country, a lot of people who do well and who will do better next year have opportunities, wonderful opportunities. But we have a lot of people who, through no fault of their own, find themselves in circumstances where we need to reach out a hand and help them up.

There ought not to be a board of values in this country as we discuss what we do about all these issues. We ought to understand that one reason for our country's success has been the largess in helping all of our people achieve the opportunities they can achieve with their God-given talents.

I mentioned some of the ideas floating around here. You know, several people say, ''Well, we do not want to ever talk about taxes when we talk about fiscal policy, so let us talk about charging admission fees to the U.S. Capitol.'' That was a nutty idea from last week. Conservative think tanks up here say, ''Let's charge the people of America,'' who own the U.S. Capitol, ''an admission price to see the U.S. Capitol.''

I might be old fashioned, I suppose, coming from a town of 400 people, to think you ought not to charge citizens an admission fee to enter a building they own.

We need to separate the nutty ideas from the decent ideas. And there are some good reform ideas, some good ideas, but there are a lot of strange ones bouncing around here as well.

It seems to me that, as we try to separate the good ideas from the bad, we ought to try to figure out where we are and follow it down the line. Let us try to understand what it is that is necessary for our future, what we need to invest in order to achieve the kind of growth and opportunity we want.

But it seems to me that we should not, as we begin talking about the constitutional amendment to balance the budget, leave an impression that the Federal budget deficit has been caused by a bunch of folks trooping in that door and concocting a new program last March. That is not what has caused this. That is not what has caused this at all.

We have massive entitlement programs whose costs are linked to the Consumer Price Index and whose costs go up every year. We have a revenue base linked to changes in the Consumer Price Index so that revenues are kept down by that same indexation. So you have one indexing approach that moves costs up and another indexing approach that keeps revenues down. And the result is a mismatch that anybody taking arithmetic can understand very quickly.

The Senator from Idaho and others are absolutely correct that we share a goal. That goal is that this country ought to put its budget in order and it ought to do it soon.

I suppose one area of disagreement occurs when some say let us increase spending in one of the biggest budget items and then cut our revenue, but they do not believe they have an obligation to tell people how they will then get to a balanced budget 7 years from now. We disagree on that. There is, in my judgment, an obligation to tell the American people how they are going to achieve that.

So, Mr. President, I appreciate the opportunity to say a few words about this subject. I know some have spoken about it for an hour or so. We will have hour after hour after hour of debates, probably weeks of debate on this subject. It is very important. The American people want us to control our fiscal policy in a reasonable and responsible way. I intend to join in that effort. But I intend also to see that we do it in the right way.

Some say, ''Well, you know, let us keep building Star Wars and let us cut out some critically needed investments'' like education and training that I think are vital for achieving the full human potential in this country. I say, ''I'm sorry. I don't share your goals. I do not share your priorities.''

So those are the kinds of debates I think we will be having in the coming weeks. This will allow the American people to not only understand that we share a common goal of where we want to go, but also to recognize that we have some disagreements about how to get there. And that is politics. Someone once said, ''When everyone in the room is thinking the same thing, no one is thinking very much.''

There is going to be a lot of diversity of thought about how we reach the destination of a better fiscal policy so that we unsaddle the American children of the heavy burden of deficits they now have to assume.

I know that, as I said before, the Senator from Minnesota is now waiting and has an amendment that I think will follow this discussion in an appropriate way. So, with that, Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 185

Mr. WELLSTONE. Mr. President, I assume we are no longer in morning business.

I ask unanimous consent that the pending amendment be set aside and that the Senate resume consideration of amendment 185.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. Thank you, Mr. President.

I thank the Senator from North Dakota.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. KEMPTHORNE. I appreciate the Senator's courtesy.

What I would like to do is offer a unanimous-consent agreement so we can then proceed with his amendment.

Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment No. 185 and that there be 1 hour, equally divided, on the amendment, and following the conclusion or yielding back of time, the majority manager or his designee be recognized to make a motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank the Senator from Minnesota very much.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, today we are considering S. 1, the unfunded mandates bill, a bill designed, as my good friend from Idaho, the main sponsor of this bill, has said repeatedly, to ensure that information is available to Members of Congress before they vote to impose a mandate on a State or local government.

As I understand the basic premise of this piece of legislation, which I will say to my colleague from Idaho I am very much in agreement with, it is really twofold. No. 1, we ought to be very clear about the kinds of mandates we are imposing on State and local governments and we ought to be accountable for our votes; No. 2, I think this piece of legislation is about the right to know. It is about the right to know both for Senators and Representatives and State and local government officials about a proposal's economic impact before we pass it.

Mr. President, I think that is good government reform. I have said that to my colleague from Idaho several times. I think it is good instinct. I think this instinct by the Senator from Idaho is on the mark, but I think it might be missing for some of our colleagues. In particular, I want to talk a little bit about this balanced budget amendment, and in particular I want to give some context by talking about some of the comments of the House Republican Leader ARMEY.

Mr. President, let me first of all be clear about the amendment that I have already sent to the desk that we are now considering. This is a 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, it should accompany it with financial information on its impact on the budget of each of the States, so that States know what exactly the impact of this piece of legislation will be on them.

Let me begin at the beginning. This unfunded mandates bill operates on the premise that information should be available to Senators and Representatives and to State and local government officials about the financial impact of legislation we are proposing and attempting to pass.

Mr. President, I think that that is a very important standard for any piece of legislation. Mr. President, it is also true, operating on that premise, and that is what this amendment speaks to, that if we pass a balanced budget amendment we ought to be clear with States, and I want to talk about this really because it comes from Minnesota.

In that sense, I have a mandate from Minnesota today regarding what the impact of a balanced budget amendment would be on Minnesota or any other State. If we are not clear about where these cuts are going to take place and what the impact is going to be on our States, then what has been called the Contract With America becomes not a contract but a con. I mean, if there is a mood piece in the country, it is that we should be honest, straightforward and direct with people, and not try to finesse people; tell them what we are doing and tell them what the impact of what we are doing will be on their lives.

Now, in the House, House Republican Leader ARMEY has said about the balanced budget amendment, ''I am profoundly convinced that putting out the details would make passage virtually impossible. The details will not come out before passage. It's not possible.'' The Washington Post, January 7, 1995. Another quote: ''Because the fact of the matter is once Members of Congress know exactly, chapter and verse, the pain that the Government must live with in order to get a balanced budget, their knees will buckle,'' January 9, 1995, the Washington Post.

Mr. President, people in Minnesota and people in Vermont and people around the country did not send us here to sign on to any piece of legislation without being clear with them as to what the impact of that legislation will be on their lives. Let me repeat that one more time, because that is the

premise of this amendment: People in Minnesota, people in Vermont, people in Ohio, did not send us here to pass legislation without understanding the implications of the legislation we pass on their lives. What will the impact be of a balanced budget amendment on Vermont, on Minnesota?

Mr. President, people in Minnesota want to know what passage of this balanced budget amendment will mean to them in personal terms. In fact, there is a considerable amount of apprehension in my State, and I think in every State. I have met with not just statewide officials, but local—county and city—officials from small towns in Minnesota, and people are worried that if we pass a balanced budget amendment but do not spell out where we will make the cuts or what the impact will be, then later on they will find that they may have to assume the costs.

For example, what would happen—and by the way, I will have figures that may spell out that this very well may happen—if we have cuts, the Senator from North Dakota spelled out the context, the $1.3 trillion cut. We are in a bidding war to raise the Pentagon budget; in another bidding war to cut taxes, taking some large programs off the table. We know where the cuts will be. So where will the additional funding be for our young people to go on to afford higher education? Who will assume the cost of nutrition programs for children? What about veterans programs? What about Medicaid-Medicare? And if a person lives in a State like Minnesota—I know the people in my State—we will not walk away from citizens who need some support so that they can become independent. Thus, we will end up having to pick up this cost.

The Governor from Vermont, Governor Dean, has made this same point. This could become one big shell game, transferring the costs back to State and local units of government, I fear, relying on the property tax.

Well, Mr. President, given this context, on January 12, about a week after I went home and met with legislative leadership and local officials, the Minnesota State Senate—and I would like for my colleagues to be very clear about this, because I think their State senate may well do the same thing—passed a resolution urging the U.S. Congress to provide these details before sending the balanced budget amendment to the States for ratification.

This resolution reads, from Minnesota:

Resolved by the Legislature of the State of Minnesota That it urges the Congress of the United States to continue its progress at reducing the annual Federal deficit and, when the Congress proposes to the States a balanced budget amendment, to accompany it with financial information on its impact on the budget of the State of Minnesota for budget planning purposes.

This resolution was passed unanimously in the State senate by Democrats and Republicans alike. This really does not have anything to do, as a matter of fact, with the position we take on a balanced budget amendment. The resolution then went—this was January 12—it then went to the House of Delegates and on January 17, the Minnesota House of Delegates also passed this resolution, I think, with only three dissenting votes. Then it went to the Governor and last Friday, January 20, Minnesota's Republican Governor signed the resolution.

Mr. President, from the State of Minnesota, I ask unanimous consent that this resolution be included as a part of the RECORD. And as the Senator from Minnesota, I am proud to send this resolution from the Minnesota State Legislature, signed by the Governor of Minnesota, to the U.S. Senate.

There being no objection, the resolution was ordered to be printed in the RECORD as follows:

RESOLUTION NO. 1

Whereas, the 50 States, including the State of Minnesota, have long been required by their state constitutions to balance their state operating budgets; and

Whereas, the States have long done so by making difficult choices each budget session to insure that their expenditures do not exceed their revenues; and

Whereas, without a federal balanced budget, the deficit may continue to grow within the next ten years from $150 billion gross domestic product (GDP) per year to $400 billion GDP per year, continuing the serious negative impact on interest rates, available credit for consumers, and taxpayer obligations; and

Whereas, the Congress of the United States, in the last two years, has begun to reduce the annual federal deficit by making substantial reductions in federal spending; and

Whereas, achieving a balanced budget by the year 2002 will require continued reductions in the annual deficit, averaging almost 15 percent per year over the next seven years; and

Whereas, it now appears that the Congress is willing to impose on itself the same discipline that the States have long had to follow, by passing a balanced-budget amendment to the United States Constitution; and

Whereas, the Congress, in working to balance the federal budget, may impose on the States unfunded mandates that shift to the States responsibility for carrying out programs that the Congress can no longer afford; and

Whereas, the States will better be able to revise their own budgets if the Congress gives them fair warning of the revisions Congress will be making in the federal budget; and

Whereas, if the federal budget is to be brought into balance by the year 2002, major reductions in the annual deficit must continue without a break; and

Whereas, these major reductions will be more acceptable to the people if they are shown to be part of a realistic, long-term plan to balance the budget: Now, therefore, be it

Resolved, by the Legislature of the State of Minnesota, That it urges the Congress of the United States to continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, to accompany it with financial information on its impact on the budget of the State of minority for budget planning purposes. Be it

Further resolved, That the Secretary of State of Minnesota shall transmit copies of this memorial to the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the presiding officers of both houses of the legislature of each of the other States in the Union, and to Minneosta's Senators and Representatives in Congress.

Mr. WELLSTONE. Mr. President, based on the Minnesota resolution, I therefore have offered this amendment to the unfunded mandates bill, a sense-of-the-Congress resolution that if the balanced budget amendment is sent to the States, it should be accompanied by financial information on the impact it will have on each State's budget. This is a very simple and straightforward amendment.

Mr. President, I cannot emphasize this enough. In my State of Minnesota, the thing that is being asked of Members, whether we are Democrats or Republicans, is: Please be clear and straightforward with the State and please spell out for the State the kind of cuts we will have to make within this balanced budget amendment mandate, and please spell out what the impact will be on our States.

We want to know which people are going to be affected by this. We want to know how much of this we are going to have to pick up through our own State budgets. Are we going to have to raise taxes? What kind of communities are going to be hurt? Let us know what the impact will be on our States. That is, if you will, the mandate that I take from the State of Minnesota to the floor of the Senate today.

Mr. President, obviously this balanced budget amendment—and I think this was the meaning of Mr. ARMEY's quotes, is going to necessitate some deep cuts. In the words of House Judiciary Committee Chairman HYDE, once Social Security is taken off the table the ''effect on other Federal programs will be Draconian.''

I did not say this, the Chair of the Judiciary Committee in the House, Representative HYDE, said this: The ''effect on other Federal programs will be Draconian.''

I think that statement is an understatement. The arithmetic of this equation is harsh, as we know full well. That is why I believe too many of my colleagues are unwilling to be straightforward with the people we represent. We are going to raise the military budget, we are going to have more tax cuts, we clearly are not going to be cutting into Social Security. And we know what programs are left, we know the importance of those programs and we know the kind of cuts that are going to take place.

We are talking about aid to States for State and local law enforcement agencies. We are talking about highway maintenance and construction. We are talking about education. We are talking about college and small business loans. And we are talking about hungry children and the elderly.

Mr. President, let me just lay out some Treasury Department estimates

for my State of Minnesota, and other Senators, I think, have this data as it pertains to their States.

The Treasury Department estimates that Minnesota will have to increase State taxes by 9.4 percent across the board to make up for the loss in grants. This is even before factoring in what would be the effect of additional offsets in cuts if we do a lot of tax cuts or we dramatically increase the Pentagon budget.

The loss of this grant assistance to the State of Minnesota would mean that in the year 2002, the Treasury Department estimates, we would have a loss of $679 million in Medicaid.

Mr. President, I remind my colleagues that half of Medicaid expenditures go into taking care of older people in nursing homes; $679 million less in Medicaid; $102 million less for highway trust fund grants; $83 million less in AFDC, and, by the way, Mr. President, because sometimes I think some of my colleagues do not understand it, aid to families with dependent children goes, by definition, mostly to children. We are talking about parents, often a single parent—almost always a woman—and children.

And $314 million cuts in funding for education, job training, the environment, housing and other areas.

The Department of Commerce estimates that Minnesota over 7 years, leading up to 2002 as potential impact: Education would lose $1.5 billion; environmental protection could lose $74.6 million; disease control and prevention would lose $9.8 million; Fish and Wildlife Service would lose $16.7 million, law enforcement would lose over $143 million.

Mr. President, children's defense fund estimates that the cuts in Minnesota in 2002 would result in the following, just in Minnesota:

Almost 30,000 babies, preschoolers and pregnant women would lose WIC nutrition supplements;

Over 51,000 children would lose food stamps; over 154,000 children would lose free or subsidized lunches; over 93,000 children would lose Medicaid health coverage.

Over 59,000 children would lose State child support agency help in establishing paternity or collecting child support; almost 38,000 children would lose welfare benefits; over 2,400 blind and disabled children would lose SSI, that is supplemental security income; 3,900 children would lose Federal child care subsidies; over 2,500 children would lose Head Start early childhood services; and 28,000 children would lose child and adult food care programs.

Mr. President, this is the point: I will not even preach about what all these statistics mean in personal terms. I will not even argue with my colleagues, if they are so inclined, over these figures. We do not know the exact figures, and that is what Minnesota has said in this resolution, passed unanimously by the House, passed almost unanimously by the Senate, signed by the Governor. I bring it here to the floor of the Senate, and this amendment that I have offered, which is this resolution from Minnesota, says if we pass the balanced budget amendment, then at least we ought to include with that balanced budget amendment a financial analysis of its impact on our States. This is a reasonable amendment.

Mr. President, I reserve the remainder of my time waiting for other colleagues who may want to respond.

Mr. KEMPTHORNE. Mr. President, I yield 10 minutes to the Senator from North Carolina.

The PRESIDING OFFICER (Mr. KYL). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I first want to comment on the amendment of the Senator from Minnesota. It seems to be an amendment with the primary purpose of stopping cutting and spending in this country. The balanced budget amendment and the unfunded mandates are closely tied.

We have not even passed the balanced budget amendment and yet we are saying what great damage it is going to do to the States. We are, in effect, planning the funeral during the birth. We need to wait and see.

For 30 years, that I am well aware of, we have passed law after law after law—this Congress has—that has had an irrevocable and permanently damaging effect upon the fiscal condition of the States, counties, and cities of this Nation. New taxes, new rules,and new mandates and not one time have we ever made a study, or I have even heard it suggested, that we let the States, the citizens of the counties know what we are going to do to them. For 30-plus years, we simply did it, and then it hit and they had to figure out a way to cover it.

There has not been a local budget that has really been accurate in this country in 30 years, because every year, particularly the counties have had to go back and increase taxes to take care of the mandates that we have placed on them.

Now, all of a sudden from the other side of the aisle, it becomes absolutely necessary that we do a definitive fiscal analysis of what effect this might have upon cities and counties and States.

Certainly we need to be sensitive and cognizant of what effect it might have on the cities and counties, but first let us get on with stopping spending instead of thinking of ways to keep on spending. We are going in debt at something like $800 million a day. We already have a $5 trillion debt, so let us get to what we ought to be doing and that is stopping spending.

The thing we have to do first is to cut the spending. If we will take the mandates off of the local governments, then they can handle their problems. They will know what to cut and what not to cut because they know. But the first thing we have to do is get rid of the mandates.

Now, I came to the Senate after 45 years in the private sector as a businessman and farmer. I watched and literally for the last 35 years not one time has the Congress convened and adjourned that they did not pass rules, regulations and laws making it more difficult to operate a business. The intent of these laws, we heard, was that they were going to help business, but not one single one of them ever did or has. They hurt people in the private sector.

I can think of no better example of this same rule going to the public sector than the mandates we have been dictating to State and local governments without providing any money to pay for them. The unfunded mandates have been a fiscal disaster for local governments. We simply tell them what the problem is and for them to find the money to cover the solution. It amounts to something that the Constitution says we cannot do, and that is for one branch of Government to levy a tax upon another. And we are doing it blatantly when we tell the counties of this Nation that they simply have to come up with this money and their only source of it is ad valorum taxes or local sales tax. We should not be telling them how and where and when to levy a tax.

In typical fashion, Federal Government bureaucrats and Congress think they have all wisdom of what should be done at the local level. The Federal Government and its bureaucrats think that the local government has come to Delphi, and they have the wisdom and will tell us what to do. All they have to do at the county level is pay the bills.

That is wrong, Mr. President.

A recent editorial described it pretty accurately:

> In recent years, as deficits have cramped Washington's style, legislators have taken to issuing commands to State and local governments. Those lower governments are forced to pick up the tab, while Federal legislators take credit for enlightened policy. (That means more spending.)

This severing of decisionmaking from the paying of the bill is what has gotten us the trouble we are in today, and it has invited undisciplined spending. It has encouraged the spending of money we do not have. It has encouraged entitlement programs that, if the Federal Government had to pay the total bill, would not be out there.

It burdens State and local governments, and it takes away the discretion of county commissioners, city councilmen and State legislators to decide where the money should be spent that they bring in in taxes, that they tax the people for. The decision has already been made in Washington.

In some of these counties it is absolutely ludicrous. I will take the county I live in, and if you will look at a lot of counties around the State you will see they are not a lot different. But I am going to take one federally mandated program in the county in which I have spent my life. This is Sampson

County, a rural county in eastern North Carolina. The total ad valorem taxes collected in that county are, more or less, $10 million. This is the total county tax collection. Would you believe that the Medicaid Program for that county is $30 million a year, of which the county has to put up 5 percent? We have not had a budget in the last 10 years that we have not had to go back and adjust to pick up the increases in the cost of Medicaid.

Now, if you will look at the counties, in particular the more rural and agrarian counties, you will find this same pattern, that the total county ad valorum tax collection is often only half or even, as in our case, a third of what is the Medicaid program in the county and what is our percentage of these unfunded mandates.

Mr. WELLSTONE. Will the Senator yield?

Mr. FAIRCLOTH. This bill will fix the problem by requiring the Congressional Budget Office to estimate the costs to the lower governments before we pass prospective legislation.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FAIRCLOTH. Yes.

Mr. WELLSTONE. I thank the Senator from North Carolina.

Mr. KEMPTHORNE. Will the Senator yield? Would the question be on the Senator's time?

Mr. WELLSTONE. No. But that is not why I asked the question.

Mr. KEMPTHORNE. I appreciate that.

The PRESIDING OFFICER. Does the Senator from North Carolina yield on his time? The Chair might advise the Senator he has less than 30 seconds.

Mr. FAIRCLOTH. When I finish, I will yield for the Senator's question.

Currently, the Congressional Budget Office estimates that 12 percent of all bills that Congress has passed since 1983, nearly 800, contain unfunded mandates with a cost per bill of the 800 of over $200 million.

It is long past time that those in the Congress—us, we—should take responsibility for these actions and stop issuing the mandates.

The PRESIDING OFFICER. The Chair would indicate that the Senator has used his 10 minutes. The Senator was yielded 10 minutes and that time has expired.

Mr. KEMPTHORNE. I would be happy to yield the Senator an additional 2 minutes so he can conclude his remarks and in that time if he wished to respond to the Senator from Minnesota. Two minutes.

The PRESIDING OFFICER. The Senator is further recognized.

Mr. FAIRCLOTH. Yes. I ask unanimous consent to be allowed 5 minutes additional time.

The PRESIDING OFFICER. Does the Senator from Idaho yield 5 minutes?

Mr. FAIRCLOTH. I will not need 5.

Mr. KEMPTHORNE. The Senator will yield 3 minutes.

Mr. FAIRCLOTH. Three minutes. Good enough.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 minutes.

Mr. FAIRCLOTH. Simply, we are writing these laws and sending them to the States COD. It is time we send them with the bills paid when we pass the law. The States are tired, the cities are tired, and the counties are broke paying for mandates that we send from here.

Mr. President, I do want to thank the Senator from Idaho [Mr. KEMPTHORNE] for the leadership he has taken in it. When he came to the Senate, it was one of the first things he talked about. He has followed it. He has followed it closely. I know that he served for many years as mayor of Boise, ID. He has firsthand knowledge of how it works, whatever goes on. And he has done an excellent job of presenting the bill to the floor and to the Senate, and for that I wish to thank him. I think it is fitting that he be the leader in ending an abuse that has gone on far too long.

Mr. President, I thank the Chair, and I will be glad to answer the question of the Senator from Minnesota, if he will speak loud enough so I can hear him.

Mr. WELLSTONE. Mr. President, I think the Senator has probably run out of his time so I will not ask him to yield. I will just comment very briefly.

The PRESIDING OFFICER. The Senator from Idaho has 17½ minutes remaining on his time.

Mr. KEMPTHORNE. Will the Senator from Minnesota allow me, then, to proceed with the next speaker so in your summary——

Mr. WELLSTONE. Mr. President, since the Senator from North Carolina no longer has any time to yield, I might just quickly respond. I will take 2 minutes. Then I will be pleased to reserve the rest of my time.

Mr. President, just very briefly, I appreciate what the Senator from North Carolina said. But I do want colleagues to know, who are about to vote on this, that this amendment does not say no to S. 1, to unfunded mandates. This amendment does not say no to a balanced budget amendment. This amendment, as a matter of fact, based upon the Minnesota resolution, memorializes Congress for continuing its work on Federal deficit reduction. The only thing this amendment says—and I do not think the Senator really responded to this amendment—was that if we pass a balanced budget amendment, we ought to accompany this with financial information on its impact on the budget of each of the States.

This came from Minnesota. It was passed unanimously by the Senate, Democrats and Republicans alike. It was passed almost unanimously in the House. It was signed by the Republican Governor.

It focuses on deficit reduction, but it says: Look, Federal Government, in the spirit of unfunded mandates, tell us what the impact is going to be on our States of a balanced budget amendment. That is all this amendment says. So I think the Senator from North Carolina had some interesting comments, but I do not think they spoke directly to this amendment.

I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator from Idaho has 17 minutes and 17 seconds.

Mr. KEMPTHORNE. Mr. President, I will be happy to yield 5 minutes to the Senator from Illinois.

Mr. SIMON. Mr. President, it is rare that I differ with my colleague from Minnesota. He is one of those who has really brought compassion to this body and I have great respect for him. One of the best things that has happened in the U.S. Senate since I have been here is the election of PAUL WELLSTONE to the U.S. Senate.

I differ with him on this for two basic reasons.

No 1, the argument that is made against the balanced budget amendment by those who oppose it is that we can do this, we can balance the budget, without a balanced budget amendment. Therefore, the pain inflicted would, in theory, be the same, whether we have the balanced budget amendment or whether we do not, with one exception. And that exception is this: Every econometric study shows if we pass the balanced budget amendment, we are going to have lower interest rates. If you have lower interest rates, you will have an easier time balancing the budget with a constitutional amendment. If you have lower interest rates, you are going to stimulate investment and employment; you are going to stimulate revenue for the Federal Government, for State and local governments. That is No. 1. So I think you cannot make an argument both that this is going to hurt and we can balance the budget without the constitutional amendment.

Second, we have to ask as we look at States and local governments, what will happen if we do not have a balanced budget amendment? You look at that GAO report of 1992—and it would be modified some, thanks to the vote of the Senator and mine in passing that budget in August 1993—but they say, in that report that if we follow the basic path we are on now that by the year 2020 their projection is, because of interest growth and entitlement growth, that social services would be cut by one-third and defense cut by two-thirds.

Frankly—my colleague from Minnesota has been around here long enough. I do not think that is the way the pie would be cut. I think it is much more likely that it would be closer to 50–50, on both sides. But that assumes—the GAO report assumes, optimistically—that we do not monetize the debt, that we do not just start the printing presses rolling.

The history of countries—and we may hope we will be an exception to this history—but the history of nations is, when you get around 9 percent of deficit versus GDP, except for a wartime situation, you start monetizing the debt. We are going to go beyond that.

I ask the Members of this body just to take a look at what happened in New York City. This was before my colleague from Minnesota was here as a Member of this body. New York City faced bankruptcy. New York City was rescued by the U.S. Government. But New York City had to cut its programs for poor people up to 47 percent.

There is no United States of America, no big umbrella, to rescue this country. We are one-fifth of the world's economy. If we go down the tube economically, there is nobody out there to rescue us. The International Monetary Fund cannot begin to deal with our problem. The International Monetary Fund, in the case of Mexico, is offering to help to the tune of about $2 or $3 billion in guarantees. They cannot go further than that.

So, though I have great respect for my colleague from Minnesota, I do believe this amendment should be defeated.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota is recognized.

Mr. WELLSTONE. I will yield a minute to myself to respond.

May I ask how much time I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 10 minutes and 48 seconds.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, it is certainly rare the Senator from Illinois and I are in disagreement on an issue. I am hoping to persuade him to change his mind before the final vote because I want the Senator to know that, No. 1, when he talks about econometric models he is absolutely right; there are a variety of different variables, including factoring in the effect of lower interest rates, that would be included.

This is not an amendment against the balanced budget amendment. I mean, many State senators and representatives who signed this resolution, or voted for this resolution, are for it, I say to my colleague from Illinois. The only thing they are saying is, if or when—your choice—you pass a balanced budget amendment, please accompany it with a financial analysis so we can have some sense of what the impact will be on the States.

I say to my good colleague, that is where your econometric model would be figured in. We should do that. It is a matter of State and local government officials having the right to know—which is very much within the framework, I might say, of the unfunded mandates legislation.

And finally, I have to say this to my colleague, and this is our honest and profound disagreement: My colleague from Illinois is willing to make the difficult choices, which means he is not going to be involved in a bidding war to raise the Pentagon budget. He is not going to be involved in a bidding war for yet more tax cuts. He is not going to take everything off the table. And he is not just going to do deficit reduction according to the path of least resistance, focused on those citizens with the least amount of political clout.

But there is every reason in the world to believe that is precisely what we are going to do here and that is what people are worried about back in the States. That is what people in the States are worried about, and they want us to be clear with them. That is all this amendment says.

If we pass it, let us accompany it with a financial analysis of its impact on the States. That is from Minnesota, passed unanimously by the State Senate, passed almost unanimously by the House, and passed and signed into law by a Republican Governor. I do not think this is unreasonable.

So Senators should understand this is all they are voting on.

Mr. SIMON. If my colleague will yield?

Mr. WELLSTONE. If I may yield on the other side's time?

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. May I have 1 minute?

Mr. KEMPTHORNE. Yes. I yield 1 minute to the Senator from Illinois.

Mr. SIMON. Just for 1 minute. I thank my colleague, and if this passes, if the balanced budget amendment passes—and I believe it will—then I think we have to at that point let State and local governments know, let everyone know what kind of a glidepath we are on. I do not think we need to do that prior to passage. I think that compounds the problems of passage—very candidly.

Mr. WELLSTONE. Mr. President, I will take my own time.

The PRESIDING OFFICER. The Senator from Minnesota.

MR. WELLSTONE. This amendment reads, after we pass it, we should do this. That is the way this amendment reads.

Mr. SIMON. If that is correct, then I withdraw my opposition.

Mr. WELLSTONE. Then we should do the analysis.

Mr. SIMON. Then I withdraw my opposition. In that case, I have no objection to the amendment. Once again, I am on the same side as my colleague from Minnesota.

Mr. KEMPTHORNE. Mr. President, I want to acknowledge and thank the Senator from Illinois, who certainly has been one of the leaders on the balanced budget amendment, and also two Senators that will now be speaking, the Senator from Utah [Mr. HATCH] and the Senator from Idaho [Mr. CRAIG], again leaders on this balanced budget amendment.

So I yield 5 minutes now to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. Mr. President, I cannot see a reason in the world why on legislation regarding unfunded mandates we should have an amendment like this or why we should spend 2 minutes on it.

We all know the balanced budget amendment is going to come up within days on the House floor and within a week on the Senate floor, that is if we ever get through this unfunded mandates bill. If we do not get through this legislation pretty quick, we will not get through the Mexican loan guarantee legislation with all its problems, which are very, very serious.

As I say, I am not sure why we are here debating this issue now. We are supposed to be passing a bill to provide relief to the States from unfunded mandates. Everyone knows we are going to have ample time to debate the balanced budget amendment on the floor of the U.S. Senate, and we should not hold up this bill to debate an amendment like this.

The provision that the Senator would like us to have—I know he is sincere; I have watched the distinguished Senator from Minnesota for his whole Senate career, and I know he is sincere—but this amendment puts the cart before the horse. It puts the cart before the horse in two ways: First, in time since this debate should happen on the balanced budget amendment itself, not here; and second, this amendment cannot be complied with as it is written. The balanced budget amendment requires the Congress of the United States to work to balance the budget. It does not write a particular mix of cuts or taxes into the Constitution. It is for the Congress to work toward resolution of those particular issues and to set the priorities within the budget from year to year.

If we could get back to the business at hand and pass the unfunded mandates bill, it will give the States a measure of protection against Washington's mandates, and if the statutory route is insufficient, then the States may want us to pursue a constitutional amendment on unfunded mandates. But let us pass the unfunded mandates bill first. Let us get on to debate the passage of the balanced budget amendment and get the Nation's fiscal house in order by balancing the budget without first burdening or binding the States. We need to get on with it, but we need to do it in a reasonable order.

The problem—just to spend a minute or two on this amendment—and I note that the Senator is very sincere. What he would like in this sense-of-the-Congress amendment is that when Congress proposes to the States a balanced budget amendment—assuming a balanced budget amendment is passed through both Houses of Congress by the requisite two-thirds vote—then Congress must accompany it with financial information on the impact on the budget on each of the States.

I would point out that we have trouble even getting CBO and other budget baseline scoring mechanisms to give us sound and timely information on what we are doing, let alone having them analyze what each and every State in the Union has to do. Under this amendment, we would be spending all our time trying to understand a continually shifting set of State problems and how our budget might impact on them. I think we need to worry about how the Federal budget can be reduced between the time of the passage of the balanced budget amendment and the year 2002, if that is the effective date of the amendment. I do not want to get into a situation where we must also worry about the choices of each of the States, and we complicate passing the balanced budget amendment while attempting to get information like this that could cost us hundreds of millions of dollars to get.

Again, this amendment is just another unnecessary provision. The minute we pass the balanced budget amendment, this Congress will have to start working on coming up with a mechanism to get to a balanced budget. I might add not just the Congress; the President is going to have to work on coming up with the mechanism beyond the balanced budget amendment to bring us into fiscal balance by the year 2002. I have to tell you, nobody in Congress and the Congress as a whole will be able to do that without the leadership of the President of the United States. That has been the problem up to now. We have not had Presidential leadership to tell us what we have to do to balance the budget, short of increasing taxes.

Mr. WELLSTONE. Will the Senator yield?

Mr. HATCH. If I could just finish. The fact of the matter is this amendment would cloud the whole issue. It would require us to do continual budgetary analysis of State budgets—there are 50 of them; we cannot even handle the Federal budget—and thousands of Federal programs tailored to each State and how it impacts each State. We would have to put in place, before ratification, not only the budget for each year until 2002, which of course we cannot do because we cannot bind future Congresses, but we must analyze what we guess each of the 50 States would do in each of those years in response to our assumptions about what future Congresses would do. And since we cannot either bind future Congresses, nor should be attempt to tell the States how they should respond, we would have a continually shifting process, with continually changing information. We just do not have the capacity to comply with this amendment. And I do not know how we would ever get 535 Members of Congress to agree on all these forecasts of future Congressional actions and the responses of and effects on each of the 50 States.

Furthermore, this amendment assumes that the States, which are very capable, would be unable to do their own analysis and make its own decisions about its budget priorities and come to its own decision about ratification. I think the States should participate in the process of setting the national budget priorities, especially as it will affect their own freedom to set priorities for themselves.

Mr. President, this is the wrong way to proceed. We need to get the mechanism in place that will require Congress to balance the budget before we can balance the budget. And before that we cannot tell what a balanced budget would look like. We cannot tell the States what they should or may do in response to either the balanced budget amendment or a balanced Federal budget. This unfunded mandates bill that we are supposed to be debating has the purpose of curbing such Washingtonian imperialism. And finally, we cannot project what future Congresses will do. In fact we often cannot project very far into the future the effects of our present budgetary decisions. We cannot bind future Congresses to a particular budget. Nor should we. It is the right and duty of each Congress to set its own national priorities in the budget while complying with a balanced budget rule.

I hope this amendment is voted down. It is unnecessary and unwise, and adds an unnecessary cost to our society.

Mr. WELLSTONE. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. What I just heard the Senator say—and, by the way, it is part of the response to the discussion I had with the Senator from Illinois. What this amendment says, a sense of the Congress, coming right from Minnesota is that if we pass a balanced budget amendment, then before we send it to the States we ought to have for the States a financial analysis of the impact. What I am hearing the Senator say is it is too hard for us to do that.

So do you not think, I would say to my colleague from Utah, or my colleague from Idaho, or Ohio, or Georgia, our States have the right to know? Do you not think our States have the right, as Minnesota as a State, to say to us, ''Look. After you pass this, if you pass it, before you send it to us, will you please give us an analysis of its impact on our States?'' And now I hear the Senator from Utah saying it is too hard. We are talking about all sorts of amendments and all sorts of legislation in the unfunded mandates bill making sure that an analysis is done. We did not say it is too hard for that. We are talking about the right to know for our colleagues and for people back at the State and local communities. Now, when it comes to a huge decision we are going to make, we are saying it is too hard, that we cannot, after we pass this, let our States know what the impact of this legislation will be on that.

I find that to be an interesting argument. But I certainly hope my colleagues will not be swayed by it.

Mr. HATCH. Mr. President, will the Senator yield on that?

Mr. WELLSTONE. I would be pleased to yield on the time of the Senator from Utah, if I could.

Mr. GLENN. Mr. President, will the Senator yield to me 1 minute?

The PRESIDING OFFICER. Does the Senator from Idaho yield?

Mr. CRAIG. I yield 1 minute to the Senator from Utah for purposes of responding.

Mr. HATCH. Now, look. I guess there is nothing that is too hard if we have enough money and enough time and enough bodies and enough people and enough economists to do it. The question is, is it prudent, is it warranted, is it worth the cost? The fact of the matter is we cannot get CBO scoring the way we need to have it on time in order to do the things that we need to do in this body. Do we need to add to it a continually shifting set of State budgetary priorities, for each of 50 States, and have us be on top of every one of those priorities, and spend all the money to do that? No. What we have to do is get our own fiscal house in order. The States will adapt to it, each in its own way guided by the wisdom and needs of its own citizens. But I would add that we have to have Presidential and congressional leadership for us all to do so.

Finally, Mr. President, everybody knows that this type of amendment is for one purpose; that is, to undermine the balanced budget amendment. That is the sole and specific reason for it.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. I would be pleased to yield to the Senator from Ohio, but if I could just respond.

First of all, I do not want Senators to be able to vote on the basis of a dodge. This amendment in no way, shape, or form is opposed to the balanced budget amendment. Senators have different views on that. I can assure my colleague from Utah, my good friend, that the Minnesota House of Representatives and the Minnesota State Senate passed it by overwhelming votes and it was signed by a Republican Governor there. There is strong support by many of these colleagues, Democrats and Republicans alike, for a balanced budget amendment. The only thing they have said is, from our perspective in Minnesota, I think from the perspective in Utah and other States, how are we going to know whether or not to ratify this unless we know what the impact is going to be? If we are going to pass something that is so far reaching, it is our right to know. Can you not provide

specific information? Can you not provide specific analysis? That is all this amendment says.

I yield 1 minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank the Chair, and I thank my colleague.

I just say that I hope the same logic is used by the Senator from Utah when Senator GRASSLEY's amendment comes up because the interpretation of his amendment would mean we go back 21 years and require a study of all mandates—all mandates, period. It does not have a $50 million threshold to it, as I understand it.

It would be such an enormous study that we requested CBO to give us figures on how much it would cost them to do such a study, and they cannot give us an estimate right now. In other words, we are putting an unfunded mandate on CBO. He is concerned about CBO and I am, too, but I think the logic of what the Senator is trying to do should also be carried over to the consideration of Grassley, which would be an enormous study, beyond anything I would see proposed here.

Mr. WELLSTONE. I have not referenced CBO. I have said it is up to us in our Budget Committee to come up with an analysis.

Mr. CRAIG. I yield a few moments to the Senator from Utah to respond.

Mr. HATCH. Last year, at the height of one of the most important debates last year, the battle over health care, we could not get the economic analysis of just health care in sufficient time for our analysis, and that involved just the President's and one or two other health care programs. There were all kinds of other programs to be considered, but there was no time to get the full economic analysis. The fact of the matter is that what the Senator from Minnesota is asking for would cost an arm and a leg and would not get us closer to a balanced budget anyway—indeed it would place us further away because of the increased costs in performing the analysis.

I will look at Senator GRASSLEY's amendment, because I think we have to look at what these costs are. But, really, this type of an amendment does not have an efficacious effect. It is going to cost us. We do not have the facilities or the resources to do it. We have to determine here what we can do to reach a balanced budget by the year 2002. It is going to take time to do it and it is going to be costly in and of itself, without worrying about 50 States, and we should let future Congresses and each of the States make up its own mind about how it wishes to comply with a Federal rule of fiscal responsibility.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague from Idaho. I believe my good friend from Minnesota did not vote for the balanced budget amendment. I have to conclude that the essence of this amendment is to reinforce a message we heard last night from the President when he defined, in my judgment, his decision about the new Democrat and old Democrat, when he decided to oppose the balanced budget. He wanted things to stay the same in Washington.

He underscored his dispute with the balanced budget amendment by beginning to raise the specter of fear across the land, and began pointing to specific groups. This is but an extension of that context, to try to suggest to the States that there is something for them to fear about this Nation finally taking charge and putting in motion a discipline to govern its financial affairs.

That is what this amendment is designed to do—to suggest that there is something to be feared. I might say, following on the remarks of my good colleague from Utah, it goes beyond a question of the consumption of analysis as to how this would impact States. The point is that there is no way to determine what the judgments of future Congresses might—not even including all the august Members that are here—do in order to arrive at a balanced budget. This presupposes that you could suggest what is going to happen in the future, and you cannot.

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

Mr. CRAIG. Mr. President, let me conclude the time on our side by looking at what past Congresses have done when they proposed amendments to the Constitution.

What the Senator is suggesting in his amendment is that the first Congress would have been able to anticipate that in the first amendment we would have said that yelling ''fire'' in a crowded theater is against that amendment. But that is not what the first Congress said about the first amendment, because they did not know at the time. They did not understand, or they could not anticipate, what a court would suggest.

What this is saying is that in the second amendment we would have said it was intended to keep guns out of the hands of juveniles. That is not what our Founding Fathers said at the time. They did not know.

Or we could have said the fourth amendment required reading aspects of the Miranda rights into the decision. Or maybe we would have said, in a post-Civil War Congress, that we knew 100 years subsequent how we would anticipate all of the civil rights that would have come under the Constitution. No, I do not think that was intended, and I do not believe that any Congress can anticipate what a constitutional amendment will do beyond the clarity of the language of the Constitution itself, and that is that we will have a balanced budget amendment in a period of time.

Now it would then be the responsibility of Congresses following the enactment of an amendment as they begin to shift the priorities of Government, as they begin to downsize the rate of growth in Government, to turn to States and say: These kinds of impacts could occur. I think that would be the responsibility.

I hope the Senate will vote down this amendment in a tabling motion, because I do not believe it is possible for us to project 7 years out into the future what future Congresses might do and what impact it would have upon the States.

Mr. WELLSTONE. Mr. President, with all due respect to my colleagues that it is my joy to serve with, I think a lot of these arguments just miss the central point. I want all of my colleagues to be clear on what they are voting on.

This is not a sense-of-the-Congress amendment that says we should not pass a balanced budget amendment. They are not voting on that. This is not a sense-of-the-Congress amendment or sense-of-the-Senate amendment that says we should be voting against unfunded mandates at all. In fact, the unfunded mandates legislation says that senators and representatives in our State and local governments are entitled to information, entitled to a right to know before we pass legislation and do not tell them anything about the impact or come up with the money.

This amendment is a mandate from Minnesota, strong bipartisan support in a resolution that emphasized deficit reduction. Then it ended up saying:

> . . . *be it Resolved by the legislature of the State of Minnesota,* that it urges the Congress of the United States to continue its progress in reducing the annual Federal deficit, and when the Congress proposes the balanced budget amendment, to accompany it with financial information on the impact on the budget of the State of Minnesota.

My amendment says if we pass a balanced budget amendment before we send it to the States, which by definition would be after we pass it, we should do an analysis of its financial impact on our States. How can our States then make decisions about whether or not to ratify it unless we are willing to provide them with the information?

Mr. President, I am just amazed by some of the arguments that have been made on the floor of the Senate because they do not speak to the central issue.

I say to my colleagues that this vote on this amendment is all about accountability. This is all about being direct with people. It is all about responding to our States. It is all about the concern that people have, about where will $1.2 trillion or $1.3 trillion in cuts take us between now and 2002. What will be its effect on citizens in Minnesota, Idaho, Georgia, Utah, all across the country? Minnesota State legislators, Republicans and Democrats alike, and the Republican Governor, are bipartisan and have sent a resolution here. I translated that into an amendment. It is an eminently reasonable request that I think will come

from all of our State legislatures and Governors, which is: If you pass the balanced budget amendment, then before you send it to the States, please do an economic analysis of it so we will know the impact on our States and on our people. Are we going to have to raise taxes at the State level? Is that what we are afraid to tell our colleagues at the State level? Are our local governments going to have to rely more on the property tax? Is this going to become the biggest unfunded mandate of all, where we just transfer costs back to State and local governments? Is that why we are unwilling to pass this amendment, a sense-of-the-Senate amendment, that we at least, before we send this to the States, have an accompanying financial analysis?

I hope that this amendment will attract strong bipartisan support. It is all about the rights of people back in our States to know what we are doing. It is all about accountability. It is all about good government. It is all about being direct and straightforward with people, and this amendment should pass by a huge vote in the U.S. Senate.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. CRAIG. Mr. President, I move to table the amendment of the Senator from Minnesota, and ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired.

The question is on the second-degree amendment numbered 186 of the Senator from Minnesota to the first-degree amendment No. 185.

Does the Senator from Idaho wish to table the first-degree amendment or the second-degree amendment?

Mr. CRAIG. I wish to table amendment No. 185.

The PRESIDING OFFICER. The motion is to table amendment No. 185.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho [Mr. CRAIG] to table the amendment of the Senator from Minnesota [Mr. WELLSTONE]. 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.''

The PRESIDING OFFICER (Mr. COVERDELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—54

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Chafee	Hatfield	Roth
Coats	Helms	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simon
Coverdell	Jeffords	Smith
Craig	Kassebaum	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Thurmond
Frist	Mack	Warner

NAYS—45

Akaka	Exon	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Hollings	Pell
Byrd	Inouye	Pryor
Campbell	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Lautenberg	Wellstone

NOT VOTING—1

Simpson

So the motion to lay on the table the amendment (No. 185) 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.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me state for the benefit of my colleagues, we do have a meeting at 2 o'clock today. Hopefully, everybody will come—Senators only, no staff—to talk about a number of things that affect us, not as Senators, as Republicans or Democrats, but as people who live around here.

I think during that period, we will not recess because I think there will be an amendment offered. But I want to point out, we still have 39 amendments. This is the 11th day and we still have 39 amendments to this bill. We are going to finish the bill this week, if it takes all day today until midnight, all day tomorrow until midnight, all day Friday, and all day Saturday. We are going to finish the bill this week.

So I hope that Members are prepared to offer amendments and give us time agreements, or not offer amendments. I cannot believe that every one of the 39 amendments, whether they are on this side of the aisle or that side of the aisle, needs to be offered. So we will finish this bill this week sometime. We may file cloture if we do not get some action on some of the amendments. It is 12:15. We disposed of one little amendment. We have 39 left.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, in response to the majority leader's comments, we are working very hard trying to get just as many lined up with time agreements as short as possible so we can move it along. I know the majority leader's desire to end this this week. We are certainly cooperating in that endeavor to that end. We are trying very hard to line things up just as fast as we can, to get them tailored with the shortest time agreement as possible. I think we are making some progress, and we will continue.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 274 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I will be very brief. I ask unanimous consent that at 1:30 p.m. the Senate turn to the consideration of amendment No. 202 by Senator BOXER and there be time for debate prior to a motion to table divided in the following fashion: 90 minutes under the control of Senator BOXER, 30 minutes under the control of Senator KEMPTHORNE. I further ask unanimous consent no amendments be in order to amendment No. 202, and that following the conclusion or yielding back of time, the majority manager or his designee be recognized to move to table amendment No. 202 and that upon the disposition of amendment No. 202 the Senate turn to the consideration of amendment No. 187.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

ORDER OF PROCEDURE

Mr. GLENN. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

THE PRESIDENT'S PERFORMANCE

Mr. GLENN. Mr. President, I will not direct my address to the President's

speech last night. But I have been planning for some time to make a few remarks regarding the President's performance, with emphasis on the things that I think are important to the future of this country.

We get so bound up here in our considerations on the Senate floor, in our committee work, and in our speeches back home that I think we sometimes do not really sort out the wheat from the chaff and try at least in our mind's eye to go 10, 15, or 20 years in the future, and look back to see what was really important to the people that was passed by any administration. What has effect 15 years down the road for every family, every child, the elderly, the young —everyone in our whole society? What then should be relegated to trivial footnotes of history? It seems as though quite often we concentrate on things that in history's 20–20 hindsight will be but trivia, while in the future we will live with the important things that were passed in any administration. I think we need to consider the Clinton administration in that light.

The October 24 issue of Time magazine had a little graph that showed that this President, President Clinton, had passed and signed into law more of his stated agenda than any other President since Lyndon Johnson and before that back to Dwight Eisenhower. In other words, it was the most successful first 2 years—not quite 2 years, but the first 20 months—of accomplishing an announced agenda since President Dwight Eisenhower.

That is a proud record quite apart from all the trivia and all the ups and downs of charges against the President that I think will wind up as small print footnotes later, trivia, in history.

What we are talking about here is doing rather than talking. It seems to me people tend to ignore the record of what was done, what has been accomplished in this first 2 years. Too many on the other side keep talking about doing some of these things that are already under way, that are already being accomplished by this administration.

I can go through some examples of this. The economy has never been better. We have the lowest unemployment in 4 years, and the budget deficit has come down 3 years in a row. That is not something for the future. This is being done now with the economic policies of this administration. We remember the reconciliation vote in August of the first year of this President's tenure in office. There was not a single Republican vote, not one, that we could get here in the Senate to pass that reconciliation. In fact, the Vice President had to break the tie on that vote. There were dire predictions by some on the other side that there was going to be massive unemployment. In fact, all the other things that were brought up at that time that have not occurred. The economy remains in good shape. I repeat this is the first time we will have reduced the budget deficit since the administration of Harry Truman—3 years of reducing the budget deficit.

How about the size of Government? When this administration came in, we had a lot of publicity and talk about reinventing Government. But it was not all talk; a lot of things were also put into effect. Some 300 different programs have been cut in the last 2 years. We talk about reducing the size of Government, getting the Government down-sized. The objective stated last year was that within 3 years we would be able to reduce the size of the Federal work force by some 272,000 people. At that time, a lot of people clucked a little bit, put their tongue in their cheek and said, ''We will believe it when we see it.'' Well, we are seeing it.

Right now, the current figure of reaching that goal of reducing the Federal work force by 272,000 is being accomplished. 98,000 people have already been cut from the Federal work force. Along with those cuts—and I worked with the administration on this as chairman of the Governmental Affairs Committee—has come something else. Formerly, the Federal work force was all skewed to bosses and there was not enough employees in many departments and agencies. In other words, the boss-to-employee ratio was not what it is in private business, academia, or anywhere. In businesses across the country, the ratio of managers to employees is 1 to 12 or 1 to 15. The Federal Government has drifted over the years to a point where it is top heavy. We have about a 1-to-7 manager-to-employee ratio.

At the same time we are down-sizing by 272,000, how do we manage to adjust the manager-to-employee ratio? We put in buyout legislation along with early retirements. This encourages the GS—the civil service ratings—GS–13's, 14's, and 15's, who are basically the managers, to get out. So we are simultaneously down-sizing and correcting this imbalance that is very wasteful and adjusting it back to a better ratio that will compare favorably with what is done in private industry and private business. We do not hear that mentioned very often. When we get cut down to the 272,000 level, we will have the lowest Federal employment since John F. Kennedy was President.

What other things have been done during the first 2 years of this administration? With the administration's support, the Congress put through a family leave bill. Everybody talks about making a more family-friendly administration here in Washington, a more family-friendly Nation. What could be more family friendly, I ask you, than allowing employees to have time off when there is a bereavement in the family, when somebody is sick, or when there is a birth in the family? These are times when a person's attention should flow to the family and be concentrated on the family.

Once again, there were all sorts of dire predictions of what would happen if we passed this legislation. So there was one exemption put in that said if you have key employees, and taking those key employees out for family leave would hurt the business, they were exempted. But the regular rung of employees in a company that can be filled in for on a temporary basis, they would have the right to help take care of their families if there is sickness, or a mother or father needs help, or if a child is ill, or whatever.

This administration is expanding Head Start. We now have an extra 200,000 young people in this country that have access to the benefits of the Head Start Program. Last evening the President talked about his National Service Program. This program is a helping hand. It is a program where people are doing constructive things for their community and reaping some benefit for it. I have talked to some of those people and they are proud of what they are doing under these Government programs.

I submit that, once again, going into the future some 15 or 20 years, we will look back and many of those people will be in productive work because of the opportunity they were given at this time. I would be very surprised, if we took that view in the future and actually determined the past cost, if this program had not been something of benefit for the Government. Those people will be so much more productive. They will be paying taxes and will be productive citizens. Even more important will be the fact that their lives have been enriched, and they will be participating citizens in the future of this country. What can be more important than that?

In another area, the college loan program has been expanded. The potential is there for some 20 million people to have the advantage of a college education over the next few years.

For communities, there is a community development bank that has been provided. These are not things where we are just talking about it as though we had to do something in the future; these are things actually being done. They are being accomplished now. They are accomplishments of the first 2 years of this administration. These are not pie-in-the-sky things. These are things where the new administration made these proposals, worked with Congress, and we got them through.

I think the news media concentrate on the trivia of history to the exclusion of some of the good things that have gotten through for which the President should get due credit as accomplishments achieved during the administration's first couple of years. Yet, too often we find the other side talking as though nothing has been done in these areas.

We want to cut the size of Government. It is being done, my friends. It is being done now—and ahead of schedule. There has been a 98,000 reduction in the Federal work force already, but 272,000 was the goal, and that is coming.

Have we gotten everything done? Not by a long shot. We are just seeing the beginning of GATT. I have not mentioned that. International trade is now being addressed. This is controversial. We have a lot of people in my State of Ohio, and some were for GATT and some were against GATT. I submit that we have moved into such an economic situation in the world that had we not finally terminated negotiations and gotten an agreement on GATT, we would have placed ourselves at a great disadvantage down the road.

To give an example of what I am talking about, if we went back to a New England village 100 years ago or so, it probably made very little difference whether anyone came through that village from one year to the next. The buggy-maker was on one corner, the cobbler or the shoemaker was over on another corner, most people had a garden out behind the house, and there were vegetables grown out in the valley. It was basically a self-sufficient community that took care of itself. People took care of people; the community took care of its local community. Now, what happened? Then we developed out of that village, and the cobbler, in effect, became all of New England and parts of the South. The buggy-maker became Detroit, and the Imperial Valley in California became the supplier for the whole Nation, as our means of shipping were expanded. Then we developed even further, and what happened? The buggy-maker that was in Detroit became 30 percent Japanese, and the cobbler became Korea and Italy, and our food was sent all over the world, with hundreds of millions of tons being shipped everywhere.

In other words, we became, whether we like it or not, a worldwide community. And the question is, are we going to move into GATT and participate and be the competitive Americans that we have always been, or are we going to ask for protection in a world that is moving toward international relationships?

I think it is to the President's credit that he moved us into GATT. GATT was not something that was supported by just this President alone, but he brought it to its final culmination, and we got it through. GATT had been going on over the last two Republican administrations. It has been negotiated over a lengthy period of time. But it was brought to fruition, and now we have this agreement that I think will be a pattern, not perfect, that we can follow into the future.

Now, have we accomplished everything that needs to be accomplished? Certainly not. There was a lot that did not get done in the first 2 years. Certainly health care is one that always comes up about what a great failure it was. Well, I think, in looking back on what happened here, the concentration on health care last year was not all a disaster, for this reason:

For the first time we had a concentrated debate, concentrated attention on health care reform. Because of the efforts of the President and the First Lady, there was attention focused on health care all through last year. Maybe it excluded some other things.

But was it a total loss? No; I do not think it was. Because what happened was the health care community, the health care providers, those in the health care industry, took a new look at themselves. They took a new look at themselves and said, maybe we can do better, and felt that they should do better or something was going to happen to them.

So we find HMO's being formed and we find hospitals cooperating for the first time with other hospitals, not just in competition but working together to see whether they cannot share equipment and cut costs down. We find doctors' groups moving to HMO's. We find all sorts of things going on in the medical industry, the health provider industry, that are good, largely as a result of the concentration on health care during the past year.

I do not want to be a Pollyanna about this and say that we solved our health care problems. Far from it. We have yet to address many problems, and they are still out there waiting to be addressed, because we have many millions of Americans that do not have health care insurance yet. But I would say that the costs are beginning to level off a little bit from what some of the predictions indicated because of the attention that was put on the industry last year and because of the action they have taken to try to reduce health care costs. So that is one that we have yet to deal with.

There are environmental concerns that we have not yet addressed. Last night, the President spoke of several other issues that have not been addressed such as lobbying reform, political reform and campaign finance reform.

There are two other issues that we are in the process of addressing. One of the two other objectives set early on in the administration was congressional compliance with the laws that apply to everyone. We voted that out of here. It went to the White House and the signing was just the day before yesterday. I participated in that signing. This legislation is something that I have pushed on the Senate floor since 1978 and it has taken all this time to get it through. Senator GRASSLEY and Senator LIEBERMAN took the lead in drafting this legislation through our Committee on Governmental Affairs last year and we almost had it through last fall.

Those who would somehow seem to eliminate all past considerations as though this legislation was something brand new that was passed just because there was a change of political leadership in the Congress have not looked back to see the long history of what has happened in getting to the point where we are now. Had there not been some of the delays occasioned in the last 10 weeks of the past session, where nothing was being let through, we probably would have had congressional coverage legislation last fall.

I would say the same with unfunded mandates, the bill that is on the floor right now. Unfunded mandates is another one that my colleague Senator KEMPTHORNE from Idaho has taken a lead on. I have worked with him on this. We had a bill through committee last fall, S. 993, but, once again, because of the delays, we could not get it on the floor. We even finally tried to do it by unanimous consent. We could not do that last fall in the last few days of the session, so that did not get passed. So we are addressing that now.

This legislation also has a long history over the last couple of years of being addressed under the leadership of the distinguished Senator from Idaho. And he has done a great job. It has been an honor for me to work with him on this legislation. We remain as committed as ever to getting it passed. We are involved now in some of the difficulties in getting it through.

There were delays in committee. We were not permitted to bring up amendments in committee, so we are trying to address those amendments here on the floor right now to correct some discrepancies in the bill and to make the bill better and workable. So we will work through this.

But I wanted to take this opportunity, since there were some comments made about the President's speech last night, to make these few remarks here today on the floor about the accomplishments of the first 2 years of this administration. I personally think the President can be very proud of these first 2 years.

As I started off saying, Time magazine in the October 24 issue showed a bar chart of accomplishments of the announced agenda of Presidents going clear back to Dwight Eisenhower, since World War II. This President has the best record of getting through what he said he would do since Lyndon Johnson, who came in on the heels of the Kennedy assassination, had a great wave of support at that time, and going beyond that back to Dwight Eisenhower, who was trying to reform things after World War II and had the support of the people in that effort.

So I think this is a Presidency in which we can be proud of its accomplishments. Did the administration accomplish everything they wanted? No, certainly not. There was a mammoth effort on health care last year that did not result in everything they wanted, and we still have to deal with that.

But I wanted to set the record straight on what I think will be in the mind's eye, looking back 20 years from now or 15 years from now, as to what is affecting my family, your family, our children, our mothers and fathers, and so on. What, in this first 2 years, will be the important things that are affecting lives across this country? And

if we look at it from that vantage point in the years to come, it seems to me that we will be living with a lot of very, very important things. We will have had a stable economy during this time; we will have had a new relationship in trade that we can expand; the crime bill—I did not mention that; that is one that affects us everywhere we live—family leave, Head Start, national service. These are programs that are good. They are programs that I have been glad to be a part of helping put through here in the Congress.

Mr. President, I believe we are ready to move on some other items here. I yield the floor.

Mr. President, I had asked that we go into morning business. I ask that we return to regular order.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I was going to call up amendment No. 173. It was my understanding that the managers of the bill were prepared to accept this amendment, and now I am not certain if that is true. Since that uncertainty exists, I will withhold asking to move to consideration of this amendment, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Ohio, Mr. GLENN, has been making some comments with reference to the President's State of the Union Message, I believe.

Mr. President, has Pastore rule run its course?

The PRESIDING OFFICER. The Chair advises the Pastore rule will expire at 1:30, beginning at 10:30 this morning.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

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

CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

Mr. BYRD. Mr. President, I listened to a goodly number of our colleagues earlier today as they came to the floor to speak about the constitutional amendment on the balanced budget. I was glad to see the President last night give some time to that subject matter. I was glad that he stated that the proponents of a constitutional amendment to balance the budget have a responsibility to let the American people know up front the details as to just how the proponents propose to achieve that balanced budget over the next 7 years.

I listened to my friends with a great deal of interest this morning on the floor, and I just have a few comments to make in regard to this subject. Many colleagues who support such a constitutional amendment are sincere in their belief that such an amendment is the answer to our budget deficits and is necessary to impose discipline on ourselves. I do not quarrel with their sincerity. They have a right to their viewpoints just as I have a right to mine.

I heard it said earlier today that Members of the House and Senate should show courage by voting for a constitutional amendment. Mr. President, courage is not needed to vote for a constitutional amendment to balance the budget. Courage is needed to oppose the constitutional amendment to balance the budget. We read public polls that 80 percent of the American people support a constitutional amendment to balance the budget. Courage is not needed to vote for something that the polls say 80 percent of the people want. Courage is needed to take the time to try to convince the American people that they are being misled. So those of us who vote against a constitutional amendment to balance the budget are swimming upstream, and going against the grain.

I believe it was Talleyrand who said, ''There is more wisdom in public opinion than is to be found in Napoleon, Voltaire, or all the ministers of state present and to come.''

I subscribe to that view. There is more wisdom in the people, but the people have to be informed in order to reach considered and wise judgments. The people have to be correctly informed if they are to form wise opinions. They also have a responsibility to do what they can to inform themselves.

It does not take courage, Mr. President, to vote for this constitutional amendment on the balanced budget. It just takes a politician's view of what is best for him or her politically at the moment. I urge Senators to show courage in taking the time to debate this matter fully and voting against a constitutional amendment on the balanced budget, at least until the proponents show Senators what is involved here—what is in this poke, along with the pig.

I hear it repeated over and over again that we need a constitutional amendment to balance the budget, so that we will be forced to discipline ourselves. Mr. President, no constitutional amendment can give us the political spine to make the hard choices necessary to balance the budget. Constitutional amendments cannot impose spine or courage or principle where those things may be lacking to begin with.

We do not need a constitutional amendment. If the proponents of a constitutional amendment have two-thirds of the votes in the House and Senate, and I would say they are very close to that, I would say they would need 67 votes in the Senate and 290 votes in the House. If they have 67 votes in the Senate and 290 votes in the House for a constitutional amendment, they can pass any bill, now. It only takes a majority to pass a bill. If all Senators are here, it only takes 51 Senators to pass a bill, and only a majority of the House to pass a bill. So if the votes are in both Houses to adopt a constitutional amendment to balance the budget, the votes are here to produce simple majorities to pass bills and resolutions that will get the job done now. We do not have to wait 7 years.

In the final analysis, the discipline that is needed now will still be needed 7 years from now if this amendment goes into effect. That constitutional amendment will not cut one program nor will it raise taxes by one copper penny. In my judgment it will have to be a combination of both in order to deal with the extremely serious problem of balancing the budget.

The responsibility of balancing the budget 7 years from now will rest where it rests now: With the President of the United States and with the Members of the House and the Senate. If we lack the discipline now we are not likely to have much more spine, if any, 7 years from now. It will come right back here. Of course, many of those who vote for a constitutional amendment to balance theMr. Chairman, budget today probably will not be around, some of us, in the House and Senate, 7 years from now.

Mr. President, an immense hoax—that is what this is, in my judgment, a colossal hoax. It is supported by a lot of well-intentioned, well-meaning people. But in the final analysis, that is what it will prove to have been—a hoax. It is about to be perpetrated on the public at large.

It is this Senator's hope that the people will get quickly about the business of informing themselves of the ramifications of the so-called balanced budget amendment before it is too late. In my opinion, the American people could do themselves no better favor than to become very intimately involved as fast as they can with the details. And they should insist on their representatives in these two bodies to give them the details, and the probable impact of this proposal.

For almost every benefit being claimed by the proponents of this ill-conceived idea, the exact opposite of the bogus claim is, in fact, the truth. For example, the proponents claim that the balanced budget amendment will remove the burdening of debt from our children and leave them with a brighter future. This balanced budget amendment will do nothing of itself. The amendment would do nothing of the kind that is being stated. Even if we were somehow able instantly to be able to bring the current budget into balance, our children, our grandchildren, and their children would still be in debt and they would still be paying interest on that debt. Bringing the budget into balance so that there is no deficit this year or next year, or the

next year, is child's play compared with wiping out this Nation's $4.6 trillion national debt.

What we pay interest on is our debt. The people should be made aware that the deficit is not the debt. The debt is an accumulation of the deficits built up over a period of years. A constitutional amendment does absolutely nothing about retiring the national debt.

The American people are being told that by passing a constitutional amendment, we will somehow be relieving generations to come of the obligations to pay for the debt of past generations. Well, until the day that the national debt is completely retired, there will still be interest that has to be paid, and then there will be the principal, which future generations will have to eliminate.

That is not to say that getting our deficits down is not important. It is. And we went down that track in 1990 when, under President Bush, we met at the so-called budget summit and a Republican President, President Bush, and the Democratic Congress, made up of both Houses, not just one, enacted legislation to reduce the deficit over a period of 5 years.

The same thing happened again in 1993. President Clinton and a Democratic Congress passed a reconciliation measure which laid out a 5-year glidepath to bring down the deficits, and the deficits are coming down.

That was a tough bill to vote for. Not one of our Republican friends on the Senate side—not one—not one of those who are proposing today that we have a balanced budget amendment to the Constitution, not one voted for that bill in 1993, and I believe I am correct in saying that not a single Republican in the House voted for that package. I could be wrong in that. But not one vote came for that bill from the other side of the aisle. There was an opportunity for courage. Why was it not demonstrated then by the proponents on the other side of the aisle?

There was some pain in that package—some increased taxes, some cuts in programs. We are operating right today with a freeze on discretionary spending. We are operating below a freeze in our discretionary spending, because we passed that package and because, subsequently, we have passed measures that are in keeping with the promise that we made when we passed that budget reduction measure. That is the course we ought to continue on: Bring the budget deficits down but do not tamper with that fundamental organic document, the fundamental law of our country which trumps any other law of the land.

So let us not buy the claim that the balanced budget amendment will somehow take your grandchildren off the hook. These deficits and that debt can never be wished away, nor can they willy-nilly, over a period of any number of years, be erased through a simple provision that is inscribed into the fundamental law of the land: The Constitution.

That balanced budget amendment will not take our grandchildren off the hook. It cannot and will not.

As for leaving future generations with a brighter future, this balanced budget amendment is more likely to snuff out any possibility for a brighter future for many of America's children than to brighten such future.

Getting the details about how the proponents would actually get to a balance by the year 2002 is like extracting blood from a turnip. The President said we ought to have that. But if the broad outlines of such a plan to get to balance are to be believed, America's future may be dim, indeed.

According to reports, some proponents of the balanced budget amendment want to exempt Social Security and exempt defense spending from any cuts. Regardless of whether one agrees with those exemptions or not, let us just look at the arithmetic.

If one adds to that list the interest on the national debt, which cannot be cut and which must be paid, then more than half of the Federal Government's budget will have been excluded from any effort to balance the budget by constitutional amendment, if those items, defense and Social Security and interest on the debt, are taken off the table.

When we take those items off the menu, slide them off the table and totally insulate them from any review or analysis as to whether or where they should be cut, what have we done to the remainder of the Federal budget? The prime candidate then left to feel the budget ax becomes the domestic discretionary budget.

Discretionary spending is made up of both domestic and defense spending. If we eliminate defense from the equation, then the prime candidate to feel the budget ax becomes the domestic discretionary budget. That portion of the budget is the portion left to fund education, veterans' medical care, pensions, protect our people's health and safety, fund research and development projects, build roads and bridges, fund crime-fighting efforts, foster U.S. economic competitiveness in global markets, and generally invest in our people, their talents, and their future.

Obviously, if we take most of the Federal budget off limits for cuts, then the portion that is still eligible for cuts is going to be pretty badly devastated. One-point-three trillion dollars is not change for the streetcar or the bus.

What then happens to the quality of life in America that we are going to bequeath to our children? That ought to be a prime consideration in our debate here on the floor, and it ought to be a prime consideration on the minds of the people.

Are we really doing our children and our grandchildren a favor by embracing this amendment to balance the budget? We are all for a balanced budget. Those Senators who spoke in support of a balanced budget amendment this morning said we are all in favor of balancing the budget, and we are. If we devastate the part of the budget that keeps our kids educated, protects our health, advances our research, helps to keep our Nation competitive in the world, keeps our infrastructure in good repair—in other words, minds the basic needs of the Nation—what are we actually doing?

Mr. President, is there an order that at 1:30 we go back——

The PRESIDING OFFICER. Yes, the Chair will state to the Senator from West Virginia, under a previous order, we will be considering an amendment at the hour of 1:30.

Mr. BYRD. I thank the Chair. I ask unanimous consent that I may proceed out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, so what we are actually doing is walking away from these responsibilities at the Federal level and relegating them to the States and counties and municipal governments. Some would say, ''Yahoo, get the Federal Government off our backs.'' That is the standard talk show answer. But let us give that a little more thought.

With the passage of this balanced budget amendment, we will actually be shifting traditional Federal responsibilities, many of them, to the States and to the State houses. We will be creating a patchwork quilt of a nation with some States able to meet the increased responsibilities dumped on them by the Federal Government's withdrawal of funds due to steep budget cuts and other States not being able to do so.

We will have some States with enormous unemployment, some States with extremely dilapidated and deplorable transportation systems, some States booming, maybe, and others busting. Do we want that result?

I hear the Governors boasting of having cut taxes. I heard some of that last night. They are cutting taxes at the State level. And they have further tax cuts planned. Just wait until this constitutional amendment goes into effect. Those Governors will not cut taxes anymore. They will have to increase taxes because much of the burden is going to be dumped on them from the Federal Government. We will have trickle-down mandates. The Federal Government will offload the problems on the State governments. State governments will offload those problems on the county governments and municipal governments, and in the final analysis the same people who pay the taxes now are going to continue to pay the taxes.

Do we want to have parts of America looking like a Third World country? I have not heard those concerns addressed by anyone. The American people are not being told about the very dark and dismal side of this balanced

budget amendment. Why is not anyone talking about these probable results of enacting such a proposal? In the opinion of at least one leader of the other body, the answer is, because if we talk about these things, the proposal will not pass. The knees of Members will buckle.

Now, think of that. Are we going to hide these things from the people in order to pass this ill-conceived idea?

There are other aspects of this proposal that are being hidden from the American people as well. All the while we are slashing away at the funds we have used to invest in our own people, some of the proponents of this amendment are busily signing on to some of the biggest tax cuts in our history. The U.S. Treasury Department indicates that Congress will have to come up with another $300 billion in cuts over the next 7 years to pay for the tax cuts reported to be embraced by the so-called Contract With America.

Now that, my friends, is not small change, either. Well, some would say, what is wrong with that? I want a tax cut.

Now we have the leaders of both parties advocating tax cuts.

Well, with a constitutional amendment to balance the budget, we need to reduce our deficit. We do not want any cuts in defense. We say no cuts in Social Security. We want to balance our budget, but we also want to cut taxes.

I said to Mr. Reagan, when he was President, you cannot do all these things and balance the budget. You cannot cut taxes in the situation we are in; you cannot have a massive buildup in defense spending; you cannot do all those things at the same time you cut taxes and still balance the budget. And we saw an accumulation of $3.5 trillion added to the nearly $1 trillion national debt which was in existence when President Reagan was elected—an almost $1 trillion national debt—and now we have a $4.5 trillion debt.

Look again at those tax cuts in the context of the budget cuts. It does not make sense. All that additional chopping at the budget to pay for tax cuts puts even more pressure on the States to fill in the gaps left by the cuts in the Federal budget.

There is some very clever sleight of hand going on here, Mr. and Mrs. Taxpayer. You may get the Federal tax cuts, but your State taxes are going to go through the roof as a result of this constitutional amendment on the balanced budget. And that ought to infuriate every thinking American taxpayer and inflame every Governor of the Nation. But many of the Governors are saying: No, give us a constitutional amendment to balance the budget. We are cutting taxes in the States. Why do we not have a balanced budget amendment? Get the Federal Government off our back.

Once that constitutional amendment takes effect, the Governors of the States will not be cutting taxes. The load is going to shift to them. They are going to be increasing taxes. Federal taxes will be cut and paid for with cuts in Federal programs, but that means the States will be left holding the bag, and the States' taxes will likely climb through the ceiling. The poor, unwitting believer in the balanced budget will be given the double whammy of increased taxes and reduced services.

When one takes more than half the Federal budget off the table—makes it off limits for cuts under the balanced budget amendment—then fully one-third of the remaining Federal programs are composed of grants to State and local governments and those are obviously going to be brutalized under this balanced budget amendment regardless of our passing this unfunded mandates bill that is presently before the Senate.

I hope the Governors will listen. I hope the Governors are eager to raise taxes to pay for essential needs, because the Federal Government is going to have to take a powder under this balanced budget amendment.

Nobody is leveling with the American people about these matters. I say to the American people, if there is ever a time to utilize your well-honed distrust for politicians, utilize it now. Demand to know what balancing the budget really means and how the proponents plan to balance it. Do not let the politicians get away with this rabbit in a hat, with this sleight of hand.

What is going on here is simply politicians falling all over each other to embrace something that is momentarily popular. Sloganeering has taken the place of serious legislating and only you, the American people, can turn that around. I urge the American people to look beneath the slogans before it is too late. Demand to understand what will really happen to your taxes, to your quality of life, to your local economy, to your children and grandchildren if we constitutionalize this slogan. Demand to know the details. Understand that when Federal taxes are slashed in this instance, State taxes are likely to soar, likely to go up. Understand that when necessary Federal programs are slashed, services decline.

I am not saying that there should not be some programs slashed—that is what we did in 1993; it is what we ought to do—or services decline. Each State then has to try to pick up the slack.

Understand that reducing the deficit is not the same as reducing the debt, and do not be disappointed to learn that even after we devastate the only pot of money we have from which to invest in ourselves, in our Nation, and in our children by way of infrastructure and investment in the Nation's infrastructure, those children and their children will still be paying interest annually on the national debt.

Also understand that the unfunded mandates legislation does nothing to protect States from Federal mandates already in place.

Understand that the balanced budget amendment straitjackets the Nation when it comes to dealing with the economy. In a recession when economic activity falls and revenues fall, unless the Congress can get a three-fifths vote to agree to run a deficit, then the Government will be forced to aggravate the problem by cutting public expenditures, which is the easiest way I know to turn a recession into a depression.

Fiscal policy needs to be flexible because we cannot accurately predict economic fluctuations. Engraving fiscal policy and political ideology on the marvelously flexible United States Constitution is like putting an ugly tattoo on the forehead of a beautiful child. It is inappropriate, will mar the child forever, and it serves no purpose whatever except to destroy something inherently fine and to deface it.

I implore the American people to make the powers-that-be tell the American public how—exactly how—they intend to get the budget into balance by 2002. What are the proponents hiding? What about this sleight of hand on the subject of tax reduction? What else is there that we do not want the American people to know?

I also hope to remind the American people that television and radio talk shows are entertainment, not hard news and not hard facts. Do not let the colorful talk show hosts obscure real issues by exploiting public anger. If you are really angry about public policy, demand to know the details of the so-called cures for the ills of public policy from the proponents. Do not buy three-line formulas as a blueprint for some so-called American revolution, some Contract With America.

Here in my hand is my ''Contract With America,'' the Constitution of the United States of America. If revolutions are contemplated, let us remember Lenin's words:

''We shall destroy everything, and on its ruins we shall build our temple.'' Does that sound like some of the talk that is making the rounds lately?

It might be well to remember Lenin's words in these days of talk about revolution.

If revolutions are contemplated, let the public clearly understand what the final results may be before we so wound the Constitution and the Republic that they may never recover.

We are only just now recovering from the fiscal hangover left the Nation by the Reagan revolution. As I recall balanced budgets, tax cuts, budget cuts, and sacrosanct defense budgets were all prime features of that last revolution and we are still paying the tab for that one. Let us not overdose on a frenzy of dimly understood procedural reform to the point where we take the insane step of writing fiscal policy into the U.S. Constitution.

We are on the road to balancing the budget, and it is an important and laudable goal to do so and we cannot let up. We have passed important and significant deficit reduction measures

in 1990 and in 1993, the latter without a single vote, as I say, from the Republican majority in either House. What does that tell the people about the reality of expecting to get votes on measures that will be required to reduce the budget, measures that inflict pain?

What does that tell the people?

An informed and active citizenry is essential for the workings of a representative democracy. It is up to the people to exercise their right to know by demanding explanations to the many unanswered questions about this proposal, and it is my hope that they will be relentless and ruthless in their pursuit of knowledge in this particular case.

Mr. President, I call attention to a poll. Mr. President, the poll shows that 86 percent of the people think that the balanced budget amendment's backers should be required to specify what cuts they would make before the amendment is adopted.

I ask unanimous consent that the poll released by the Los Angeles Times on Monday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times Poll, Jan. 23, 1995]

SELECTED RESULTS FROM THE TIMES NATIONAL POLL, RESPONSES ARE AMONG ALL ADULTS

A full results summary with question wording and full question text will be available through the Los Angeles Times Poll at a later date.

Note: Not all numbers add to 100% because in some cases the ''Don't know'' answer category is not displayed.

AMBIVALENCE ABOUT REPUBLICAN PROPOSALS

Do you think the Republican ''Contract with America'' is a realistic or unrealistic set of proposals?

[In percent]

	1/95	10/94
Realistic set of proposals	31	30
Unrealistic set of proposals	54	55
Some are realistic, some are unrealistic	4	3
Don't know	11	13

As you may know, Congress is considering a proposal for a constitutional amendment to require that the federal budget be balanced by the year 2002. Those in favor say this is the only way to force the government to bring the federal budget deficit under control. Those opposed say it would require increased taxes and cuts in Social Security, Medicare, and Medicaid programs. Do you favor or oppose the proposal for a constitutional amendments to require a balanced federal budget?

	Percent
Favor	40
Oppose	53

Do you think the balanced budget amendment's backers should be required to specify what cuts they would make before the measure can be passed, or should the amendment be passed first, leaving the details until later?

	Percent
Specify cuts first	86
Leave until later	10

Right now, the Constitution allows Congress to pass tax increases by a simple majority vote, that is, by just over half of the members voting. Do you favor or oppose a proposal for a constitutional amendment that would require income tax increases to be passed by a larger, three-fifths majority of the members voting.

	Percent
Favor	69
Oppose	24

Do you favor or oppose giving the President a line-item veto, which would allow him to reject individual parts of a spending bill, rather than having to accept or reject the entire bill as current law requires?

	Percent
Favor	73
Oppose	20

As you may know, under the current income tax system, high-income people are taxed at a greater rate than low-income people. There is a proposal to replace that system with a ''flat tax,'' under which everyone, rich and poor, would pay 17% of their income in taxes. Under this plan, income from capital gains and interest on savings would be tax exempt, but the current deduction for interest paid on home mortgages would be abolished. Do you favor or oppose this proposal for a flat tax?

	Percent
Favor	40
Oppose	48
Don't know	12

As you may know, in 1993 Congress raised the percentage of Social Security benefits that are subject to income tax, from 60% to 85% for elderly couples with annual incomes of 44,000 dollars or more. There is a proposal to repeal that increase and restore the rate to 50%. Do you think the percentage of Social Security benefits subject to income tax should remain at the current 85% for these couples or should it be cut to 50%.

	Percent
Remain at 85%	43
Cut to 50%	49
Neither/Other	2

Do you think the federal government should spend a great deal more money on national defense, or somewhat more, or somewhat less, or do you think the federal government should spend a great deal less money on national defense?

	Percent
Great deal/Somewhat more	32
Somewhat/Great deal less	60

Do you approve or disapprove of a constitutional amendment which would limit to 12 years the time any member of the U.S. Senate or House of Representatives could serve?

	Percent
Approve	75
Disapprove	21

Do you think the term limits amendment should apply only to those elected after its approval or should it also apply to lawmakers who are in office now?

	Percent
Apply to new members	17
Apply to current members	74
Oppose term limits	3

On another subject, do you favor or oppose allowing U.S. troops to serve under United Nations commanders in some circumstances?

	Percent
Favor	66
Oppose	35

CRIME/WELFARE/TAX CUTS

On crime:

Which version of the crime bill do you prefer?

	Percent
The original bill which had money for crime prevention programs	72
A revised bill with no crime prevention funds	20
Neither/Other	4

On welfare:

There are two proposals being considered in Washington for reforming welfare. One proposal would require welfare recipients to find work after 2 years on the rolls, and would guarantee them a public sector job if they couldn't find one in the private sector. The other proposal would simply allow states to cut off a recipients' benefits after two years with no guarantee of a job. Which of these proposals do you prefer: the one that guarantees recipients a job or the one that includes no guarantee of a job?

	Percent
Version that guarantees job	66
Version that does not guarantee job	29
Neither/Other	2

There are two other welfare reform proposals being considered in Washington. One proposal would require welfare recipients under the age of 18 who have children out of wedlock to live at home in order to receive benefits. The other proposal would cut off all benefits to recipients under 18 who have children out of wedlock. Which of these proposals do you prefer: the one that requires recipients to live at home in order to get benefits, or the one that cuts off their benefits altogether?

	Percent
Version that requires living at home	58
Version that would cut off all benefits	28
Neither/Other	9

On tax cuts:

There are two proposals for cutting taxes being considered in Washington. One proposal would provide families with annual incomes of up to 75,000 dollars with a tax credit for children under 13, and families with incomes of up to 100,000 dollars with a tax deduction for their children's college tuition. The other proposal would provide families with an income of up to 200,000 dollars with a tax credit for all children, as well as a 50 percent cut in the capital gains tax. Which of these proposals do you prefer, and I can repeat them if you wish.

	Percent
Version for families with incomes under 75,000/$100,000	55
Version for families with incomes under $200,000	23
Neither/Other	10
Don't know	12

VARIOUS POLICY PROPOSALS

Do you approve or disapprove of President Clinton's national service program called ''AmeriCorps'' which provides students grant money for college it they agree to perform two years of national service?

	Percent
Approve	72
Disapprove	19

In order to reduce the federal budget deficit, some have proposed that higher-income people over the age of 65 pay extra for Medicare, the government health insurance program for the elderly. Do you favor or oppose this proposal?

Favor	48
Oppose	46

As things stand now, the age when people become eligible for Social Security benefits will be raised from 65 to 70 in the year 2034. In order to reduce the federal budget deficit, some have proposed raising the eligibility age earlier than 2034. Do you favor or oppose this proposal?

	Percent
Favor	27
Oppose	67

In order to reduce the federal budget deficit, some have proposed a reduction in the annual cost of living increases given on the pensions of retiree's from the military and federal government. Do you favor or oppose this proposal?

	Percent
Favor	42
Oppose	49

UNFUNDED MANDATES

As you may know, the federal government often requires state and local governments to adopt regulations and programs without providing funding to pay for them. There is a proposal in Congress which would bar the federal government from imposing these unfunded mandates on states and localities unless the federal government provided the money to pay for them. Do you favor or oppose this proposal?

	Percent
Favor	64
Oppose	23
Don't know	13

As you may know, currently the federal government requires states governments to build sewage treatment plants so that water used by residents meets federal cleanliness standards. Do you approve or disapprove of the federal government requiring state governments to do this, even if the state must pick up the costs?

	Percent
Approve	68
Disapprove	25

As you may know the federal government requires local school districts to provide special education for mentally challenged students. Do you approve or disapprove of the federal government requiring local school districts to do this, even if the localities must pick up the costs?

	Percent
Approve	68
Disapprove	28

Do you approve or disapprove of the federal government requiring state governments to provide citizens an opportunity for registering to vote when they get a driver's license or apply for some form of public assistance, even if the state must pick up the costs?

	Percent
Approve	49
Disapprove	42

MINIMUM WAGE

As you may know, the federal minimum wage is currently $4.25 an hour. Do you favor increasing the minimum wage, or decreasing it, or keeping it the same?

	Percent
Increase	72
Keep the same	24
Decrease	1
Eliminate	1

AFFIRMATIVE ACTION

Do you think affirmative action programs designed to help minorities to get better jobs and education go too far these days, or don't they go far enough or are they just about adequate now?

[In percent]

	1/95	9/91
Go too far	39	24
Don't go far enough	23	27
Adequate now	32	38
Don't know	6	11

As you may know, a measure has been proposed in Congress that would make it unlawful for any employer to grant preferential treatment in hiring to any person or group on the bases of race, color, religion, sex or national origin. Do you favor or oppose this proposal?

	Percent
Favor	73
Oppose	23

MEXICO LOAN GUARANTEES

As you may know, Mexico faces an economic crisis which has forced it to sharply devalue its currency. In response, private American banks plan to loan that country up to 40 billion dollars, and the U.S. government has agreed to pay back those loans in the event Mexico doesn't repay them. Do you favor or oppose the U.S. government guaranteeing those loans made to Mexico by private banks?

	Percent
Favor	15
Oppose	81

SPENDING CUTS

As you may know, there is much discussion in Washington about which programs should be cut back in order to reduce the federal budget deficit.

Do you think the government should cut back spending:

	Yes	No
On the arts?	69	25
On Amtrak, the federally subsidized passenger railroad?	65	26
For public television and public radio?	63	32
On food stamps for the poor?	48	45
On subsidies for farmers?	39	63
On Aid to Families with Dependent Children, which is the government's principal assistance program for poor families?	38	64
On unemployment insurance programs?	30	64
On the environment?	27	67
For Medicaid, which is the government health insurance program for the poor?	20	73
On Social Security?	12	86
For Medicare, the health insurance program for the elderly?	9	88

MOOD OF THE COUNTRY

Do you think things in this country are generally going in the right direction or are they seriously off on the wrong track?

[In percent]

	1/95	10/94
Right direction	35%	26%
Wrong track	66	66
Don't know	10	8

Do you think we are in an economic recession or not?

[In percent]

	1/95	9/91
No recession	49%	41%
Mild recession	16	17
Moderate recession	18	23
Serious recession	11	13

CLINTON VS. REPUBLICANS

Do you approve or disapprove of the way Bill Clinton is handling:

	His job		The economy		Foreign affairs	
	1/95	10/94	1/95	10/94	1/95	10/94
Approve	54%	44%	51%	43%	46%	48%
Disapprove	40	50	38	50	44	46
Don't know	6	6	11	7	10	6

Who do you think has the better ideas for how to solve the problems this country currently faces

	Percent
President Clinton	31
The Republicans in Congress	36
Both equally	7
Neither	14
Don't know	13

Do you think (Clinton/the GOP Congress) is working hard to bring fundamental change to the way government is run or is (he/it) governing in a ''business as usual'' manner?

[In percent]

	Bill Clinton	Republicans in Congress
Bring change	49	41
Business as usual	45	47
Don't know	6	12

As you may know, the Republicans now control both houses of Congress for the first time in 40 years. Because of that, do you expect the country to be better off, or worse off, or don't you expect Republican control of Congress to change things very much either way?

	Percent
Better off	32
Worse off	18
No change either way	39
Too early to tell	6

When dealing with the Republican Congress, do you think President Clinton should compromise to get things done even if he has to sacrifice some of his beliefs, or should Clinton stand up for his beliefs even if that means less might be accomplished?

	Percent
Compromise	56
Stand up for beliefs	38

What is your impression of:

[In percent]

	Bill Clinton	Hillary Clinton	Bob Dole	Newt Gingrich
Favorable	64	47	41	26
Unfavorable	38	36	28	39
Don't know	8	17	31	36

ASSAULT WEAPONS BAN

Congress has passed legislation banning the future manufacture, sale or possession of rapid-fire assault weapons. The measure does not affect those weapons already in existence and exempts many types of guns used by hunters and other sports enthusiasts. Some people in Congress would like to repeal this assault weapons ban. Do you favor or oppose maintaining a ban on the future manufacture, sale and possession of rapid-fire assault weapons?

	Percent
Favor	67
Oppose	16

HOW THE POLL WAS CONDUCTED

The Times Poll interviewed 1,353 adults nationwide by telephone, Jan. 19 through 22. Telephone numbers were chosen from a list of all exchanges in the nation. Random-digit dialing techniques were used so that listed and non-listed numbers could be contacted. Interviewing was conducted in English and Spanish. The sample was weighted slightly to conform with census figures for sex, race, age and education. The margin of sampling error for the total sample is plus or minus 3 percentage points. Selected questions were asked of a half sample of approximately 675; these carry a sampling error margin of 4 points. For certain other sub-groups the error margin may be somewhat higher. Poll results can also be affected by other factors such as question wording and the order in which questions are presented.

Mr. BYRD. Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment No. 173, and that the amendment that was scheduled to be debated at 1:30 be set aside for 5 minutes so we can

proceed to the consideration of amendment No. 173.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I just want to make it clear we will not lose 5 minutes from our side because we have many Senators who wish to debate my amendment. I have no objection if the unanimous consent request includes the fact that we will not lose 5 minutes from the 90 minutes that we have been promised on our amendment.

The PRESIDING OFFICER. The Chair will observe to the Senator from California that under the previous rule that has been adopted the time would not be deducted from her time.

Mrs. BOXER. I thank the Chair and thank the Senator from Michigan.

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

AMENDMENT NO. 173

Mr. LEVIN. Mr. President, amendment No. 173 corrects a problem in this bill. The bill does not provide that individual Members can seek an estimate from the CBO that is so critical to the survival of their amendments and bills. This is a different bill from last year. This bill creates a new point of order which was not in last year's bill. It basically keeps the points of order that were in last year's bill, but it adds a new, critical point of order that makes a bill out of order if the estimate of the CBO is not in the bill, if there is not an authorization estimated for what it will cost local governments. But the new point of order has severe ramifications relative to the appropriations process.

Because there are such severe ramifications in this year's point of order, it is critical that individual Members have the power to seek an estimate from the Congressional Budget Office because if that estimate is not there—if certain other things are not there—there is going to be a point of order against our amendments and our bills. And even though it is a point of order and a procedural matter, that stands for something. Points of order mean things, they are not just little procedural hurdles. They can make the difference whether or not an amendment is considered or not considered, and whether or not a bill is considered or not considered.

On page 14 and on page 18 there are references to committees of authorization obtaining the estimates from the CBO in two different provisions. And there is also a provision on page 29 for the chairman or the ranking member of the minority of a committee of the Senate or the House, to the extent practicable, to obtain a study of a Federal mandate. There is no provision in here for an individual Member to obtain that estimate from the CBO, which is so critical for that Member's amendment or bill to survive a point of order.

So the amendment which I have asked unanimous consent now be considered, amendment No. 173, would correct that problem with the bill. I hope this will be adopted by the Senate.

At this point, with the understanding of the managers, I ask unanimous consent that it be in order to seek a rollcall on this amendment at this time, and that the rollcall occur prior to a rollcall, if ordered, on the Boxer amendment, which will come immediately after this amendment.

I am not sure if the manager heard my unanimous consent—whether either manager heard that. I am seeking unanimous consent that it be in order to seek a rollcall on this amendment at this time, but that the rollcall be delayed until immediately preceding the rollcall on the Boxer amendment if one is ordered.

I will modify the unanimous-consent request so that it read immediately after the vote on the Boxer amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent-request? Without objection, it is so ordered.

Mr. LEVIN. 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 Senator from Ohio.

Mr. GLENN. Mr. President, I rise to very strongly support the amendment proposed by my colleague from Michigan. I do not think any Senator here wants to give up his or her rights to request the same information that anybody else has—whether a committee chairman or not. I think this is a key amendment here. I do not see this as any small amendment.

To say that only chairmen of committees or only ranking minority members are the only ones who could ask CBO for a budget estimate gives up a right for a Senator to represent his or her State. And I do not think that is right. I think this was more of an oversight in the bill. It was not intended that Senators' rights be trampled on, but that would be the effect of this. So I see this as a very, very important amendment.

Every Senator representing his or her State has a full right to ask for whatever information may be required to get an amendment through or to propose legislation. In this case, that means that Senator has to go to the Congressional Budget Office and get an estimate. Otherwise, when they try to bring something up in committee and it is brought up and someone says what is the estimate on this, that Senator would not be able to have an estimate. So they would be precluded, in effect—they would be precluded from putting in amendments that other Senators could put in, if the other Senators were committee chairmen or ranking minority Members.

I do not think there was any intention to take away the rights of individual Senators. But lest there be any doubt about it I think we should pass this amendment. I hope it will be unanimous, if we pass it. To me it makes such common sense. So I rise in strong support of this and hope it could be accepted. If it cannot be accepted on the other side I hope the leadership on the other side could support this. We will have an overwhelming vote of support for this particular amendment because this really does correct something that needs to be corrected, something we should have done in committee but we did not have that opportunity. So here we are on the floor doing it, and I think this is a very important amendment. I yield the floor.

Mr. KEMPTHORNE. Mr. President, I appreciate the amendment of the Senator from Michigan. I am supportive of that amendment. I will encourage my colleagues on this side of the aisle to support that amendment.

Mr. President, I ask unanimous consent that no second-degree amendment be in order to the Levin amendment prior to its disposition.

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

Mr. KEMPTHORNE. Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair. I want to thank the managers of the bill for their support of the amendment.

I yield the floor.

AMENDMENT NO. 202

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 202 offered by the Senator from California. Pursuant to that order, there will be 2 hours of debate; 90 minutes of debate will be controlled by the Senator from California, and 30 minutes of debate will be controlled by the Senator from Idaho.

The Senator from California.

Mr. BYRD. Mr. President, will the Senator from California yield for a unanimous-consent request?

Mrs. BOXER. I am happy to yield.

AMENDMENT NO. 217, AS MODIFIED

Mr. BYRD. Mr. President, I ask unanimous consent to modify my amendment which has already been entered and is qualified, amendment No. 217. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 217), as modified, 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 required under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); or

AMENDMENT NO. 202

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President. I want to again thank the managers of the bill for agreeing to a time limit which I believe will be sufficient so that Senators who wish to be heard on my amendment can come to the floor and be heard.

My amendment will ensure that this unfunded mandates bill will not threaten the health of children, of pregnant women and of the frail elderly. If we stand for anything in this Chamber, I hope it would be to stand up and be proud to defend the health of our most vulnerable populations.

I want the U.S. Senators to know that I support the thrust of this bill. I thought last year's bill did exactly what it should do. It was an important move forward. I myself, coming out of local government, had experiences which I had detailed on this floor which basically said to me that local and State officials certainly have brains, certainly know what their priorities are and certainly should not be treated in a way that is unfair to them or to their budgets.

Having said that, I think it is important that we not go too far in this bill, that we have a bill that makes sense, that essentially says we will not put unfunded mandates on the States but, in fact, we will let them know the cost and, to the greatest extent possible, we will provide the dollars.

Having said that, I think it is important to note that many of the things we do around here are for the good of the people. I will bring that out as I put forward my arguments.

I feel I must at this point speak to something the majority leader said, the distinguished majority leader, the Republican leader. He said today that Democrats were trying to block a bill they support. I personally feel that is a very unfair statement. I am on one of the committees of jurisdiction, Mr. President. I am on the Budget Committee. And my committee chairman, Senator DOMENICI, for whom I have the highest regard, and the ranking member, Senator EXON, for whom I have the highest regard, asked me if I would withhold most of my amendments until I came to the floor. I agreed to do that, with the exception of a sunset provision which we debated very swiftly in committee, and on a party-line vote the Republicans voted not to sunset this legislation. But I agreed to hold off.

What I came up with were four amendments that I thought were important. I had a call from my good friend, the majority whip. He said, ''Senator, can't you try to cut down your four amendments to two amendments?'' I said, Look. I think all four of my amendments are important. They protect the children, the elderly, they deal with benefits, and they deal with illegal immigration. But, I said, let me see if I can do it. I am happy to say that I was able to cut back on one of the amendments because Senator WELLSTONE had a similar amendment, although really the amendment that he had, in my opinion, does not go as far as I wanted to in terms of weighing the benefits of some of our laws. But I agreed in the spirit of bipartisanship to cut back.

Today, I have agreed to time limits on two of my amendments, and the third one I think we can dispose of very, very quickly.

So I want to make the point to the majority leader, if he happens to be listening, or to those who are perhaps monitoring the floor so that he can know what is being said, that truly I know of no Democrat who is trying to stall this bill. We want it to be a good bill. We want to be able to vote for this bill.

I also think it is important to note that my Republican friends have voted lockstep against every single amendment the Democrats have offered. I have gone back through the record book to the last Congress and I could not come up with more than one or two occasions when that has happened.

So we have our Republican friends voting lockstep against amendments that could make this bill a better bill, in my opinion. The Senator from Idaho authored the bill in the last Congress. I supported that bill. But I very briefly want to tell you what this bill does because I have gone through this once before on the floor. I will not take a lot of time going over this chart. But I think, if you just look at this chart, you can see the kind of hurdles that we are putting our legislation through should this bill pass as it is without amendment.

In the initial bill, we asked for a Congressional Budget Office statement on cost, and a point of order would lie against any bill that did not detail that cost. That made sense. We are adults here in this Chamber, and we should know what we are doing. And when we have the facts to know what the numbers are we ought to determine if the benefits are worth the cost. That makes sense.

If that bill had been before us, this chart would have ended, Mr. President, essentially right here. All of this would not have been added. All of this green deals with the legislative process and the power of the Parliamentarian here in the Senate. No matter how fine and wonderful the Parliamentarians are—and, by the way, I think they are fine and wonderful—the people of California who I represent, 31 million of them, did not send me here to abdicate my responsibility to unelected Parliamentarians and to unelected bureaucrats at the CBO, faceless, nameless people who, if they are politicized—and that has happened in the past—one way or the other may come up with a number that is questionable. And there is not much we can do about it. In any event, we set up a huge hurdle. That does not even get into this chart, which is what our Federal agencies must do regarding this issue of unfunded mandates.

So the reason I have these charts here is to make my argument, Mr. President, that there are certain priorities that we will not want to send through this incredible maze. By the way, this chart looks like it is describing a one-shot process. It is not. This process may be repeated 10 times for one bill. Let me explain what I mean.

The bill starts here. It goes through all of this rigamarole through CBO, it goes through the committee, it passes to the Parliamentarian, all kinds of points of order may be heard, may be waived, and then it goes to a vote. But guess what? If anyone offers an amendment, you start all over again. Thank God for CARL LEVIN pointing out that not one U.S. Senator had a right to find out what his or her amendment would cost, to come to the floor with a CBO estimate and try to compete to get an amendment. Only the authorizing committees have that right under the bill.

So this is a nightmare. I have to smile because I remember when my Republican friends had charts like this on some of the Democratic proposals.

(Mr. COATS assumed the chair.)

Mrs. BOXER. I have to smile. This makes that look like a birthday party, because if I was really being totally straightforward, I would have 10 of these charts, because every time you have an amendment, you have to start all over again. By the way, every time you have a conference report, you have to start all over again. And by the way, every time the House takes up a bill, they have to start all over again. So this does not even really reflect the bureaucratic maze we are putting legislation through. That is why the exceptions clause in this bill is so very important. That is why I am so pleased that the bill, as it now stands, makes certain exceptions for national security, for emergencies, for international agreements. But since we have set up this maze, it seems to me that we better be darn sure that we are not stopping legislation that protects the health and the safety of our most vulnerable populations, and that is what my amendment is about.

I am very proud to tell colleagues that we have today received a letter from Carol Browner, who heads the U.S. Environmental Protection Agency. I would like to read it into the RECORD.

DEAR SENATOR BOXER: I applaud your efforts to ensure that sensitive subpopulations such as the elderly, infants, and pregnant women are protected in statutory and regulatory decisionmaking.

A growing body of scientific evidence indicates that some subpopulations may be disproportionately affected by some contaminants. For example, it is well documented that high levels of lead exposure contribute

to learning disabilities in children. The National Academy of Sciences has published two reports confirming the need to consider differing effects in subpopulations when performing risk assessment and in regulatory decisionmaking.

Your amendment to S. 1 will ensure that Congress is free to act to protect the health of our children, pregnant women and the elderly and it has my full support.

Sincerely,

CAROL M. BROWNER.

Mrs. BOXER. Carol Browner comes out of State government. She is very sensitive to the need not to put burdensome regulations on our States. In fact, she is very well supported by people in State government. But she agrees that my amendment is necessary. Why? Because she knows that if in fact S. 1 passes as it is, without amendment, and we do not fix it up, bills that deal with the health and safety of the frail elderly, children under 5, and pregnant women, will go through this maze. I think we owe it to our children and their children, and the children after them, to stand up and be proud and vote for this amendment.

I want to tell you that we are in a time when we keep trying to simplify issues. Somebody said, ''Oh, the President's speech was long.'' It was long last night, but do you know what? There are a lot of issues that need discussion, intelligent discussion. The American people are a lot smarter than 30-second sound bites and they deserve to hear more. Do you know what is happening in this country? They are hearing it. They are hearing it. Yes, there is a contract—a Republican contract—that somebody said they are going to get through in 100 days. Well, I am going to tell you that where I agree with that contract, I will walk hand-in-hand with my Republican friends. But if it hurts the children, if it hurts the frail elderly, if it hurts pregnant women, if it hurts the economy, if it hurts job creation, if it hurts deficit reduction, I am going to be on this floor and this is one of those times I personally, as one individual Member of the Senate in my 90 minutes that I have, and I will be joined by others, we are going to stand here and say ''no'', because this legislation sets up unbelievable hurdles to legislation.

This chart is just a hint of it because every amendment goes through it again and every conference report goes through it again. And it happens in two legislative bodies. I think the least we can do is exempt from that, in addition to the other things that are exempted in this bill, the most vulnerable people in our society.

Mr. President, there was a recent poll in the Wall Street Journal that I would like to share, a national poll that asked: ''Which do you think should have more responsibility for achieving the following goal, Federal or State government?'' Protecting the environment. Fifty percent of the people say it ought to be our responsibility; 38 percent say the State. Protecting civil rights? Sixty-seven percent say Federal Government; 26 percent say the State. Strengthening the economy? Sixty-four percent say the Federal Government; 24 percent say the State. When I ran for this office, I was very honest with the people in my State and I said, ''I am going to fight for you, and I am going to fight for what you believe is right and what is best for you and your children.'' They trust me to do that. There are many other Senators who did the same. So I am very proud to offer this amendment.

I would like to retain the remainder of my time. I know there is opposition on the other side of the aisle. I would like now to yield the floor and retain the remainder of my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, on behalf of the bill manager, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. LOTT. Mr. President, this is good legislation—trying to have a process to get some control on the incredible burden of Federal unfunded mandates. It has broad support at the local level—the mayors, county commissioners, Governors, and the private sector. All across America people are saying this needs to be done and asking, ''Will you not at least have a process to look at the burden that is being created by Federal unfunded mandates, the burdens you are passing to individuals and to county and city governments, the taxes you are putting on people?'' This is good legislation. It has had broad support, building over a period of months—in fact, years.

I understand there are 62 or more cosponsors of this legislation. Republicans and Democrats have joined together in drafting this legislation. We had the bill last year. The bill that got to the final hours of the session last year has been improved on. Changes have been made that make it better. It has been brought to the floor with this broad base of support across the country and in this Chamber.

Even the President, last night in his remarks, singled this out and said we may have some disagreements and maybe some improvements can be made, but this is something that we can have and he supports it. Great. We are going to find things we can work together on, such as congressional accountability, line-item veto, unfunded mandates. We are making progress. The American people are going to be the beneficiaries. We are working together. And then what happened?

A funny thing happened on the way to passage, on the way to the President's desk. Every amendment conceived by the minds of men has been pulled up and has been offered or is pending to be offered to this legislation.

This is the ninth day on this noncontroversial, bipartisan bill. This is delay. This is not just finding ways to improve it. It has a purpose. Now, I am not real sure what the purpose is. I presume it is to try to delay the taking up of the constitutional amendment on the balanced budget. That is the only thing I can figure. Maybe it is just to try to score points along the way.

When the President says, ''Let's work together,'' he gets applause on both sides. But he needs to convey to his agents in the Congress that we need a little help. We cannot make progress if we are going to have these amendments that are unrelated, nongermane, that are not going to be accepted. Let us get to the end of this process and pass this legislation.

The ninth day already, and it looks to me like it is going to be all day today and into the night and all day tomorrow and into the night, perhaps Friday, Saturday. But I think we need to get used to it. The leader said we are going to vote this week. The only way we are going to get to a vote is if we begin to dispose of these amendments.

Now, what kind of amendments are we talking about here over the past 9 days? We have had amendments on both sides of the aisle, I admit that, that have dealt with history standards, abortion clinic violence, one on Social Security, I understand one on pornography, now this one on elderly and children.

And, again, as has been said on this floor, I am not diminishing the importance of any of those, but on most of them I ask, why here? Why now? They do not relate to this bill.

This is just making points, Mr. President. And I think it is damaging the image of this institution, and it is certainly, at a very minimum, delaying this bill.

Now, there are those who say, ''Wait a minute. I'm not talking about damaging this bill. Even if it is unrelated or nongermane, or maybe if it is germane, I just want to try to improve it. Could we exempt this little thing? Could we add this or that to the little list of exemptions?''

Well, after a while, if you exempt this, you exempt that, what are you going to have left? If it is going to in any way affect anybody or any group of individuals, then we want to exempt them.

And this bill has exemptions, carefully selected exemptions drafted by the committee, by the Members most intimately involved and knowledgeable in this legislation, that have already been worked out and put in the bill.

In fact, there are at least six categories of exemptions in the bill. In addition to the ones that came to the floor originally in this bill, a couple have been added—age, color. But we have the exemption if it involves enforcing the constitutional rights of individuals; we have an exemption if it establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicap or disability status—and now we have added age and

color. We have an exemption of any provision in the Federal laws that requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the U.S. Government; that 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; that is necessary for the national security or the ratification of or implementation of international treaty obligations; or the President designates as emergency legislation and the Congress so designates in statute.

This has been worked out. It has been carefully crafted in the committee. The exemptions that really need to be in the bill are in here. We cannot keep adding to it and adding to it and adding to it. We can all come up with some category that maybe we would like to say, ''Oh, exempt that.'' I can certainly think of some I would like to have in my State of Mississippi.

But I think the committee has done a good job. I think the managers of the bill have done a good job. They have been willing to accept a couple of additions, a couple of changes.

I think we have to stop that process where we keep adding to it. And remember this: This is a process. It has been said over and over again, but I repeat it again. This is not saying that it must be this way or that way. It sets up a process for Congress to be able to think about what we are doing with these mandates, to know what the impact is, so that we can raise a point of order. What is the cost analysis? Who would be affected? And it allows us to have a process or forces us to consider what the impact is and deal with it. And if it unfairly deals with the frail elderly, there will be a way to deal with that.

You know, when the American people realize that we pass all these bills and all these mandates and that we do not know what the costs are, we do not know what the impact is on individuals and cities and counties and States, they are horrified. They cannot believe it.

But at least now we will have a process to analyze what the impact would be, what the cost would be. We can make a decision that this is in the national interest and we are going to go forward with it. And that decision could include providing the money or not providing the money if that decision is made by the Congress. But it forces us to deal with this issue.

So you do not need to add every possible, conceivable exemption that you can possibly dream up because they are not being cut out. We would still have a process to review it and think about it.

It will help all of the people, including people of all races and colors and age and children, if we pass this legislation. This legislation will begin, hopefully, to get a grip on stopping some of the burdens we have dumped off on individuals, on cities, that leads to tax increases, causes the loss of jobs.

What about the people that want a job that cannot get one because of Federal unfunded mandates? We are going to at least force ourselves to think about those things.

There are a lot of groups and individuals that have written us in favor of this legislation as it was drafted in the committee—business groups, industrial groups, groups of private individuals, governmental associations, the National Federation of Independent Businesses. I have a long list of supporters.

Mr. President, if my time has expired, I yield myself 2 more minutes to wrap this up.

The PRESIDING OFFICER. The Senator from Mississippi yields himself 2 more minutes.

Mr. LOTT. There are groups that are on record as supporting this.

But, also, to again clarify the depth of the support and that there is a lot of Democrat and Republican support for this, I have letters in my hand here. I ask unanimous consent, Mr. President, to have these letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,
Chicago, IL, January 18, 1995.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR DASCHLE: I am writing to urge your support for the Mandate Relief Legislation (S. 1) currently being debated on the floor of the Senate and I encourage you to work with your Democratic colleagues to oppose any weakening amendments. I am pleased that the new Congress is acting quickly, with bipartisan support, to move this legislation.

My support for effective mandates legislation goes back several years. Along with countless other mayors, governors and county officials, I have long tried to make clear to the Congress and the Administration the adverse impacts unfunded mandates have on our ability to conduct the people's business and be accountable to our taxpayers. Chicago's 1992 study, Putting Federalism to Work for America, one of the first comprehensive studies of this issue, conservatively estimated that mandates cost the City of Chicago over $160 million per year—a figure that has only increased since then.

The legislation being considered in Congress will begin to address this problem by setting up a strong process to discourage the enactment of new mandates, and to require that new mandates be funded if they are to be enforced. I recognize that it does not cover existing mandates, an issue which I believe Congress also needs to address.

Fundamentally, this issue is all about giving local governments the flexibility to make the best use of local and federal dollars. The importance given the mandates issue gives me hope that the new Congress—Democrats and Republicans alike—will be paying close attention to the real issues that face our communities and our citizens. Please work to expeditiously enact a strong, effective version of S. 1.

Sincerely,

RICHARD M. DALEY,
Mayor.

NATIONAL LEAGUE OF CITIES,
Washington, DC, January 11, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the elected officials of the nation's cities and towns, I thank you for sponsoring the Unfunded Mandate Reform Act and for working against amendments that threaten the effectiveness and bipartisan spirit of this legislation. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for a long time. We will not have such an important relief opportunity again if this measure is thwarted in the final hour by special interests or partisan politics.

We urge you to oppose amendments that would provide blanket exemptions of certain types of mandates from the points-of-order contained in S. 1. We believe that exemptions for labor mandates and/or environmental mandates (sometimes termed as legislation relating to ''protecting public health and safety'') would undercut the fundamental purposes of S. 1, as well as reduce the capacity and flexibility of the nation's cities to focus our resources to protect public safety. Historically the most onerous unfunded mandates to local governments have fallen into the two categories of environment and labor.

We also strongly oppose amendments that would exempt mandates related to services which both the public and private sectors provide. The argument that S. 1, as it is currently written, gives the public sector a ''competitive advantage'' over competing private sector entities is an unfounded fear, as the private sector entities and the U.S. Chamber of commerce, who support S. 1, would likely confirm. Furthermore, we would note that the ''Motor-Voter'' bill is one of the very few bills we are aware of which imposes mandates upon the public but not the private sector. Therefore, we are apprehensive that any so-called ''competitive advantage'' amendment would largely eviscerate your NLC-supported legislation.

Our strongest objection to such ''competitive disadvantage'' amendments is that they contradict the purpose of S. 1—to provide relief to state and local governments from unfunded mandates. The legislation and its sponsors recognize that the public sector is distinctly different from the private sector, both in the services each provide and how they are affected by unfunded mandates. Local governments have the responsibility to provide services such as clean water, drinking water, public safety and garbage disposal. In contrast, providing these same services are an option for the private sector—which can provide such services, for a profit, to those who can afford to pay. Local governments act, not as a matter of choice or motivated by profits, but as a duty to all citizens. In the case of private entities, the motivation is to gain a profit.

It is one issue to set certain standards so that any private corporation can understand the rules before it chooses to ply a trade. It is a different issue when the federal government requires a local government to provide a service in a one-size-fits-all manner to every citizen. This distinct difference between the two sectors means that the federal government must be sensitive to mandates it imposes on state and local governments.

Thank you for your continued efforts to maintain the integrity and bipartisan spirit of S. 1.

Sincerely,

CAROLYN LONG BANKS,
President, Councilwoman-at-Large, Atlanta, GA.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of The United States Conference of Mayors, I want to thank you for your continued leadership in our fight against unfunded federal mandates and to express strong support for the new bill, S. 1.

S. 1 is serious and tough mandate reform which will do more than simply stop the flood of trickle-down taxes and irresponsible, ill-defined federal mandates which have come from Washington over the past two decades. S. 1 will begin to restore the partnership which the founders of this nation intended to exist between the federal government, and state and local governments.

S. 1 which was developed in bipartisan cooperation with the state and local organizations, including the Conference of Mayors, is even stronger than what was before the Senate last year in that it requires Congress to either fund a mandate at the time of passage or provide that the mandate cannot be enforced by the federal government if not fully funded. However, the bill is still based upon the carefully crafted package which was agreed to in S. 993 and which garnered 67 Senate cosponsors in the 103rd Congress. The ill would not in any way repeal, weaken or affect any existing statute, be it an existing unfunded mandate or not. This legislation only seeks to address *new* unfunded mandate legislation. In addition, S. 1 would not infringe upon or limit the ability of the Congress or the federal judicial system to enforce any new or existing constitutional protection or civil rights statute.

The mayors are extremely pleased that our legislation, which was blocked from final passage in the 103rd Congress, has been designated as S. 1 by incoming Majority Leader Bob Dole. We also understand and appreciate the significance of the Governmental Affairs and Budget Committees holding a joint hearing on our bill on the second day of the 104th Congress at which our organization will be represented.

I remember the early days in our campaign when many questioned our resolve. How could a freshman Republican Senator from the State of Idaho move the Washington establishment to reform its beloved practice of imposing federal mandates without funding? We responded to these doubters by focusing the national grass-roots resentment of unfunded mandates into a well orchestrated political machine, and by joining with our state and local partners in taking our message to Washington.

The United States Conference of Mayors will continue in its efforts to enact S. 1 until we are successful. We will not let up on the political and public pressure. And we will actively oppose efforts to weaken our bill.

The time to pass our bill is now. Those who would seek to delay action will be held accountable, and those who stand with state and local government will know that they have our support and appreciation.

Thank you again for all of your hard work and commitment, and rest assured that we will continue to stand with you.

Sincerely yours,

VICTOR ASHE,
Mayor of Knoxville,
President.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: The National Conference of State Legislatures enthusiastically supports S. 1, the Unfunded Mandate Reform Act of 1995. We join you in urging your colleagues to cosponsor this bill and approve this legislation in Committee and on the floor of the Senate. The National Conference of State Legislatures commends your efforts, along with those of Senator Bill Roth, incoming Chairman of the Senate Governmental Affairs Committee, and Senator John Glenn, the outgoing Chairman of the Senate Governmental Affairs Committee, in forging the bipartisan mandate relief bill that is to be presented to the Senate next week as S. 1. We deeply appreciate your leadership in developing legislation that takes significant steps toward correcting the problem of unfunded federal mandates and for your openness to listen to our concerns during the negotiation process.

Your bill is a fitting first step in restoring the balance to our federal system by recognizing that the partnership with state and local governments has been significantly weakened by the growing federal practice of imposing unfunded mandates. No government has the luxury of unlimited resources, and the taxpayers of this country, our shared constituents, recognize that having the federal government pass its obligations down to the state and local governments does nothing to reduce their overall tax burden.

This bill is about information and accountability. The cost estimate, points of order, rules changes and other provisions contained in this legislation are absolutely necessary to get us back on track and have the federal government take responsibility for its actions. To make responsible decisions, members of Congress need to be fully aware of the financial burdens that federal legislation often places on state and local governments, and to understand the implications of those burdens.

As has been said often over the past year, the level of cooperation among state and local governments and members of the United States Senate during the negotiation process is unprecedented. Again, we appreciate your efforts, and those of the other Senators who helped forge this compromise, and wholeheartedly support passage of S. 1, the Unfunded Mandate Reform Act of 1995.

Sincerely,

JANE L. CAMPBELL,
President, NCSL, Assistant House
Minority Leader, Ohio.

NATIONAL LEAGUE OF CITIES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: I am writing on behalf of the elected officials of the nation's cities and towns to commend you for sponsoring the Unfunded Mandate Reform Act of 1995. Of all the measures introduced to date, this legislation is undoubtedly the strongest, best crafted, and most comprehensive approach to provide relief for state and local governments from the burden of unfunded federal mandates.

The National League of Cities commits its strongest support for the Unfunded Mandate Reform Act. We will fight any attempts to weaken the bill with the full force of the 150,000 local elected officials we represent. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for too long. We will not have such an important relief measure thwarted in the final hour by special interests.

We commend you for continuing to foster the bipartisan support which your original mandate relief bill so successfully garnered in the last Congress. We will work hard to gain bipartisan support for mandates relief in the 104th Congress, because, as you are well aware, this bill will benefit all states, all counties, all municipalities, and all taxpayers, regardless of their political allegiance.

Again, please accept our sincere gratitude for your efforts.

Sincerely,

CAROLYN LONG BANKS,
President, Councilwoman-at-
Large, Atlanta, GA.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, December 30, 1994.

Hon. DIRK KEMPTHORNE,
Dirksen Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: The National School Boards Association (NSBA), on behalf of the more than 95,000 locally elected school board members nationwide, would like to offer its strong support for the ''Unfunded Mandate Reform Act of 1995'' (S. 1). This legislation would establish a general rule that Congress shall not impose federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year to comply with unfunded federal mandates. We commend you and your unending leadership on this critical issue.

Today, school children throughout the country are facing the prospect of reduced classroom instruction because the federal government requires, but does not fund, services or programs that local school boards are directed to implement. School boards are not opposed to the goals of many of these mandates, but we believe that Congress should be responsible for funding the programs it imposes on school districts. Our nation's public school children must not be made to pay the price for unfunded federal mandates.

S. 1 would prohibit a law from being implemented without necessary federal government funding. S. 1 would allow school districts to execute the future programs which are required by the federal government without placing an unfair financial burden on the schools.

Again, we applaud your leadership in negotiating and sponsoring this bill which would allow schools to provide a quality education to their students. We offer any assistance you need as you quickly move this bill to the Senate floor.

If you have questions regarding this issue, please contact Laurie A. Westley, Chief Legislative Counsel at (703) 838–6703.

Yours very truly,

BOYD W. BOEHLJE,
President.
THOMAS A. SHANNON,
Executive Director.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, December 29, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the National Association of Counties, I am writing to express our strong support for S. 1, the Unfunded Mandate Reform Act of 1995. We sincerely appreciate the leadership you have provided in crafting this new, strong bipartisan bill to relieve state and local governments from the growing burdens of unfunded federal mandates. Our NACo staff has

reviewed the latest draft and they are convinced it is much stronger than S. 993, the bill approved in committee last summer.

While this legislation retained many of the basic principles from the previous bill, there were many improvements. Most significant among them is the provision that requires any new mandate to be funded by new entitlement spending or new taxes or new appropriations. If not, the mandate will not take effect unless the majority of members in both houses vote to impose the cost on state and local governments. Although the new bill will not prevent Congress from imposing the cost of new mandates on state and local taxpayers by holding members accountable we believe it will discourage and curtail the number of mandates imposed on them.

Again, thank you for your leadership on this important legislation. County officials across our great nation stand ready to assist you in anyway we can to ensure the swift passage to S. 1. If you have any questions, please contact Larry Naake or Larry Jones of the NACo staff.

Sincerely,

RANDALL FRANKE,
Commissioner, Marion County, OR,
NACo President.

Mr. LOTT. I have a letter from Mayor Richard Daley of Chicago; another one from the National League of Cities. They support the legislation. But there are some key words in here. They support the legislation without weakening amendments. And that is what this is. It is a weakening amendment.

I will just read the first sentence in the letter from Mayor Daley.

I am writing to urge your support for the Mandate Relief Legislation (S. 1) currently being debated on the floor of the Senate and I encourage you to work with your Democratic colleagues to oppose any weakening amendments.

That letter was to the minority leader, TOM DASCHLE.

In a letter to the manager of the bill, the Senator from Idaho, Senator KEMPTHORNE, from Carolyn Long Banks, president, and councilwoman-at-large, Atlanta, GA, on behalf of the National League of Cities, the first sentence of the second paragraph:

We urge you to oppose amendments that would provide blanket exemptions of certain types of mandates from the points-of-order contained in S. 1.

Right on point with this amendment—''oppose amendments that would provide blanket exemptions of certain types of mandates.''

And this is from a city officeholder in Atlanta on behalf of the National League of Cities, not your basic, you know, Republican organization. Mr. President, I really think that we should defeat this amendment, all other similar amendments. Let Senators bring this thing to closure. Let Senators pass this bill tomorrow night and celebrate, having done the right thing for all Americans with this unfunded mandates legislation.

I reserve the time.

Mrs. BOXER. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from California has 74 minutes and 30 seconds.

Mrs. BOXER. Thank you, Mr. President. I will speak for about 1 minute in response to the Senator from Mississippi, and I plan to yield 10 to 20 minutes to the Senator from Connecticut, whatever time he might wish to consume.

Mr. President, I want to say to my friend from Mississippi, and he is my friend, that I am rather distressed at his comments. But I am not surprised. It is the intent of the Republicans to make it look as if the amendments we are offering are so-called frivolous amendments. They are not important amendments. They are only meant to slow things up.

I understand he has a Contract With America that he likes. Hey, I like some of the things in the contract. I will help him when I agree with him. But I will not be railroaded so that he can make his 100-day deadline, when the people of California sent me here to protect the children, protect the frail elderly, to make sure that I stand up and fight for my State to get reimbursement for illegal immigration, the biggest unfunded mandate of them all that is not even addressed in this bill.

I liked the bill as it came out last year. As a matter of fact, it did exactly what the Senator from Mississippi, the distinguished whip, says this bill does. Today he said, ''We want a process to look at the burden we are putting on the other levels of government.'' I agree. That is exactly what the bill did last year. It stopped right there. CBO came in with the estimate. If we did not have an estimate there was a point of order against the bill. This whole green area here was added this year. It is a bureaucratic nightmare.

I believe we should think very carefully before we pass a law that will impact local and State government. I served on local government. I come out of local government. I had some mandates that were ludicrous that came down from the Reagan administration. Ludicrous. But I do not want to go too far because we can take a good bill with a good concept, which is what this bill is, and we can destroy it if the real agenda is to stop this U.S. Senate from acting in behalf of the people.

I am very clear in my mind that the people sent Senators here to do something. They did not send us here to walk away from our responsibility. Now, every day I hear of letters from mayors of cities, small cities and big cities, and members of boards of supervisors, and that is great. But I do not represent mayors and Governors and city councils and boards of supervisors. I like them a lot. I have a responsibility to the people that elected me. There were, as I remember, 6 million of them. And the others who voted for my opponent, they want me to work, too.

I find it interesting, because the majority leader last week said, ''What is wrong with the Democrats? You do not want to work. We are ready to work.'' First he says we do not want to work in January; then he criticizes us for having 100 amendments. It is work to put together an amendment that we believe in and fight for it as I am doing and others are doing. It is not fun and games, especially since the Republicans are voting lockstep against us on every single amendment.

I urge the American people to look at that. On the Congressional Accountability Act, they even voted in lockstep—lockstep—to allow lobbyists to continue to take them out to dinner and pay for their weekends. They voted in lockstep against the Lautenberg amendment that said if there is an across-the-board cut, we should take a cut in pay. They voted against that. They are voting in lockstep. There is a contract, and I am not here to help them get a contract through which, in part, I think will hurt Americans.

I think this bill is a good one, but we have to make it better. I am very glad to see that the managers of the bill support Senator LEVIN's amendment, which will allow an individual Senator to get an idea of what his or her amendment will cost so that they can participate in what is now becoming a nightmarish scenario of how to get a bill into law.

When I was a kid I read how a bill becomes a law. It was complicated enough then. Wait until the kids have to learn about this. They will wonder what are we up to. So, I could say to the mayors who are listening and the city councils, I do not intend to vote on anything that will lay an unfair burden on you. But I say to the mayor of Milwaukee, and I don't know if anyone has heard from him, but when cryptosporidium killed 100 people in his city and caused 400,000 serious illnesses because a parasite got into the water, he would have been glad if we had passed a law here that told them they had to get rid of cryptosporidium which killed his constituents.

So, I will yield time to the Senator. I will reserve my time to continue to debate this very important amendment. I am proud that the EPA, the person in charge of the environment in this great Nation has sent a letter to every Senator, asking for this amendment. I am very proud that the Senator from Connecticut is here now. He will talk not only about this amendment on protecting the frail elderly, children under 5, and pregnant women from this bureaucratic maze, but also on my amendment on child pornography that he supports. I yield to him at this time, 15 minutes.

Mr. DODD. Thank you, Mr. President. Let me thank my colleague from California. I may not need all 10 minutes, and I will reserve the balance of time if I do not use it.

Let me first of all commend the Senator from California for offering the amendment that is before the Senate, and, as I understand it, a second amendment which she will offer later this afternoon involving vulnerable constituencies.

The first amendment, the one which is before the Senate now, would provide protection for the health of children under 5, pregnant women, or the frail elderly. They would not be subjected to the procedural hurdles imposed by S. 1. The second amendment, which the distinguished Senator from California will be offering, would exempt laws that protect our children from pornography, sexual assault, and exploitive labor practices. And I think both are very sound and responsible amendments.

Let me just echo the comments of my colleague from California. First of all, I am a supporter of this bill, the unfunded mandates bill. I was a supporter of the bill that we could have passed last September, had it not been stopped through the gridlock and filibusters that took place here.

I do not know if there is much debate, there may be some who are opposed to the idea of amending the present situation which allows unfunded mandates to foist incredible burdens on our State and local governments. As the Presiding Officer knows, and others, a year ago I offered an amendment on this floor with the support, I might point out, of my distinguished colleague from Mississippi, on the Budget Committee and again on the floor.

We tried to do something about the cause of special education, which today the Federal Government contributes about 7 percent of the cost of educating a child with special needs, despite we made a commitment some 20 years ago that we would make up to 30 or 40 percent of the cost. I tried a year ago to get this body to support an amendment that would have raised our commitment to the costs of special education to 30 percent. That failed at the time. But that was again an unfunded mandate, in a sense, by saying special needs children must be educated. We said that should be the case, and yet we are not willing to back up that mandate with the kind of resources to support the States deferring those costs. That is one example.

Here we are talking about a generic law dealing with a lot of issues. I do not take a back seat to anybody in my support for the concept of trying to be more of a partner in meeting the desirable goals of our Nation. That, I do not think, is in debate. The question is, are there certain areas that we ought to exempt from those procedures?

Now, when we are sitting here debating a situation where there are absolutely no exemptions. We were taking the position, or there was a position of the majority here, that there should be no exemptions. Discrimination laws, national security issues, we are going to subject every mandate to the same standard and test. Then I think the argument that we should not be accepting or supporting the Boxer amendment would have value because we are applying the same standard to every single constituency and every single issue that comes before this body where a mandate is involved.

Mr. President, that is not the case. We have already decided to exempt some areas. And I agree with them, by the way. I am not disagreeing with the exemptions that have been made. We said, for instance, on the basis of sex or race or national origin, that you cannot require a procedural process dealing with the funding or the mandates in those areas.

We have already taken categories of people based on their gender, their national origin, and their race, and we have said, ''If there is a mandate here to the States that involves those issues, then you are exempt from the procedures.'' I think that is wise. I think that is right.

We have also done that in the area of national security and international agreements, again I think for good cause. We said, ''Look, this is a very sound idea. Unfunded mandates, we ought to be funding them, helping our States or not requiring them. But there are areas in which we think that these procedures should not apply for certain constituencies. Certain people, certain circumstances ought to be exempt from that process.''

What the Senator from California has said is we agree. We also think there are some other people here, in addition to the ones mentioned, that we think also fall into that category, and circumstances that fall into that category. Not every State has laws which prohibit the mailing or communication of pornography. I know which States they are. I will not bother listing them here today, but there are States that have no laws in this area whatsoever.

So if we do not fund these things, it is conceivable through the computer practices today—and all of us have read the stories about Internet, and so forth, how you can cross State lines very quickly. The days of just only affecting your neighborhood in these areas is long since behind us. In fact, there are some horrid stories involving the use of computers, on-line computers, Internet, and what happens to young children who get caught up in this.

What the Senator from California is saying, when it comes to pornography and to child abuse and neglect, is that we ought to also carve out an exception, as we have carved it out for the others. Now that we are no longer being pure on the issue, we are carving out exemptions, this is one we think also ought to be carved out.

In addition to the question of children under 5 and frail elderly, I do not think any of us want to be in the position of having some huge procedural hurdles put in front of us despite our commitment to dealing with the unfunded mandates issue. This idea that we have to be so pure when it comes to the process, the process becomes more important, far more important than the constituencies we are trying to serve.

I think we have to get some balance here. Try to have an intelligent, thoughtful process, but let us not lose sight of what happens. The process becomes, in a sense, the Holy Grail, rather than the people who are supposed to be served by the process. I think we lose sight of that. It is possible to have a sense of equilibrium here, where you move forward in the process, you try to make it work better, far more efficiently, far more effectively. But when you turn to certain constituencies, as we have done in this bill—we have said on the basis of race, gender, or national origin, you are different; we are not going to apply the process to you because we honestly believe we should not be turning the clock back in certain of these areas.

What the Senator from California is saying, when it comes to the frail elderly and children under 5, and pregnant women, that we ought to, as well, say ''Look, this is not a matter, folks, that we can argue about how much we want to do,'' and so forth, but in these areas, it would be a major setback to become so distracted, so embracing of the process, that we are willing to walk away from constituencies in these particular cases.

I would certainly not stand up here and support constituency group after constituency group after constituency group that seek to avoid the process. This has been carefully crafted by the Senator from California—carefully crafted. She talks about a series of constituencies and circumstances in which some of those vulnerable citizens in our society could be affected.

Protecting children from pornography, that is a very important issue. This body has debated and discussed this issue over the years, and we have taken strong positions on the issue. I do not know of anyone here who wants to be on the side of coming out and saying, ''I'm sorry, but the process of unfunded mandates is more important than what happens to a child through the use of pornography through the mails and computers.''

We have to make a choice here: Is the process more important than the issue? I suspect if the American public had an opportunity to vote on that issue, they would say, ''Do not make the mistake of becoming so wedded to your process around here that you have neglected or failed to deal properly and forcefully with the issue of child pornography.''

The same could be said with sexual assault and exploitative labor practices included in this piece of legislation. Children under 5, pregnant women, frail elderly—those are the constituents. If we cannot find a way to have an intelligent bill on unfunded mandates—and I am confident we will—as well as intelligently carving out certain areas of constituencies that need our national protection, then I think we have lost sight of what our role is here to be a body that does try to be far more efficient and effective, make Government smaller, make it work

better. All of us, I think, are wedded and determined to do that and also, as I said a moment ago, to maintain that sense of equilibrium, which is critically important, in my view.

Mr. President, I will just mention here, because someone may say, ''How bad is this problem in certain areas,'' let me just point out—I know the Presiding Officer knows these numbers, as the chairman of the Subcommittee on Children and Families, on which I have the pleasure of serving with him—but reports of child abuse and neglect have risen 40 percent between 1985 and 1991. Too many cases of child neglect and abuse are reported annually now. One in three victims of physical abuse is a baby less than 1 year of age, and almost 90 percent of the children who died of abuse and neglect in 1990 were under the age of 5.

Unfortunately, these numbers seem to be getting worse. I do not know if anybody has simple answers to it, but I think as we try to deal with these questions, we ought to try to get to the heart of it as quickly as we can and not set up, as I say, an arbitrary set of hurdles here in our desire to intelligently do something about a process that needs reforming.

So, again, I emphasize, Mr. President, the fact that we have already carved out constituencies because we feel and have felt that they were important and essential and should not be subject to the whim of a simple majority here, a 51–49 vote that could roll back our support in these areas.

I suggest in the areas the Senator from California has outlined, we should do likewise. This will not do great violence to the underlying bill on unfunded mandates. Quite the contrary. I think it says that this is a body that has dealt with an issue that needed dealing with and dealt with it effectively, and had a sense of balance and equilibrium about the constituencies out there that deserve to be singled out because of their vulnerabilities. I think we ought to be able to do both.

If we do, I think we strengthen the legislation and build a stronger base of support, because we have shown a heightened degree of sensitivity about these people, these children, particularly, because most of the categories we are talking about are the youngest children, the ones who have little or no protection at all but look to us and look to others to make sure that at least there are laws on the books which allow those who are responsible for enforcing them to have some tools in their hands and not watch some endless debate down here that gets caught up in filibusters as to whether or not we are willing to come up with the money in these areas and watch the issue die.

I urge the adoption of these amendments. I hope we will get away from this notion that any suggestion—any suggestion—to try to improve this bill is rejected because of some drag-race mentality. We are not involved in the business of a goldfish-swallowing contest around here, to see how many we can put down our throats in what period of time. This is the Senate of the United States in the business of trying to legislate. I think these are good ideas.

Under normal circumstances, were we not sitting around here trying to meet some date that has been set out in front of us, I think these amendments would be debated, modified a bit, and I think they would be accepted. In the normal course of amending a bill, these amendments would be accepted.

But because there might be a conference with the House working out some of the differences, it might delay the calendar on adopting this legislation, no one can support it on the other side. I think that is a huge mistake. I do not think we are being well served by that mentality.

As I say, this is not a drag race to see who can beat the clock. We are dealing with a very important bill, a good bill—I will say, a good bill, a good bill—that will change the process in this country and provide assistance to States and localities. It is a good bill. I think it can be made a better bill, and that is our business through the amendment process.

Let us get rid of this calendar/clock idea. Let us get our business done quickly, but let us also engage in the kind of discourse that the Senate requires when good ideas are raised; Members can support or object. But to go through a process, no matter how good your idea is, no matter how many people may agree with you, we say, ''Sorry, we cannot accept it because, you see, it is far more important we have a clean bill without a conference to get it done than it is what we write and what we ask the American people to support.''

So, again, I commend the Senator from California. These are good amendments. I think I can predict what is going to happen. They are going to be defeated mindlessly because it does not fit the drag race to get the bill done.

My view and hope would be that some might begin to at least say look, I think these are pretty good ideas. I think the House might accept them.

Let us not get bogged down in rejecting every idea that comes along here merely because it is going to upset the 100-day calendar, whatever else it is we are dealing with.

That is not what the American people are interested in. They could care less about the politics of what kind of timeframe you are going to build on. They want us to do a good job here—not a fast job, a slow job but a good job. I think we have a wonderful opportunity to do a good job. It can be a better job with the adoption of these amendments.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Connecticut yields back his remaining time.

The Chair advises the Senator from California the time under her control is 53 minutes and 30 seconds.

Mrs. BOXER. I thank you very much, Mr. President.

Is there a desire on the other side to take some time?

Mr. LOTT. Mr. President, I inquire of the time remaining on this side.

The PRESIDING OFFICER. The Chair advises the Senator from Mississippi there are 17 minutes remaining.

Mr. LOTT. Since there are 50 minutes on the other side and only 17 on this side, I will reserve the remainder of our time at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the Senator from Connecticut leaves the floor, I want to thank him for taking time to speak. It is very difficult for Senators to come and talk on another Senator's amendment. That is why I am so pleased I have a number who will be doing that.

I could not be more pleased than to have the Senator who has really stood for protecting the children of this country to be here on these amendments. I think it is clear that he has been the leader in this regard. I think he makes the points very clearly. We are setting up hurdles in this bill, many more hurdles than in last year's bill. Some of us may still decide it is a bill worth voting for, but we do have a chance to make it easier.

I say to my friend, under last year's bill, the hurdles stopped about at this point, because at that time we just said CBO had to let us know how much our amendments or bills would cost State and local governments. And then we would make intelligent decisions because hopefully we have the ability to do that.

What has happened in this year's bill, S. 1, which some say goes too far, is that we added all this part here which deals with giving power to the Parliamentarian to decide whether or not the amendment or bill as it comes to us is fully funded, and there are points of order and all kinds of confusion.

I might say to my friend, after we even get a bill down here to the floor, every amendment has to start all over again with this procedure. That is why the exceptions clause is so critical to us. It is not as important as it was under last year's bill, but because of these hurdles, we have to be careful that we do not tie our hands behind our back, blindfold ourselves, and put earplugs in so we can really do nothing.

I am very fearful, if we do not get these amendments through, then the children of our country, who do not put on pinstriped suits or come up here and treat Senators to dinners and breakfasts, will not be heard.

So I thank the Senator for adding his important voice to this amendment. I repeat that Carol Browner of the EPA supports us on this, of which I am very, very proud.

At this time, I would like to yield 7 minutes to my colleague from Minnesota, Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair, and I thank the Senator from California. I am pleased to be an original cosponsor of this amendment.

Mr. President, to me, the operative language in the amendment says that any bill which ''provides for protection of the health of children under 5, pregnant women, or frail elderly would not be subject to S. 1's point of order and other requirements.''

I had a meeting back in Minnesota before the beginning of this session. It was really a very powerful meeting. It was with a large number of people from the disabilities community in Minnesota—Justin Dark came out—and people were really both terrified and I think indignant about what this unfunded mandates bill would mean to them.

I think it was very, very important it be made clear that there would be an exemption as it applied to the Americans With Disabilities Act.

I really view this amendment in the same framework, and I would say to my colleague from California and the Senator from Washington, with whom I have worked closely as well, that actually, as I have had discussions with people in my office about this piece of legislation, some have been surprised at really what is, by and large, with my strong support, the premise of this bill, but my view is that we should be accountable.

I think that when we vote legislation and we are requiring State or local governments to follow through and implement certain policy and there is an expense, and we might decide that we cover the expense or we might decide that it is appropriate for State or county or city government to also be providing some of the funding, we should go on record.

In many ways, that is what we do now. Someone can challenge a particular through an amendment and call for 51 votes right now. I like the idea of our being accountable, and in that sense I think the premise of this piece of legislation is extremely important. I have said that to Senator KEMPTHORNE. But I also worry about what Senator BOXER has so ably pointed out on the chart.

What I worry about is that we get into a kind of morass where there is the complexity and the multiple veto points which end up leading to a process where we literally cannot move forward with important legislation where there are needs that cry out to us. I would say that those needs cry out from children and from frail elderly and from women expecting children.

I know one of the most poignant gatherings I have been involved with here in Washington was when a group of citizens, to make a connection to the environment, came from around the country. They were mainly poor and they came to talk about environmental justice. Their point was that all too often the environmental degradation has a disparate impact on their communities. And they are right.

So when it comes to situations where women really cannot eat fish out of lakes or rivers close to where they live, nor can their small children, or when you go into a classroom—this happened to me in Minneapolis—and meet with students—I think there is no alternative to meeting with elementary school kids; it is wonderful how eager they are. It is sort of like the world all of a sudden of magic is before you. But to leave this meeting and then have a teacher say to you afterwards: You know, Senator, these kids are wonderful, but I really worry about the lead they have in their bloodstream—environmental degradation, whether it be in the paint or whether it be in the soil—there are needs that cry out in this country.

I cannot think of an amendment that does more to really strengthen this piece of legislation because by passing this amendment I think what we say in one stroke of public policy is we are committed to being accountable; we are committed to making sure that we do not impose legislation on State and local governments without making an effort to either provide the funding or be clear that they should provide the funding, but we go on record, we are explicit about what we do, but at the same time in the framework of the Americans With Disabilities Act, we understand that there are some compelling needs in this country, there are important populations that, unfortunately, are not so important here, not as important as they should be, that really do need support and protection.

We do not want to see some legislative process we have designed that has become so convoluted, so complex, so full of opportunities for people to block to prevent us from moving forward where we really need to take action.

I think that is what this amendment does. I think it strengthens the bill, and I am very pleased to support it.

I yield the remainder of my time. I thank the Senator from California for her leadership.

Mrs. BOXER. Mr. President, I thank the good Senator for coming over and joining in this debate. Again, it is an honor for me to have so many of my colleagues make the time. He has consistently worked since this bill began to try to strengthen the ability of this Senate to respond to the needs of populations that simply cannot get on a plane, come over here, take us to dinner, and plead their case eloquently. And many times these populations are in fact little kids, pregnant women, and the frail elderly.

What we are saying in this amendment is very clear. This bill has turned into somewhat of a bureaucratic nightmare. Maybe it is worth it all, to make the Governors happy. But we better stand up and look out for regular people. Is that not why we are here?

At this time I am going to yield to the Senator from Washington who I think, more than anyone in this place, stands up in the most direct way to protect those people, average Americans. I yield 7 minutes to my friend from Washington, Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from California, Senator BOXER, for bringing this very important piece of legislation, this amendment, in front of us today, because I think it points out who some of the critical citizens we are representing in this debate are and what attention we need to bring to them. Certainly I, like all of my colleagues, have received letters from mayors and city councilmen and women who are saying you have to pass this unfunded mandates bill.

As a former State Senator I certainly was the recipient of mandates from the Federal Government, and I said, ''Who are they to pass this along to me?'' However, I think in the process we have forgotten the people whom we are here to represent. My constituents in the State of Washington sent me back here to represent their interests at the Federal level. Certainly some of the most important people I represent are the people who are spoken to in this amendment: Children, pregnant women, and the elderly. I look at this bill very critically. How will that affect those, the most frail in our society, people who do not have much of a voice here in the U.S. Senate?

There certainly are no children here, no pregnant women, and very few elderly. I think it is important we speak out for them and I thank the Senator from California for bringing this to our attention.

As we look at this bill in front of us, I look at the charts of the Senator from California that say what we will have to go through in order to pass a bill or amendment in the future, once the unfunded mandates bill comes before us. I have to say, as a mother I have a great concern about what this may do in case of a national crisis in the future. I want to point out an example of an issue I think might be severely impacted by this legislation as it is now in front of us without Senator BOXER's amendment.

Last year in my State there was an outbreak of E. coli. E. coli is a bacteria that is in meat, and if the meat is not cooked properly it can cause severe illness and in some cases death. In my State of Washington, some children had hamburgers from a restaurant where the meat was not cooked sufficiently. Several children died, many were ill, several of them still ill, and

the outbreak of that has very much affected me as a mother thinking about buying meat and purchasing things.

We responded very quickly, putting out new regulations about how long meat should be cooked. Certainly public awareness has become greater on the issue. But I say to all my colleagues, and to people listening, that E. coli is an emerging bacteria. It was not here several decades ago. It is now something we are seeing more and more of, and there may be a time in this country where it is not just isolated to my region. Where we see more of it, we will need to respond quickly and directly with national legislation to ensure that we deal with this crisis.

I look back at the charts of my colleague from California that show us the legislative process we have to go through and I ask what would happen if we had to bring an amendment forward to deal with an issue like E. coli. What strikes me very much is it will no longer be our decision about whether or not this is a critical issue to the country and one we will be able to fight for. It will end up at CBO, and CBO will decide whether or not, if they have the manpower or the womanpower to decide how much this is going to cost, how long it will take them to put together the impacts, if they can, of the passage of the legislation. We will have some nonelected bureaucrat sitting in a back room, looking at a stack of paper on his or her desk deciding whether or not they have the time to decide the impacts of my E. coli amendment that is before the U.S. Senate.

I have a serious concern with that. I was elected by the people in my State to come back here and to bring to the attention of this Government important issues that we have to address. To know that I would be stymied by somebody who is not elected, who is a CBO bureaucrat in the maze of the Senator from California back there—that I could not react quickly really concerns me. It especially concerns me when the issue affects children or pregnant women or the elderly.

I think the amendment of the Senator from California is very important for several reasons. It points out very specifically how this can have a dramatic impact on some of our populations, some of our amendments—the process. Kids are small. Their tolerance level is very low. They cannot take a lot. We cannot wait for a bureaucrat to decide whether or not this is an important issue. Maybe they are not a mom and they do not have the kind of feeling I have about it. We need to be able, as elected officials—the people we have—to be able to move legislation quickly.

I commend again the Senator from California for bringing this very important amendment before us that will simply say when the issue affects children, pregnant women and elderly, that we can move it through this body quickly and effectively. I believe, as the Senator from Connecticut said, this strengthens the bill. This touches the concern I have, and says we can act as who we were elected be, to be legislators, to make legislation. We can do it responsibly. And it is an important amendment for this body to consider and to move forward.

I again thank my colleague, the Senator from California, for bringing this amendment before us and I yield back my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. We do not have much time remaining on our side but I will just try to give a little balance to the debate. I would like to take 4 minutes of our time to make a couple points.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 4 minutes.

Mr. LOTT. Mr. President, after the last three statements we have heard I want to emphasize this point. This bill hurts no one. This is a positive bill. The results of this bill will be to help people, all people, including—and I believe especially—the elderly who now have to bear the burden of so many of the Federal regulations through additional taxes and in many cases property taxes. This is a way to begin to help the American people by getting the onerous mandates of the Federal Government and all the problems it creates and all the taxes off the backs of people.

We should not be trying to anticipate, in this legislation, S. 1, any and all of the types of circumstances that would justify a waiver in future legislation. This legislation fully anticipates that such circumstances will exist, probably, and allows the full Senate to judge those cases on a case-by-case basis.

Several amendments have been offered. I guess others will be offered that would remove additional categories from coverage by the bill. I have a lot of questions about this.

How do you define frail elderly as distinguished from sick elderly or just elderly? My mother, heaven help her, is 82 years old. She has a bum knee. She does not get around too well. The bill already has an exemption for age. Would that not take care of this problem?

There is this other little exemption in the bill that I read earlier. If there is a real problem the President of the United States can designate this is an emergency and can take care of the problem also.

There is no end to the list of groups or categories of individuals or circumstances we might conjure up that might come forward. The bill will take care of that. There are at least three problems with adding all these exemptions.

First, it is a slippery slope and there is no limit to the interests that arguably ought to be protected through an exclusion.

Second, creating entire categories of blanket exclusions invites real problems of interpretation. Would a mandate that deals with infants and pregnant women, but also includes many nonexcluded circumstances or categories, be exempt from the requirements of S. 1? That is a question we really would have to think about.

Third, the more categories that are excluded, the more loopholes in the bill that will invite creative construction of mandates, in order to avoid the intent of the law.

The real answer to these pleas for additional exclusions lies in the waiver provision. Remember, S. 1 does not decide which mandates will be funded by the Federal Government and which ones not. Instead it establishes a process. Is it a magical process? Are we wedded to that? Can we make changes? Yes, we can. But this is not a mandate. This is a process by which we can virtually look at all Federal mandates. They will be judged on their individual merits as to whether or not the Federal Government ought to fund them or not.

S. 1 fully anticipates the concerns of Senators like the distinguished Senator from California, Senator BOXER, by allowing the Senate to make a case-by-case judgment on which mandates are so compelling that they ought to be imposed even without Federal funding.

A big advantage of such case-by-case determinations is that it allows Congress to prevent creative uses of exemptions from turning into unintended loopholes. It also allows us to still require that the cost of a mandate be scored by CBO, under the provisions of S. 1, while then having the option of waiving the requirement that the Federal Government fully fund it. Remember, exclusions from this act are exempt from both requirements. That is the way they should be considered.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. FRIST). All time which has been yielded has expired.

The Chair reminds the Senator from Mississippi that he has 13 minutes 43 seconds left under his time, and the Senator from California has 38 minutes 2 seconds.

Who yields time?

Mrs. BOXER. Thank you very much, Mr. President.

Mr. President, I thank my colleague from Mississippi. I want to respond to some of his points.

The Senator says, ''What do you mean by frail elderly? It is confusing to me.'' Let me tell you why we decided to go with frail elderly. We wanted to make this a narrow exception. We did not want to make this an exception that will hurt this bill. We said children under 5, because those are the ages recognized by the World Health Organization as the years when children are particularly vulnerable to environmental pollution. We did not want to say ''elderly.'' That would mean everyone over 65 or 62 or 70, because I

have many friends of that age group who are in better shape than some of us who are younger. We are trying to make an exception for the most vulnerable in our society.

It is really extraordinary to me that my good colleague would send out one of the members of the leadership to fight this amendment. I am very flattered that the majority whip himself is here with all of his experience in debate. But I think it speaks to the fact that this is an important amendment.

I hope that my Republican friends will not march lockstep to some 100-day plan to pass a contract and say we have to vote against every amendment because if this bill is different than the House bill we will have to go to conference, and, God forbid, it will slow it down and take time.

I hope the American people are listening to this debate. I hope they get involved in it because we are going to vote on this issue pretty soon. I think anyone who has followed this debate, who has seen how bureaucratic this law is, will well understand why we need to exempt some of our priorities from the maze it creates. If children are not our priority, where are we as a nation? Every Senator from every party, Republican, Democrat, independent, I do not know of one who has not made a great speech and gotten great applause for our wanting to protect our children or our future. Well, let us show that we mean what we say.

We are setting up a new procedure that is very confusing. I daresay I listened to this debate. The two managers could not agree on some of the provisions. There is no explanation of one of the key points in the bill, the term ''direct savings.'' There is no definition. The Senator from Mississippi says, well, the Senator from California does not define what frail elderly means. In this bill there is no definition of direct savings. If we pass an environmental law and kids do not get poisoned from lead and they can concentrate in school and they can get into high school and college and earn a living, was it worth it that we said to the States get the lead out of the water? You bet.

I ask you, my friends, my Republican friends who voted in lockstep against every one of these amendments, to ask the people in Milwaukee if they would have wished we would have acted to take the cryptosporidium out of the water, or my friend from Washington, my good friend, who said she had to deal with the effects of E. coli in the meat supply.

This bill sets up a bureaucracy. Make no mistake about it, it is here. No one disputes it because this is it. This picture, I say to my friends, does not even show the whole nightmare that it is because this is just what the Senate does to get the bill. Every amendment goes right around and through all of these steps again at every single conference report that may come to us. It goes right through it again. You can hear the arguments on this amendment. They have accused us of slowing things up. I have news for them. They are on a 100-day course. My people did not send me here to march in tune to a contract that some politician wrote. They sent me here to fight for the people of California, to stand up for what I believe in, and especially for those without a voice because kids do not come here in pin-striped suits and treat us to dinner. They expect, and they should expect, of their elders that we will look out for them.

I have made this amendment very narrow. I have made this amendment so narrow that the exception is the frail elderly, children under 5, and pregnant women, because I do not believe it is right, I do not believe the American people want us to tie that kind of legislation into knots and later on be offering an amendment that says if it is a law that deals with child pornography, child sexual abuse, child labor law infraction, that we do not subject those kinds of laws to this bureaucratic nightmare.

If that is what this contract is all about, fine. I have to say that my friend from Mississippi, and he is my friend, says this bill hurts no one, that this helps all people. Let me tell you something. I will be unequivocal about this. I used to be in local government. I did not like it when the Reagan administration told me what to do, and they did it time after time. So I want to support a bill that takes the mandates off our backs. I supported the original bill. This one goes too far. It sets up a maze. I am here to tell you. What good is it for the people of California to send me here and I cannot even offer an amendment to save the children—to save the children from chemicals that go into the water, from bacteria that goes into the food, from dirty air?

Do you know that the children in Los Angeles today have a 15 percent lower lung capacity than children born in clean air areas? The San Francisco Chronicle, which in the past has supported many Republicans, says as follows about this bill:

Clearly none of the major environmental protections passed over the past 25 years could have withstood this bill.

So let us be careful. Let us vote for the Boxer amendment, supported by the head of the Environmental Protection Agency, and in a new poll the vast majority of people believe we should have an Environmental Protection Agency. And Carol Browner has sent to every Senator a letter today saying vote for this amendment. This is smart. She says:

Your amendment, Senator BOXER, will ensure that Congress is free to act to protect the health of our children, pregnant women, and the elderly, and it has my full support.

This bill sets up a process. This is not about helping anybody. It is about a process. It is not about helping anybody. I hope that we will add an exception. That is an exception for the frail elderly, the children, and the pregnant women. I ask my friend from New Jersey if he is prepared at this time to make a few remarks on this amendment, or would he rather the Senator from Texas take her time now? I have the right to the floor, and I am glad to yield if he wishes.

Mr. LAUTENBERG. I thank the Senator from California. I hope the Senator from Texas will excuse my taking advantage of the time offered now. I will not be long.

Mrs. BOXER. Would the Senator like 10 minutes?

Mr. LAUTENBERG. That would be the most that I would need.

Mrs. BOXER. I yield 10 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to make sure that as we pursue the objective of S. 1, one that I think almost all share here, which is to get rid of assigning States tasks that cost them lots of money without having a good and sufficient reason, that we take important national matters into consideration. One issue that I have mentioned in previous statements is interstate pollution. I am concerned about my ability to persuade the citizens of New York to take on an extra tax so that beaches in my State could remain free of pollution. Yet that is exactly what may happen, because under S. 1, States would not have to comply with Federal mandates unless we pay them to—or unless I am able to persuade a majority of my colleagues to help my State.

As I examined this bill, I came to the conclusion that, while in concept and principle it is an excellent idea, there are certain national interests that are so important that they ought not to be subject to the S. 1 point of order. I commend the Senator from California, whose always thoughtful review of legislation enables her to have a certain uniqueness about finding that one spot or a place in a bill that really calls out for unique or special attention.

In this case she is absolutely right. These exemptions, such as the one that is being proposed by the Senator from California, include Federal mandates relating to national security, discrimination, and international agreements.

So today, I am trying to help secure support for the amendment of the Senator from California, to add the protections of children, pregnant women, and the frail elderly to the list of vital national interests.

Mr. President, I cannot believe that any of my colleagues would act in a way to endanger the welfare of already vulnerable Americans. Yet, this bill, as it now stands, would do just that.

Mr. President, if we leave Federal environmental laws to the States, we risk a situation where some States will enact much stricter legislation than others and in that situation, by way of example, our Nation's children could be placed at terrible risk. Scientific studies have shown that children, pregnant

women, and the elderly are all particularly vulnerable to environmental threats. The overall incidence of childhood cancer, which induced, frankly, the review of the Superfund statutes that are on our books, has increased 10.8 percent over the last decade. Noting that, the incidence of childhood cancer has increased 10.8 percent over the last decade. Cancer now is the No. 1 disease killer of children from late infancy through early adulthood.

Unlike legislators and regulators, the disease of cancer does not know State lines. If just one State were to loosen its environmental laws, the fallout could lead to even higher rates of childhood cancer, both in that State and throughout the region.

In his State of the Union Address, the President cautioned that we must maintain our sense of responsibility and compassion as we move to trim the Federal Government.

As it now stands, S. 1 would allow States to decide whether or not, on their own, to protect citizens from serious environmental threats. I am concerned that passing this bill in its current form might be neither compassionate nor responsible.

The Federal Government has a moral responsibility to protect American citizens—especially our most sensitive populations—from grave dangers to their health and well-being. We have a moral responsibility to tackle national problems with national solutions. And we have a moral responsibility to make sure that our national environment is habitable and safe.

Later this afternoon, I plan to offer another amendment that addresses concerns not dissimilar to those raised by the Senator from California. My amendment would exempt from the requirements of this bill, legislation seeking to limit exposure to group A carcinogens. In other words, very simply, if a mandate was issued that one State had to rid itself of the emission of carcinogens to protect another State's interest as well as its own, I do not think it is unreasonable to ask that polluting State to pay for it, particularly if the effects, like the wind blowing or currents flowing, would be in another State.

Mr. President, I am particularly sensitized now to the well-being of children, as I expect a phone call any minute from my youngest daughter, who is ready to deliver my second grandchild. It is an exciting time, as all know. Also, it is a daunting one. I want to make sure that my children and your grandchildren, Mr. President—you are young and do not have them yet, but you will get them, God willing—and all the children in this land grow up in a safe healthy environment.

I want to make sure that they can breathe in the air without also breathing in toxins of death, that they can drink the water without imbibing lead, and that they can grow up as healthy, productive adults, free from scars of serious birth defects and childhood diseases. That is why I am here and joining the Senator from California to support this amendment.

It is thoughtful, purposeful, and it belongs in this piece of legislation as an exemption. Otherwise, Mr. President, we are going to be putting the children of America and the elderly at dangerous risk. There is nothing more beautiful, in my mind, than my pregnant daughter. We ought to be concerned about pregnant daughters across the face of this Nation. We all instinctively want to protect and admire that cycle of life.

So, Mr. President, I hope this is an amendment that is going to carry by weight of its value and by the persuasive presentation from the Senator from California.

I yield the floor.

Mrs. BOXER. Mr. President, I understand that the Senator from Texas is prepared. I will only take 1 minute of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 minutes 33 seconds.

Mrs. BOXER. I will take, at maximum, 2 minutes to say to my friend how much I appreciate his coming over here. He has been a stalwart in terms of protecting the environment of the State of New Jersey and the health and safety of all Americans. He just faced the voters in a very tough race, where he stood on that record of environmental strength. And I think the fact that he is out here today supporting this very important amendment—which, I tell my friend from New Jersey, Carol Browner, the head of EPA, supports and has sent us a letter which is on everyone's desk—and the fact that he took the time out of his busy schedule says to me he meant what he said to the people of New Jersey and he is very magnanimous to the Senator from California for helping her.

I want to share a personal note with my friend. I, too, have a daughter who is going to give me, if all goes well, my first grandchild in June. And it is quite an experience to those people who have not had it yet. Your feelings for life and children and future come right to the forefront. What we do here now is going to affect those grandchildren of yours and mine, because if we set up such hurdles that makes it impossible for the Senator from New Jersey to fulfill the pledge he made to his people in his election and impossible for the people to look to me and say, ''Please, BARBARA, you said you want to act to help the young people and elderly in our environment.'' Children who live in Los Angeles have on average 15 percent lower lung capacity than children living in clean air areas. That is wrong.

This bill is a good idea that may well go too far. We are trying to fix this and make it better. I am stunned at my colleagues, that they did not say to me, this is reasonable, let us work it out, let us change two or three words, and let us make your idea part of this bill.

No. No. I have never seen anything like it; vote after vote along partisan lines against amendments that are going to make this bill better. The majority leader said, ''They like this bill. Why are they offering these amendments?''

Because we want to make it better. We did not come here to roll over and play dead because there was an election and somebody has a 100-day contract. You know, my contract with my people goes far past 100 days. It goes to the next generation.

I really believe that the Senator from New Jersey spoke eloquently to that point. I am so proud to have his support, and also have the support of the Senator from Connecticut and the Senators from Washington and Minnesota. I thank them all.

I retain the remainder of my time to close debate at a later point.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I certainly appreciate the concern of the Senator from California about pregnant women and children and the elderly, and the Senator from New Jersey talking about carcinogens.

A vote today against this amendment or against the Senator from New Jersey's amendment does not mean that we are for carcinogens in the water. It does not mean that we do not want to take care of the young children and the elderly. We all want to make sure that our young children and our elderly people who need help have it.

In fact, that is the purpose of the bill. The purpose of the bill is to bring the issue down not to whether we take care of people or not but how do we take care of them? What is the best way to make sure that our children have a future, that our elderly are able to be taken care of, that we do not have carcinogens in the water?

The question is who makes the decision and who pays for it?

What we are saying today is that the Government that is closest to the people should be making those decisions and they should pay for it after they make the decisions.

The whole concept of our Government is that we do not have taxation without representation; that if we are going to have a program whoever decides that we are going to have that program should pay for it. That is the issue today. It is not whether or not we are going to take care of the people in this country who need help.

I am a former State treasurer. I have been a State officeholder. My colleague from Idaho has been the mayor of his city in Idaho, Boise. So I think we have to look at the issue of who can best do this job.

We know the impact of these mandates. We know the tough choices unfunded mandates force States and cities and counties to make. And the issue is, are they going to raise taxes or are they going to cut services, services to the elderly and children? That is the question.

Passage of this bill sends a clear message to our State and local government leaders that have cried to us time after time after time. We want to work with them to reduce the pressures on the taxpayers of America. It will also send a message to them that we intend to return to the proper role of Federal Government.

In my own State, almost one-third of the increase in the State budget over the last 3 years has been the result of unfunded Federal mandates—one-third. It is a stealth tax. The taxpayers of Texas and California and Ohio and Idaho are paying taxes but we do not get the blame for those taxes because it is a stealth tax. It comes from unfunded Federal mandates through the States and local governments. We just cannot afford it anymore. The taxpayers of this country cannot afford it anymore.

Yesterday, I spoke about an amendment and I said these unfunded mandates mean that we may have to increase and have increased the light bill or the water bill or the sewer bill for the very elderly people that the Senator is trying to protect. I think you have to look at the overall picture to determine what the effects are going to be on the people that we are going to try to protect.

Gov. George Bush of Texas, who just got sworn in last week, in his inaugural address said, ''Texans can govern Texas. Thank you very much, Federal Government. We can do it ourselves.''

Well, I am sure Tennesseans can govern Tennessee. I am sure Californians can govern California. They are quite competent to do it. In fact, they are better able to make the decisions, because they would not put a mandate on the local governments to test the water supply for proposed carcinogens that that water supply has never had and will never have because they know what the potential carcinogens are in Boise, ID, or Amarillo, TX, or Memphis, TN. They know better than the Federal Government and they do not need to send their money to Washington to have them launder it through their bureaucracy and send 80 cents on the dollar back. They have figured that out.

So the issue is not are we going to protect the elderly and the children and the working people and the jobs in this country. The issue is how is the best way to do it. And the best way to do it is to pass this bill without amendments that are going to gut it as this amendment will, pass this bill to say to the State and local governments: We are not going to tell you what is best for your locality because we know you can make that decision. We know that you are the best source to determine what the quality of air is and what the priority programs to clean up the air is for your area. And it is different in Los Angeles than it is in El Paso. It is different in Houston than it is in Memphis.

That is why we want to pass this bill, so that the local governments can more efficiently protect the people that we are here to protect, because they can do it best at the government level that is closest to the people and they can determine what the priorities are and they will do it in a much better way than the Federal Government, the bureaucrats that may or may not have ever visited Los Angeles or Memphis. They can do it better.

So that is why I am supporting this bill. And that is why I am very concerned about an amendment that would essentially start to take out segments of the potential mandates because when you do that you are saying, ''We will be able to continue telling you how you will do your business, State government and local governments.''

And I think the people of America understand that. And I think they understand that this is a bill that will fulfill a commitment that we have made to downsize the Federal Government, to go back to our roots, which is State and local governments have all of the responsibilities in the Constitution except those specifically reserved to the Federal Government. Not the opposite. It is not the Federal Government saying we are going to do everything and we will let the States and local governments do a few things that we decide they might be competent to do. The Federal Government did not create the States in this country. The States created the Federal Government. That is the way our Founding Fathers decided to do it because they knew, they knew, that States and local governments were best able to deal with our problems. They knew that we should have a very limited Federal Government. That is what we are trying to return to with this bill.

Thank you, Mr. President. I yield back the remaining time.

Mrs. BOXER. Mr. President, may I inquire as to what the timeframe is on both sides?

The PRESIDING OFFICER. It is 17 minutes and 10 seconds, and 5 minutes and 13 seconds.

Mrs. BOXER. I would be glad to ask the manager if he wishes to retain his time.

Mr. KEMPTHORNE. Mr. President, to the Senator from California, I believe I will use the remaining 5 minutes to make closing comments.

Mrs. BOXER. I say to the Chair, it is my plan to close the debate since it is my amendment, so at this time I would like to take 10 minutes of time. I would like the President to inform me when I have reached that 10-minute timeframe.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I am really glad that the Senator from Texas came over here to talk about her philosophy of government because, really, it goes to my amendment in many ways.

The Senator comes over here and talks about her philosophy of government. I am talking about people, people who are going to be impacted by a bill that is based on an excellent idea. The Senator from Texas talked about how she was in State government. I was in local government. I come out of the grassroots. In my first campaign, I knocked on every door in my county. I lost that one. But I won the second one, 4 years later. And I have won every one since.

The reason I think I won these elections, sometimes unexpectedly, is because I said to the people of my State, ''I will go and fight for you. I will walk hand in hand with the Republicans when I agree with them, but when they go too far, I will fight for you.'' So the Senator from Texas talks about her philosophy of government. I want to talk about the people. I like the idea of looking at costs when we write laws.

I loved S. 993, which the Senator from Idaho wrote in the last Congress. It had very strong bipartisan support. It forces Members to look at the costs. On this chart, it ended over here. It was very doable and workable. And now it has been changed. We have hurdles set up, not only for the bills but for every single amendment. Maybe there are some here who think that everything we do here is bad. I do not think that everything we do here is bad. Some of the things maybe, but there is a lot we do that is good.

I found it interesting that the Senator from Texas says, ''Texans can take care of Texas.'' That was not the case when they had a flood, as I remember it. And I was happy to help her constituents. I say to my colleagues, be careful in your rhetoric. There may be times when you will have floods in the Midwest, tornadoes, storms. There was a horrible one in Tennessee, I remember, after my friend who is in the chair was elected. It was a terrible problem.

I believe that all levels of government should work together. We are not enemies of each other; we are not enemies of each other. We are all in it for the same purpose. Sometimes, it will make sense for the local government to be in complete control of everything that goes on. Sometimes it should be a partnership.

My friend from Texas talked about the founders. If the founders took a look at these charts, they would roll over in their graves. They were very clear thinkers; they were very clear thinkers. Why we want to set up these hurdles on every single U.S. Senator is something I find hard to understand.

That is why I am offering my amendments. I would not have offered the amendments to the former bill because

that bill made sense. This bill goes too far. If there is an outbreak of E-coli in the meat supply, as Senator MURRAY said, she wants to act. If there is cryptosporidium in the water supply, it kills people. Who does it kill? The frail elderly, the children, and it harms the pregnant women and the children they are carrying. All we are saying is: Make another exception. You have made other exceptions in this bill. If we mean that our children are important, make an exception for those children.

Let me read for my friends here from a very important paper, ''Health Effects of Ambient Air Pollution.'' As I understand it, my friend from Texas has a bill that would postpone implementation of the Clean Air Act. What does that mean to one part of my State? It would, in fact, reverse the progress we are making and we would see a continuation of the costs of dirty air approach $9 billion, just in Los Angeles. If we clean up the air, we will save $9 billion. Does that go into this formula? No, it does not. We do not believe that savings is in this.

I also have to say to my friend, she says Texans can govern Texas and Californians can govern California. Of course, we can. There is a role for State government, and there is a role for local government and a role for Federal Government. But I have news for her. We had a Civil War. We decided we were one Nation under God. We are not enemies of one another. I love to work with Governors and State-elected officials and local officials, of which I was one. We are not enemies.

The American people, in a recent poll in the Wall Street Journal, a couple of days old, said it is up to this Government to act to protect the health of the people, the environment; only 9 percent of the people think there is no use for the Environmental Protection Agency. Let me repeat that: Only 9 percent of the people think there is no use for the EPA, the Environmental Protection Agency, and the Environmental Protection Agency supports my amendment. It is unusual for them to send a letter. They sent it on this amendment, because Carol Browner, who comes from the State of Florida, who understands the role of State government, who supports deregulating, says this is an important amendment.

Listen to what the American Lung Association says:

> The young, the old and the chronically ill are usually assumed to be at high risk for many forms of air pollution. Much experience leads us to expect that immature, growing bodies will be highly vulnerable to all sorts of environmental stresses in comparison to healthy adult bodies. A more specific concern is that children breathe more air for a given volume of lung tissue than do adults; likewise, much experience leads us to expect that bodies debilitated by disease (that is the frail elderly) or by the inevitable loss of function with advanced age will be highly vulnerable.

My friend from Mississippi says, ''What do you mean by the frail elderly?'' I tell you, read the American Lung Association. ''* * * bodies debilitated by disease or by the inevitable loss of function with advanced age will be highly vulnerable.''

They cannot put on a pinstriped suit and come in here and take me to lunch and tell me why it is so important to protect them. They just want to be grandmas and grandpas and great grandmas and great grandpas, and live in peace and drink the water, breathe the air, and kiss their great grandchildren, and pass on the family values that are so important to everyone in this Senate. I have yet to hear a Member who did not talk about family values. We better value the family of humanity here in America because if we cannot act with speed, deliberate speed, when there is an outbreak of some poison in the water, some chemical in the water, we are putting those people at risk.

Maybe you will change your mind if it happens to be your mother or your father or your pregnant daughter. I hope we are never in that situation where I have Members coming to the U.S. Senate floor saying: Senator BOXER, you were right; we should have done this. We cannot act. We are tied up in knots. I cannot even offer an amendment.

Why are we here? We are not here to please Governors. We are not here to just deal with the process.

That is why I like last year's bill. It was sensible, it was sound. It treated us like grownups. Let us get a cost estimate. If we do not have it, there is a point of order against the bill and we have to stand up and be counted if we, in fact, pass a law that costs some money.

By the way, I am very willing to put the money behind anything I believe in. I think that is the right way to be. I think we should move in that direction, but to tie us up in knots?

By the way, I also have to make a point here. In the committee, I say to my friends, I offered a sunset amendment. I said, ''Look, this may be a great bill, but let's analyze it in a few years.'' They said, ''Oh, no, no, no, we do not want to do that.''

I said, ''OK, I'll offer an amendment for 3 years,'' and then I sunsetted it at 5 years, then I sunsetted it out in 2002. No, Republican party-line straight vote, no sunset.

So when I hear my friend say, ''If this doesn't work, we'll change it,'' I think it is a little disingenuous because we offered a sunset provision out as far as 7 years and could not get a Republican vote.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I yield the floor and reserve the remainder of my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, will you please notify me when I have spoken for 4 minutes?

I just came from a press conference. That is why I had to leave for a few minutes. At that press conference, we had mayors from around the country. We had Victor Ashe, from Knoxville, TN. We had Greg Lashutka, who is Senator GLENN's mayor, from Columbus, OH; Rich Daley, the mayor of Chicago—all of them in strong support.

The press conference was to announce strong support for S. 1 and the fact they appreciated S. 1 has as its core S. 993. But that we have taken a good step forward. That is what S. 1 is.

At any point during this process, if you truly have an emergency situation, you can seek a waiver. These points of order are not self-executing either, Mr. President. Someone will have to raise that point of order, and if you truly have some true national emergency, I really do not perceive someone is going to try to stop the process of dealing with it.

I do not want the Senator to feel that those who may oppose the language of her amendment are against in any way the elderly and children. I appreciate the sensitivity by which she has addressed the issue of the elderly and the children.

I have said many times that S. 1 is a carefully balanced bill. It is a bill that has bipartisan support because we have addressed these issues. A number of Senators have expressed concern that exemptions need to be added to the limited few that are in S. 1. But I do not share that view and for a number of reasons.

First, remember this is a bill that is prospective in nature. It only applies to new mandates contained in legislation considered in Congress after next year. So it is impossible that this bill would harm the current environment, public health, and safety.

S. 1 is a process bill. It reforms the process by which Congress considers legislation imposing mandates. It is a process bill for making better decisions in the future about issues that affect State and local governments and the private sector. So nothing in this bill affects in any way the current health, job safety, or the environment of any citizen.

Let me emphasize a provision in this bill that directs committees to report on the costs and benefits on health and safety and protection of the natural environment. We will have more information to make better decisions. S. 1 is not a ban on mandates. As the sponsor of this bill, I may well vote to waive this point of order sometime in the future.

With respect to the issue of the elderly and children, let me mention what I think is quite straightforward. State and local officials, more than Congress, work on these issues hands on. These are the real world day-to-day facts of life that State and local officials care about. They want clean water, clean

air, safe working conditions just as we do. They want to care for their neighbors, their elderly and those who need help.

Unfunded mandates, unfortunately, keep State and local officials from taking meaningful action to improve public health and safety. Examples of that are boundless and have often been cited on the Senate floor.

The reason why unfunded mandates are counterproductive is simple: States and cities have to use discretionary dollars that would have been spent on other programs to pay for mandates. States and cities have fixed costs that they must pay. They have to pay for sewers and roads and police and fire.

I noted with keen interest the comments made by the other distinguished Senator from California, Senator FEINSTEIN, when we began debate on this bill. And she said, and I quote:

> Let us take Los Angeles County. To meet Federal mandates and still balance its budget, the County of Los Angeles has to curtail significantly other programs. For example, this year—

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. KEMPTHORNE. Thank you, Mr. President.

> For example, this year, Los Angeles County employees would have to forgo cost-of-living and other wage adjustments, and aid to indigents will be substantially reduced. Several libraries are being closed * * *. Recipients of welfare and public health services will face longer waits due to minimal county staff.

Let me read a quote from the National School Board Association, President Boyd Boehlge:

> The very children Congress is trying to protect are the ones who are hurt most often by proliferation of unfunded mandates.

To accept further some unfunded mandates to the process or exemptions in S. 1 seems it could lead to the imposition of more unfunded mandates in the future. It is a process so that we can have these discussions. This is where those discussions should take place, recognizing that we do have State and local officials who realize their responsibility and are looking for a partnership instead of just dictates from their Federal Government.

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

The PRESIDING OFFICER. Five seconds. The Senator's time has expired.

Mr. KEMPTHORNE. Mr. President, I yield back the remainder of my time.

Mrs. BOXER. Mr. President, how much time do I have to close?

The PRESIDING OFFICER. You have 6 minutes 14 seconds.

Mrs. BOXER. Thank you, Mr. President. I am going to close debate at this point. I want to thank my colleagues on both sides of the aisle who participated in this debate. I think this was a very important debate, and I think the vote is very important as well.

I want to say to my friend from Idaho that, again, he talks about how the mayors want this. My mayors like the impact of this as well, but when I met with them and I explained the amendment that I had offered, they did not object to what I am trying to do. They understand that we have to be reasonable people.

My friend says, ''Oh, its real easy, you come to the floor and you just get everything waived and everything works fine.'' I say to my friend from Idaho, the author of this bill, that if it is so easy, why does he have any exemptions whatsoever? I think it is a very important point that he address in his own mind. If this is such a straightforward bill, if any Senator can get on this floor and say, ''Look, this is so important, I want a waiver,'' why does he have any exemptions in this bill? And he does have exemptions in this bill. It currently shields constitutional rights, discrimination, national security, and implementation of international agreements such as NAFTA.

Now let me say something. It shields international agreements, such as NAFTA.

What about children? Are our American children as important as an international agreement such as NAFTA? Are our pregnant women as important as an international agreement such as NAFTA? I think so. If there were no exemptions in this bill, I think that the manager of the bill would be intellectually correct when he says it is easy; any Senator can get a waiver. Then why did he put exceptions in the bill? And why does he oppose our adding a very narrow group of people who cannot come here and lobby, of people who do not have a powerful voice but are the most vulnerable of populations?

Now, I read to you before that the lung association feels very strongly that children are very vulnerable to chemicals, to pesticides, and to other things in the environment that harm them more than they harm adults.

Right now, when our agencies set limits on chemicals and pesticides, they use a healthy 170-pound man as their model. But now we know that children are more vulnerable than a 170-pound man, that the frail elderly are more vulnerable than a 170-pound man, and certainly a child who is 5 years old or less is vulnerable and they are getting cancers in greater numbers. And we are setting up hurdles here that my friend from Idaho says is just a process. It is just a process.

Well, we know what process means around here. We had enough filibusters from the other side last year. We know what happens to bills when there is a process. The bills die. So therefore when we have a process bill that sets up all this bureaucracy, we have to say to ourselves, well, wait a minute, there are some people in our society that really should not be impacted by this process, by endless chitchat, by unelected officials in the CBO and the parliamentarians.

I say to them, I think you are great, but the people of California did not elect you to decide whether my amendment would get to the floor without a point of order. They want me to be able to offer my amendment. If I can persuade the people here, fine. If I lose the fight, at least I waged it. They do not want me stopped by process. If I am stopped by substance, that is fine. That is why we want to add to the exceptions this very narrow group.

Now, listen to what is stated in this book. I told you before, I lost one of my constituents to cancer, a little girl, Colette Chuda, and her parents are working very hard so that other little babies, our children, our grandchildren, do not have the same fate, and they funded an environmental study. I wish to quote from it in part.

> An estimated 8,000 children under the age of 15 are diagnosed with cancer in the United States each year. Brain cancer and leukemia are the most common childhood cancers.

My friends, I want to tell you right now as we speak I have two friends in the House of Representatives, one who has a little tiny baby with brain cancer and the other who has a youngster about 19, or in his 20's, with leukemia; perfectly beautiful children.

> Incidence rates have increased for the majority of these malignancies with the greatest reported increases occurring for acute lymphatic leukemia and brain cancer.

These are the biggest increases. You can talk about mayors; you can talk about Governors; you can talk about a contract. I admire you. I am talking about kids. I do not want to get them caught up in this maze. You did not have it last year, but you have it this year.

The PRESIDING OFFICER. All time on the amendment has expired.

Mrs. BOXER. I hope you will join with me and vote for this amendment.

I yield back the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I appreciate the arguments made by the Senator from California.

I move to table her 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.

Mr. KEMPTHORNE. Also, Mr. President, I ask unanimous consent that when the Senate turns to amendment No. 187, it be considered and debated along with No. 188; that there be 30 minutes total equally divided in the usual form for debate on both amendments; that no amendments be in order to either amendment; and that following the conclusion or yielding back of time the majority manager or his designee be recognized to move to table amendment No. 187.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. No objection.

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

Mr. KEMPTHORNE. Also, Mr. President, I ask unanimous consent that following the disposition of amendment No. 188, the Senate resume consideration of the Graham amendment No. 183; that there be 10 minutes for debate to be equally divided in the usual form, and that no second degree amendments be in order to amendment No. 183, and that following the conclusion or yielding back of time the Senate proceed to vote on the Graham amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. No objection.

Mr. GRAHAM. Mr. President, reserving the right to object, and I shall not, I just wanted to clarify, there will be agreed-upon substitute language offered for No. 183, and I wanted to clarify that the managers understand that and that will not be inconsistent with the prohibition on second-degree amendments.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I say to the Senator from Florida, I am not sure I have seen the modified language.

Mr. GRAHAM. I think the Senator's staff has seen the modification.

Mr. KEMPTHORNE. All right. Mr. President, then I would vitiate my unanimous-consent request with regard to the Graham amendment until I am sure I have seen the language.

The PRESIDING OFFICER. The request is withdrawn.

VOTE ON MOTION TO TABLE AMENDMENT NO. 202

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

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 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.''

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—55

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Chafee	Hatfield	Roth
Coats	Helms	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kerrey	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Exon	Lugar	
Faircloth	Mack	

NAYS—44

Akaka	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Campbell	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Feingold	Levin	

NOT VOTING—1

Simpson

So the motion to table the amendment (No. 202) 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.

AMENDMENT NO. 173

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that we vitiate the yeas and nays on the next Levin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not object. I just want to be certain about this. I do support vitiating the yeas and nays and then we would proceed to the consideration of the amendment, is the Senator correct?

The PRESIDING OFFICER. That is the order.

Without objection, the yeas and nays are vitiated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 173) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 183, AS MODIFIED

Mr. GRAHAM. Mr. President, I send a modification to the desk on my amendment No. 183.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 183), as modified, is as follows:

On page 16, between lines 7 and 8, insert the following:

''(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of state, local, and tribal government.

Mr. GRAHAM. I ask unanimous consent that there be 10 minutes of debate, equally divided, on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, as modified, the amendment has been reviewed by both managers, and I believe it will be accepted. I will not ask for a rollcall vote on this amendment.

Mr. President, this amendment, I believe, closes the loop to the extent possible on an issue within this bill. A fundamental purpose of this bill is to identify mandates which the Federal Government might, at a future date, be proposing to impose upon States, local governments, or tribal governments, and then as the preferred option, to have the Federal Government pay the cost of those mandates.

This amendment goes to the issue of how that appropriation to fund the mandate will then be allocated back to the States, local governments, or tribal governments, which had created the need for that funding in the first instance because they were the object of the mandate. There are at least two issues which I believe this amendment will deal with. One is the issue of where the mandate is imposed on a particular level of government. For instance, a mandate is imposed on school districts because of requirements made to them that relate to the educational or noneducational activities that are conducted by schools. If school districts are the level of government upon which the mandate falls, then school districts should be the level of government that receives the funds which we appropriate for the purpose of alleviating the financial impact on that unit of government of the mandate which we have imposed. A commonsense approach.

Second is the distribution among units of government. We know that from time to time we will impose mandates that are not uniform across the country. They may be mandates that relate, peculiarly, for instance, to border States that have immigration problems, northern States that have heating problems, States that have specialized geological problems, such as those that would relate to earthquakes. There should be a connection between the distribution of funds and where the mandate falls.

So this amendment states that if a mandate is funded in whole or in part, then the committee which has the responsibility for that particular legislation will contain in its final report a statement of whether the committee chose to allocate the money in a relationship to where the need was. They might indicate that they did not do so because of a deficiency of data upon which to make that judgment, or because they felt that the Congressional Budget Office's assessment of the locus of the need was irrational and, therefore, for good and sufficient reasons, adopted a different approach. Or should they have adopted the approach which the Congressional Budget Office utilized, how the committee has created a mechanism to allocate the funding in a

manner which is reasonably consistent with the expected direct cost among and between the respective levels of State, local, and tribal government.

So, in summary, Mr. President, the purpose of this amendment is to link the mandate and the cost of that mandate to the method by which Federal funds will be allocated. I fear that if we do not have that linkage, we are going to end up with a school district—to use my first analogy—which had a mandate that costs that school district a million dollars, but because funds were not distributed in a manner consistent with how the need was assessed, they might only receive a fraction of that million dollars. So while we can say we funded the mandate on a global basis, as it relates to that school district, they are still carrying a heavy burden of an unfunded mandate.

I yield the remainder of my time.

Mr. KEMPTHORNE. Mr. President, I commend the Senator from Florida for his comments and for his diligence in working through the amendment which he has offered. I think his experience both as a former Governor and as a Senator has been very helpful in getting to this point.

On behalf of our side, I certainly will accept this amendment.

Mr. GLENN. Mr. President, I, too, want to accept on behalf of our side this amendment. I think the Senator from Florida has made a very good point here. He is fleshing out some of the things that needed to be spelled out better in this language. I compliment him on that. One of the things we want to make certain is that this is a workable document when it passes. He is addressing that problem. So we are happy to accept this on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 183), as modified, was agreed to.

Mr. KEMPTHORNE. 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.

Mr. WARNER. Mr. President, I am pleased to rise as an original cosponsor of S. 1, the Unfunded Mandate Reform Act of 1995. As a long-time supporter and cosponsor of related legislation in the previous session of Congress, I welcome the leadership of the majority leader, Senator DOLE, and the bill's very able manager, Senator KEMPTHORNE, for bringing S. 1 before the Senate so expeditiously.

In addition to unduly burdening our local governments, Congress, in its Big Brother role, often ignores States' rights in determining what is best for the States. It also demands that the States figure out how to pay for those unwanted mandates.

In the last Congress, officials in my own State of Virginia made a clear case concerning the enormous burden of unfunded mandates. Virginia's finance committee staff conducted a review on Federal mandates and the burdens they exact. I would like to share some of those findings with my colleagues today.

While Federal mandates are in general the result of well-intentioned congressional action, State governments are all too often left holding the bag. Virginia views the pervasive Federal influence on its budget as a two-edged sword: Federal restrictions on the use of funds hamstring the Commonwealth's ability to determine spending priorities or respond to changing economic conditions.

In the Commonwealth of Virginia, at least 20 percent of the State budget is either driven, defined, or constrained by Federal laws, regulations, or Federal agency decisions. And, bear in mind, this is a conservative estimate—it does not take into account the impact of laws for which no systematic survey has been done.

Let's take a look at the ways in which the Federal Government impacts the Commonwealth of Virginia's ability to set budget priorities.

Recently, the Virginia Department of Environmental Quality estimated that it will cost local governments at least $1.8 billion over the next 20 years to build the waste management facilities that comply with Federal requirements. In addition to solid waste, the department has estimated that local governments will need at least $4.2 billion over the same period to construct new facilities or upgrade existing ones to satisfy the requirements of the Clean Water Act. And that's not the end of the crunch. The Safe Drinking Water Act will cost localities some $2 billion by the year 2000. Together, those mandates will demand approximately $700 million per year from local governments.

In Virginia, the greater Lynchburg area has a population of 165,000. Studies conducted by the Virginia Department of Environmental Quality indicated that the combined sewer overflow requirements of the Clean Water Act for this area will cost an estimated $200 million. The city of Richmond is similarly impacted.

According to a recent survey conducted by the Virginia Municipal League of Cities, the city of Danville, population 55,000, will be required to spend an estimated $1,058,000 to comply with the Safe Drinking Water Act for fiscal year 1995. Included in that estimate are monitoring costs, capital costs, and operation and maintenance costs for surface water treatment, lead and copper regulation, the total coliform rule, the fluoride rule, and standards under the national primary drinking water regulations.

ISTEA, section 1038 imposes a mandate to use waste tires—crumb rubber—in hot mix asphalt [HMA] and it will require Virginia to use approximately 4 million pounds of crumb rubber in 1997 and beyond. The average cost of hot mix asphalt in Virginia is about $27 per ton; the mandate to use crumb rubber will elevate the cost to approximately $55 per ton. And, while the requirement will use only 4 percent of the waste tires generated in Virginia, it will impose an annual cost of $6 million.

In addition to must do, no Federal funds, the infamous unfunded mandates, there are may do, must match and may do, must maintain programs, including education and health-related programs such vocational training, substance abuse and mental health block grants. These problems are largely voluntary, but Virginia participates wherever it can.

Finally we have may do, no match, which are largely grants—but Federal funds used for these programs may not supplant general funds provided for similar purposes.

And it is important to note that, unlike the Federal Government, Virginia has no choice but to balance its budget. Congressional good will and benevolence often translates into unexpected and unfunded burdens.

Two areas in which Virginia is constantly challenged are education and health care.

The Education for All Handicapped Children Act, passed in 1974 to mainstream special education students in public schools, was a vastly ambitious undertaking. Congress committed itself to providing 40 percent of total program cost. In reality, during fiscal year 1993, the Federal Government provided less than 8 percent of the funding necessary to fully meet the mandate.

The jointly funded Medicaid Program presents a particular dilemma for my State. Because of the relative affluence of Virginia, the Commonwealth must provide 50 percent of program costs. But Congress determines minimum eligibility standards for Medicaid recipients, as well as the level of required service. While certainly well intentioned, congressional expansion of Medicaid is projected to cost Virginia more than $300 million over the next 2 years alone.

Virginia must also foot 50 percent of the bill for Aid to Families with Dependent Children [AFDC], and State costs should be close to $115 million per year over the 1994–96 biennium.

Unfortunately, the Federal Government continually uses its own fiscal problems to impose additional mandates on the States. There seem to be few, if any, incentives for Congress to halt the trend: mandates are almost magical, allowing Congress to fund costly programs without raising taxes or cutting other services.

Federal mandates continue to proliferate. In the 102d Congress, 15 bills were passed with mandates; the 103d had over 100 bills which include such edicts.

Several new mandates loom. For example, the Motor-Voter Act, which is expected to cost over $100 million in the next 5 years nationwide. I opposed

the National Registration Act of 1993 and have cosponsored S. 91, to delay its implementation and put the brakes on a project for which there is no money in the pot.

Recognizing the unbearable burdens imposed by unfunded mandates is not enough. We must take steps to require the Federal Government to either shoulder its share of the burden or relieve the States from theirs. The measure before us seeks to accomplish this by requiring either full funding for costly new mandates or scaling them down commensurate with the level of available resources.

This is reasonable, rational policy which will not only be welcomed by the State and local governments—it will also provide Congress with a better, more structured framework in which to design new laws.

Mr. President, I urge my colleagues to give S. 1 the broadest possible support and move the bill towards final passage.

AMENDMENTS NOS. 187 AND 188

Mrs. MURRAY. Mr. President, I ask unanimous consent to proceed en bloc to amendments numbered 187 and 188.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes amendments en bloc numbered 187 and 188.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

(The text of the amendments are printed in the RECORD of January 24, 1995, under ''Amendments Submitted.'')

Mrs. MURRAY. Mr. President, I rise this afternoon to discuss amendments I have filed on S. 1. I came to the floor last week to raise questions about the possible unintended consequences of this bill. I am not certain all my concerns have been addressed, so I want to talk about them a little more today.

My first amendment proposes that nuclear waste cleanup by the Department of Energy be exempted from S. 1. I filed this amendment because I am very concerned about the implications of this bill for cleanup of former weapons facilities that now pose environmental cleanup challenges.

Mr. President, Hanford Nuclear Reservation is in my State. It has nine shut-down reactors on the Columbia River. It has four processing plants. It has 177 nuclear waste tanks, 45 of which may be leaking. It has numerous waste dumps scattered around the facility. Of all our pollution problems, nuclear weapons plants like Hanford pose the greatest dangers to the environment. They have the greatest potential threats to human health and safety.

Mr. President, we won the cold war at this site. Now the bill is due; cleaning up Hanford is serious business. For the community; for the region; and for the country.

As many of our colleagues know, there is a process underway at Hanford—and many other DOE facilities—that governs the cleanup schedule. In Washington State, that process is embodied in the tri-party agreement between DOE, the State, and EPA. As a coordinating tool, this agreement works pretty well. It ensures everyone has a seat at the table. It sets cleanup goals. It emphasizes economic transition for the community. It gives people in my State access to DOE decisionmakers.

In reality, there are no unfunded mandates at Hanford. It is safe to say my State issues—and enforces—the largest hazardous waste permit in the world using voluntary authority under RCRA. For these activities, the State levies a tax on low-level waste producers. For its responsibilities under the Superfund law, Washington receives direct funding from DOE.

But these laws—RCRA, CERCLA, Federal Facilities Compliance Act, and others—do contain some mandates. And some day, Congress must act to reauthorize them. What happens if we reauthorize RCRA? If S. 1 is enacted, even the most modest changes in current law could unravel the triparty agreement. As I understand it, this would be possible because the occupant of the chair—or some bureaucrat at CBO—would have the power to:

Bring Senate action to a halt over a point of order; and

Force all kinds of studies and delay that would only confuse the cleanup situation.

What would happen if CBO intervention stalled consideration of the reauthorization, and the law lapsed? Would the Hanford permit expire, and the cleanup stall?

The people of Washington State do not want some unelected CBO bureaucrat arbitrarily deciding the pace of Hanford cleanup in the context of a budget point-of-order on the Senate floor.

My amendment is simple. It exempts nuclear waste cleanup from the procedures in S. 1, from points-of-order, from CBO review, and from any procedural wrangling that might jeopardize the orderly process of cleanup—for any reason. When we act to reauthorize RCRA, I want to be able to tell people in Washington State that we will have a law on the books to support cleanup. When we push through a reconciliation, or an appropriations bill, I want my constituents to know their interests will not fall victim to vagaries in new Senate debating procedures.

I offered this amendment for one simple reason: Some things are too important to subject to a new set of debating rules that we do not know will function as ordered. The bill acknowledges this in section 4, where it excludes a series of critically important areas of Federal law. It exempts civil rights and nondiscrimination laws. It exempts national security. It exempts emergency relief. These things are critical to the national well-being, and therefore kept out of S. 1.

Why not add to this list our most serious environmental challenges? It would seem to me a sensible precaution.

Mr. President, yesterday, the Senator from New Mexico [Senator BINGAMAN] offered an amendment very similar to mine. I want to thank him and commend him for bringing this very important issue to our colleagues' attention. He knows a tremendous amount about these issues.

Unfortunately, the Senate defeated his amendment, in spite of the very strong arguments he made. It is clear, therefore, my amendment will probably meet a similar fate.

I was disappointed to see the result of last night's vote on Senator BINGAMAN's amendment. He was raising very real questions about important, sensitive, high-risk areas of Federal law. Both his amendment and mine point out the potential uncertainties in imposing an arbitrary new set of debating rules on the U.S. Senate.

At the very least, I am hoping the managers of this bill can provide some clarification of their intentions vis-a-vis defense waste cleanup. I will pose these questions, and then yield the floor in hopes of getting some answers that will allay the concerns of people in my State.

First, do the managers intend that S. 1 have any adverse effects on DOE waste cleanup efforts, and the ability of affected States and communities to participate therein?

Second, do the managers contemplate that S. 1 will lead to the change, repeal, or substantive alteration of any current law that enables DOE cleanup to move forward?

Finally, do the managers believe that consideration of current or prospective mandates pending on the Senate floor should delay consideration provisions in the same bills affecting DOE waste cleanup programs?

I assume no such onerous consequences are intended by the managers. But I do not see it written anywhere, and I would like to have verbal clarification of those issues.

Mr. President, I will conclude by saying the basic idea of S. 1 is good: That the Federal Government ought to help make Federal laws easier and less costly to implement. I support this basic idea, and I want to work with the managers to pass a good bill. But, like so many other broad-brush solutions we are hearing about these days, it is not as simple as it sounds. I look forward to hearing the answer to those questions and I reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not speak for the managers in response to the questions the Senator asks, but

I might ask her to clarify a little further for me why anything has to be exempted here. We have an agreement, is that not right, that exists now?

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I think the manager yielded me time. I apologize.

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Maybe the Senator could explain to me, if you have an agreement out there now, how do you see this bill affecting that agreement? There is nothing in this bill that says this bill calls the agreement to be vitiated, canceled, or changed.

Mrs. MURRAY. I thank the Senator for his question. My question to the managers on this bill is if they see anything in this bill that would cause consideration for us and we do have to reauthorize RCRA, CERCLA, other bills coming up in the future, if at that time a bill has both mandates in it and nonmandates in it and the mandates cause the bill to be stalled in any way because we are waiting for something back from CBO, how will this affect cleanup efforts such as exist in my State and others?

Mr. DOMENICI. Well, they exist in my State also at a different level.

But I would just say to the managers of the bill and in particular the manager on our side of the bill, but I have spoken with Senator GLENN also, it seems to me we cannot say that any agreement predicated upon the laws of RCRA or any other environmental laws, that if those are changed in the future, we will hold anything exempt from it. That is future activities, to future agreements and understandings, but if RCRA is deemed to need reauthorization, we surely could not predict for the State of Washington, the State of Oregon, the State of New Mexico, many States that have DOD and DOE cleanup based on standards, we cannot say it will not have any effect on those. That is my position.

I hope the managers would say we are not exempting anything yet under this agreement or this bill. I do not think we should exempt things we do not even understand. I leave that up to the managers. I would surely recommend we not accept the amendment, and if the Senator desires that we have a clear exception for her State, that she work with the managers in some other way, but not exempt entire situations such as this, that we do not understand. We do not know the consequences of changing RCRA on your State or any other State. I yield back the remaining time.

Mr. KEMPTHORNE. Mr. President, I yield myself 4 minutes.

Mr. President, I would like to respond to the questions that were posed. Do the managers intend that Senate bill 1 have adverse effects on DOE waste cleanup efforts and the ability of affected States to participate therein?

No, I have no intention, whatever, that this would have any adverse affects on DOE waste cleanup.

I say that, Mr. President, as a resolution of the State of Idaho, which also has significant DOE waste cleanup problems. So I would not be an advocate that in any way would adversely affect DOE getting on with the cleanup of Hanford, for example, or projects in the State of Idaho.

The second question that was asked, do you contemplate that Senate bill 1 will lead to the change, repeal or substantial alteration of current law that enables DOE cleanup to move forward? No, Senate bill 1 will not lead to that. Senate bill 1 is simply a process. It would be a different motivation. Senate bill 1 also is prospective so that those mandates that are on the books now, even under reauthorization, those that are currently on the books would not come under the process of Senate bill 1. Any changes to that, to those mandates, yes, they potentially would be subject to Senate bill 1 and then we would have to go through the process. But, no, S. 1 would not be the impetus to cause that to happen.

On the third point, I am not sure that I understand it so I would be more than happy to have our respective staffs get together and discuss that. Again, I understand your concerns with the Hanford facility. I have concerns with similar situations in the State of Idaho.

I yield to my colleague from Ohio 2 minutes.

Mr. GLENN. Mr. President, I would respond in much the same way. There was this in here, nothing in S. 1, that gives anyone any authority to go change any agreement that is in affect. It could not be interpreted that way to the best of my knowledge.

In the amendment that was proposed by the Senator, the provisions of this act and the provisions made in this act shall not apply to any agreement between the Federal Government, State and local tribal for the environment restoration and waste management.

Nothing in here could change, nothing does change, nor could it change any agreement that is in effect right now. I hope that takes care of concerns.

The cleanup efforts which the Senator from Idaho mentioned just a moment ago, that it would not affect cleanup efforts, is a little bit different than the agreements that were specifically addressed. Cleanup efforts are something that are going on under those agreements, slightly different. But this would not change either the level of cleanup efforts that are provided for by other budgeting and other laws, nor would it change any agreements between the Federal Government, State, local, or tribal governments which the Senator is addressing.

I want to compliment the Senator for looking at this. I know the problems in the State of Washington. Hanford is one of if not the very largest problem areas we have in the way of nuclear cleanup. I have been involved with that ever since 1985 when we started some of the studies at Fernald in Ohio, some of the difficulties in the nuclear weapons plants all over the country and wound up with some 17 different sites in 11 different States of which Hanford is one of the most important sites. It has more problems there for environmental restoration than almost any other site in the country. Many, many, billions of dollars.

I would only add since the cleanup effort was mentioned here, when we first started this back in 1985 and had the first surveys run of all the 17 sites all over the country, it was indicated by the Department of Energy that they thought we could probably clean these up at an expenditure of $8 billion to $12 billion.

Unfortunately, we have taken a new look at this whole thing. It has gone up and up and up, and the current estimate is right around $300 billion over a 20- to 30-year period to do the cleanup that is necessary. And the major place that will need cleanup is in the State of Washington at Hanford. I compliment the Senator for looking out for this and would not want to do anything that would mean we would have lesser expenditures or anything in that legislation would change the agreements that are in existence now between the Federal Government, State, and local governments in that area.

I think, that we have addressed in this colloquy the concerns that the Senator from Washington had. I yield the floor.

Mrs. MURRAY. Mr. President, I thank the managers of the bill for their responses to these questions and for their obvious concern for continuing cleanup at the Hanford site in my State. It is, indeed, a deep concern to the people of the State of Washington that we do this. We built this facility, used it for a national purpose, and we want to be assured that it is going to continue to be cleaned up and share your concerns about the costs. But we want to know that we are not going to be at some point unable to continue that cleanup. I appreciate your concerns.

I understand the managers are willing to prepare a colloquy for the record to respond to my questions, to protect cleanup at Hanford. I will be prepared to withdraw this amendment after I speak to my other amendment.

Mr. KEMPTHORNE. Mr. President, I would yield myself 1 minute. In responding to my friend from Washington, not only are we neighboring States, but the concerns that the Senator just expressed, again, echo many of the concerns that we in Idaho have.

I think on this nuclear issue in the future, nuclear waste, et cetera, there ought to be an opportunity for these Senators to begin to forge a partnership to deal with this issue. So I would

look forward to that opportunity because I think we understand one another.

Mrs. MURRAY. Mr. President, I thank the Senator from Idaho, and I look forward to working with the Senator on this very important issue.

Mr. President, I will continue speaking to my second amendment, I want to be assured as we go through this debate that we will not be creating a big, new, powerful bureaucracy at the Congressional Budget Office. Mr. President, I believe that most of my concerns were addressed through the adoption of the Levin amendment and through the defeat of the committee amendment that would have severely curtailed the Budget Committee's role in this process.

In order to make sure that all my concerns have been thoroughly understood, I do want to make a statement now about what those concerns are. Mr. President, I am troubled by the fact that S. 1 might give CBO tremendous new powers to dictate the Senate's legislative agenda. I have listened very carefully to the debate on this bill and I think it is fair to say that we all agree it is our responsibility, our responsibility as legislators, to act carefully as we set policy for the people we represent.

I would like to support a bill on unfunded mandates that is reasonable and reflects common sense. Mr. President, before the adoption of the Levin amendment and several others, this bill went too far. The people of this country should understand exactly what this bill does. Everyone of us here in this Chamber, everyone of the people in the galleries, everyone watching us on C-Span, and everyone in this country has to realize that this bill will create a new bureaucracy at the Congressional Budget Office. It will have wide-ranging powers.

The staff of that huge new bureaucracy will not be elected by anyone. They will not be accountable to the American taxpayers but they will have enormous power to control this legislative process. They can bring Senate debate to a halt on amendments or a bill or even dictate legislative schedule.

This vast new power should give everyone of us pause. That is why I asked outgoing CBO Director Robert Reischauer about this this morning at the hearing in the Budget Committee. Dr. Reischauer is a fair man, a fine public servant. So I asked him how this bill will affect the operations of CBO. I asked him how the CBO would prioritize requests for cost estimates that will come from the Senate and from the other body. Dr. Reischauer responded that the Congressional Budget Office staff was working ''flat out''—those are his words, not mine—trying to fulfill their obligations to the Congress at this point.

Dr. Reischauer said that the CBO would need more resources if we enact this bill. Then, Mr. President, I repeated my question about prioritizing requests. I asked the Director how he would decide which mandate to estimate first. His reply, frankly, troubled me. He said the CBO would rely on the guidance of the bipartisan leadership of the Congress to decide which one to do first. And then he added that the CBO has tried that approach with the health care debate last year, and it was a failure. That should concern every one of us in this country.

Dr. Reischauer's response has raised even more questions in my mind, questions like: If I offer an amendment that does not have a CBO cost statement, what happens?

If a point of order is raised against my amendment, is my understanding correct that the procedure is for the Parliamentarian immediately to seek the advice of the Budget Committee on the cost statement?

Am I further correct that the Budget Committee will turn to CBO for its advice on the cost estimate?

Of particular importance to me is what sort of timeframe is provided for these cost statements?

Does the bill provide for any time limits on the Budget Committee and CBO's preparation of cost statements?

If the bill does not impose any time limits on the Budget Committee and, more importantly, CBO, what does the manager envision as reasonable time limits for this work?

How long does the manager envision the process taking?

How long, for example, does the Budget Committee have to get a reply from CBO?

How long does CBO have to reply?

More importantly, what happens while the Budget Committee and CBO are trying to prepare a cost statement? Is my amendment laid aside? For how long? Does the Senate keep working on underlying bills? If so, for how long?

Mr. President, I want to be able to assure my friends and neighbors that this bill will not take away their voice in setting priorities of the issues this body considers. They do not want unelected bureaucrats to determine which bills or which amendments will be brought up on this floor.

For example, the people of my State may feel that education reform should be Congress' top priority. But if the CBO analysts over in the office do not work on that bill, if they do not score it, Congress cannot consider it. The people of my State or your State, Mr. President, might want Congress to consider safeguards for school buses so they know their kids are safe riding on those buses to school everyday. But the bureaucrats at CBO might say, ''Tough, I'm too busy; I don't want to score the bill for''—this Senator or that Senator. I have not gotten any guidance on that one.

The people of my State want to know that no matter where they go in this country, they do not have to worry about E. coli, but the budget bureaucrats can say, ''Sorry, Senator MURRAY, we don't have time to score that amendment of yours which deals with a public health emergency.''

I do believe we need reform. I believe Congress should be honest and up front with the American taxpayers about the cost of the laws it passes. But I do not believe that we should be creating new bureaucracies or putting American families in jeopardy.

Mr. President, it is my hope that the Levin amendment will go far in addressing some of the concerns I have raised, but I also hope that we are all taking into account this new bureaucracy that will emerge as a result of this legislation.

I thank the Chair, and I reserve the remainder of my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

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

The PRESIDING OFFICER. Six minutes remaining.

Mr. KEMPTHORNE. Mr. President, I would like to respond to some of the points raised by the Senator from Washington.

In this bill, we provide for additional funds to the Congressional Budget Office, knowing that we are giving them more assignments in the future to carry out.

Also, I will point out that the Commission that dealt with the staffing levels of the different committees that was headed by Senator DOMENICI and Senator MACK, at the very outset, we made sure that they knew there would be these new requirements on the Congressional Budget Office and, therefore, when they considered cuts across the board, that that is one area we had flagged for them.

Also, in determining the amount of money that we included in this legislation, that was done through the Budget Committee in continual consultation with the Congressional Budget Office, so they provided us the funds. That dollar amount came from the Congressional Budget Office as to what they felt was necessary in order to accomplish the requests and the requirements that we would put on them.

I appreciate the concern and the aspect about trying to bring about great efficiency for Congress, but I am afraid that the amendment offered may improve the efficiency, but it would make it much easier for Congress to go ahead and inadvertently impose mandates on States and cities.

The amendment says that if cost estimates are not available within 1 week for committee bills, the point of order does not lie against the bill. In other words, delay for whatever reason by CBO will moot the relief States and cities need from unfunded Federal mandates. If CBO needs time to do a good estimate, then there would be no estimate at all.

I think in this case it is better to inconvenience Congress than to impose

mandates on States and cities that taxpayers must pay.

Mr. President, I reserve the remainder of my time, because the chairman of the Budget Committee was here and was going to respond to some of the specifics that the Senator had. He is not here at the moment. So, again, we reserve the remainder of our time.

Mr. LEVIN. Mr. President, I am wondering if the manager will yield for a question. I am afraid it will have to be on his time because I do not know if I can use the time of the Senator from Ohio, relative to this amendment. If the Senator will yield.

Mr. KEMPTHORNE. Yes, I yield.

Mr. LEVIN. Is it the intention, first of all, that the point of order apply to amendments that are on the floor that do not have the estimate?

Mr. KEMPTHORNE. I am sorry; will you repeat the question?

Mr. LEVIN. Is it the intention that this bill's point of order apply to amendments that do not contain the estimates?

Mr. KEMPTHORNE. With regard to mandates?

Mr. LEVIN. Yes.

Mr. KEMPTHORNE. Yes.

Mr. LEVIN. And is it the intention then, for instance, if somebody offers an amendment and it has an estimate in it but nobody knew that amendment was going to be offered, and then somebody wants to come and offer a second-degree amendment and then asks the CBO to score that or estimate the second-degree amendment, is it the intention of the manager that the Congress, as he put it, be inconvenienced, hold up consideration of the bill until the estimate can be obtained from CBO? Is that the intention, that we hold up consideration of the bill until an estimate can be obtained from CBO?

Mr. KEMPTHORNE. Mr. President, in response to that, the burden of proof in this case would be upon the Senator raising the point of order. The originator of the amendment is not required to get the CBO estimate. I think that it would be good government for anyone bringing an amendment that potentially could exceed the $50 million threshold in the public sector and $200 million threshold in the private sector, again, through the budget process. I know that has been the normal practice.

Mr. LEVIN. I say, if the Senator will yield, there has never been a point of order based on this kind of an estimate, costs on 87,000 jurisdictions, local governments. There is nothing like this in existence. That is why I phrased my question the way I did.

Somebody could offer a first-degree amendment and have an estimate because he or she knew they were going to offer a first-degree amendment, but nobody else in the body knew, and now with a first-degree amendment with an estimate being offered, somebody may say, ''Well, wait a minute; I want to offer a second-degree amendment, and I better go get an estimate or my second-degree amendment is out of order.''

I am just wondering whether or not, if a point of order is raised with that second-degree amendment, is it the intention of the managers then that the body hold up consideration of that second-degree amendment until an estimate could be obtained from the CBO?

Mr. KEMPTHORNE. Mr. President, again—

The PRESIDING OFFICER. The time for the Senator from Idaho has expired.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent for 2 minutes so I can complete the thought.

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

The PRESIDING OFFICER. Two minutes.

Mrs. MURRAY. May I suggest we add 10 minutes for debate, 5 on each side, in order to clarify this question?

Mr. KEMPTHORNE. Mr. President, what I would prefer—and first let me ask unanimous consent for 2 minutes so we can resolve this.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. What I will suggest, because I would like to confer with the chairman of the Budget Committee, if the Senator will provide me those questions that she raised, I will be happy to then have a colloquy so we can go into those and deal with it.

But what we are doing in S. 1 is not anything new from what we do with appropriations where, if you have a second-degree amendment, you have the Budget Committee staff that is here make a telephone call to try to get an estimate by phone from the Congressional Budget Office.

So again the process itself is not new that we are suggesting.

Mr. LEVIN. I have no time to yield to myself and comment on that other than to simply say that this is a new estimate, the likes of which has not been made before, involving costs indefinitely into the future on 87,000 local governments. That is very different from any kind of a scoring that the Budget Office has done for a Federal expenditure up to now. I think my friend from Idaho would agree this is a different kind of estimate than has ever been done by the Budget Committee.

Mrs. MURRAY addressed the Chair.

Mr. LEVIN. I thank my friend.

The PRESIDING OFFICER. The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. I thank the Chair.

I have very serious concerns because I heard my colleague from Idaho, the manager of the bill, say that CBO had, indeed, requested, I believe, $4.5 million additional to take care of this bill.

It is my understanding—I see the chairman of the Appropriations Committee is in the Chamber; perhaps he can respond—that the legislative branch is going to have to reduce its budget by $200 million, and here we are telling everybody up front that we are going to ask for $4.5 million more for CBO just under a guess estimate of what this might have in the way of an impact on CBO, and I do think that is an important consideration we need to look at.

I appreciate the Senator's response that you would go into a colloquy with me and answer some of the questions raised both by myself and Senator LEVIN. I had intended to withdraw this amendment, but I would like to instead ask the manager—I intend to withdraw my first amendment—if he would agree to let me lay aside this amendment until we have the responses for my questions.

Mr. KEMPTHORNE. Mr. President, I have no problem with that.

Mrs. MURRAY. Mr. President, I ask unanimous consent then to lay aside amendment No. 188 and unanimous consent to withdraw amendment No. 187.

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

The amendment (No. 187) was withdrawn.

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

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. 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. EXON. Mr. President, as we move forward on the mandates legislation, I would like to read a portion of a newspaper article that appeared in the Omaha World Herald on January 24. The headline reads: ''States Fear Mandates, Expert Says; Balanced Budget Could Mean More,'' by David C. Beeder, of the Omaha World Herald Bureau in Washington, DC.

The story reads:

> States will not support a constitutional amendment to balance the Federal budget unless it includes a guarantee they won't have to assume more Federal programs, a former assistant attorney general said on Monday.

Charles Cooper, who practices consitutional law in Washington, said: ''The States are already groaning under the cost of implementing Federal policies.''

It goes on to say:

> Cooper, who served in the Justice Department during the Reagan administration, said he supports a balanced budget amendment.

I ask unanimous consent that, at the conclusion of my remarks, Mr. President, the full article be printed in the RECORD.

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

(See exhibit 1.)

Mr. EXON. Mr. President, I would simply point out that I am not sure that the States, the Governors or, for that matter, maybe some of the people

in the United States recognize and realize the difficult financial circumstances that the Federal Government—that they are a part of—is in.

I am an original cosponsor and am strongly for passing the mandates bill. I have been one of the floor leaders on this piece of legislation. I predict that we will pass this legislation. I will protect the rights of those who wish to offer amendments. I think they have that right under the rules of the Senate, and I will do everything I can to protect that.

But I would simply say, on a very important bill like this, every Senator, regardless of which side of the aisle, should have the right to get up and offer amendments as they see fit. Then the body as a whole has to vote as to whether or not that is a good concept.

The mandates bill is going to be followed, I suspect, in reasonably short order by some kind of a discussion on the balanced budget amendment. And they are somewhat tied in. While the States are now moaning and groaning—and I think justifiably so—with regard to so-called unfunded mandates, unfunded mandates, unfortunately, have taken on a very big life of their own.

The facts of the matter are that many of the States of the Union, including my State of Nebraska, get more money back from the Federal Government than the State of Nebraska pays in. The last figures I saw are that Nebraska gets back about $1.17 for every $1 that Nebraska citizens pay into the Federal Government in the form of Federal taxes.

Now, one could argue, and probably justifiably so, that the total amount of taxes could be reduced if the Federal Government would go back and reduce some of their spending. And I would agree with that. That is what we are about with the constitutional amendment to balance the budget, when and if that becomes a part of our Constitution.

I simply am rising, Mr. President, to send a signal very loud and very clear that this is not a one-way street. If we are going to exempt the States and hold them harmless, if we are going to start down the list and begin to exempt a whole lot of other people, then it will make it totally ''Mission Impossible'' to ever balance the Federal budget, let alone by the year 2002.

Everyone should recognize and realize that, when we get spelled out in considerable detail a 7-year budget plan that I think can and should be developed by the Budget Committee and presented to the Senate floor, it will be very evident there is going to be a lot of pain and suffering, a lot of disappointments. And I would simply say that, by and large, I am not interested in starting down this road of exempting this and exempting that, because I think this is going to be a painful enough process.

Therefore, I salute those who are bringing up questions about the mandates. Those of us who have long supported a constitutional amendment on the Federal budget recognize and realize that there are two legitimate points of view. There are those who strongly oppose the mandate legislation and there will be even more that will strongly oppose the follow-on piece of legislation known as the constitutional amendment to balance the budget.

I think those who do not agree with this Senator perform a very worthwhile service, because, as is usual with most discussion and most propositions, there are two sides. All is not white and all is not black or vice versa.

With that, Mr. President, I just want to say that there are some people, including Mr. Cooper who I have quoted from this story, who simply do not understand the situation. And when he says he is for a balanced budget amendment so long as the States are protected, then that is a caveat that I think we cannot accept.

I still am a strong supporter of the bill before us, but I am pleased to see there are some who do not agree with this piece of legislation and have pointed out some shortcomings with this legislation. They are providing a great public service. I suspect that there have been few, if any, bills that we have ever passed in the U.S. Senate, regardless of how well-sounding they are, that are perfect legislation. The mandate legislation is not perfect legislation. It will not cure all of our ills.

When and if we pass a constitutional amendment to balance the budget by the year 2002, and if that is ratified by 75 percent of the States, that is not going to cure all of our problems. The devil is definitely going to be in the details when we get down to such matters as a constitutional amendment to balance the budget.

I thank the Chair and I yield the floor.

[EXHIBIT NO. 1]

[From the Omaha World Herald, Jan. 24, 1995]

STATES FEAR MANDATES, EXPERT SAYS

(By David C. Beeder)

WASHINGTON.—States will not support a constitutional amendment to balance the federal budget unless it includes a guarantee they won't have to assume more federal programs, a former assistant attorney general said Monday.

''The states are already groaning under the costs of implementing federal polices,'' said Charles Cooper, who practices constitutional law in Washington.

Cooper, testifying before the Joint Economic Committee, said approval by three-fourths of the states will require a constitutional guarantee against giving state and local governments programs without the money of pay for them.

He said passing a law barring unfunded mandates would be inadequate protection for the states.

''The requirements of a balanced budget amendment would increase exponentially the incentives for shifting federal financial burdens to the states,'' Cooper said.

Cooper, who served in the Justice Department during the Reagan administration, said he supports a balanced budget amendment.

Cooper's testimony was followed by a warning from Assistant Attorney General Walter Dellinger, who said a constitutional amendment to balance the budget could not be forced.

''It would be wonderful if we could simply declare by constitutional amendment that from this day forward the air would be clean, the streets would be free of drugs and the budget forever in balance,'' Dellinger said.

''In the absence of enforcement mechanisms such as presidential impoundment of funds or judicial involvement in the budgeting process, a balanced budget amendment is unlikely to bring about a balanced budget,'' Dellinger said.

Sen. Connie Mack, R-Fla, said Dellinger's arguments were not ''of such magnitude that we should not move forward'' with an amendment that would require a balanced budget by 2002 and a three-fifths vote to increase taxes.

Mack said he would recommend enforcement of the balanced budget amendment by a spending-reduction commission resembling a presidential commission that decided on military base closing two years ago.

If Congress did not balance the federal budget by 2002, as required by the amendment, the commission would recommend spending reductions to meet the requirement. Congress would accept or reject the recommendations without debate, Mack said.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 5 minutes as if in morning business.

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

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. SPECTER. Mr. President, I note that there is no other Senator seeking recognition at the moment. I would like to comment briefly about the President's State of the Union speech last night.

I thought that the President received the most applause of the evening when he talked about reducing the size of Government. And I think if there is one message which has come out of last November's election it is that the people of the United States want to reduce the size of the Federal Government. That is right in line with the pending legislation which refers to eliminating unfunded mandates so that if the Federal Government has legislation which the Congress wants to pass and that it represents a worthy Federal objective, let the Federal Government pay for it. Let us not keep putting one after another requirements on the States for the States to pay for what we decide what we want them to do. That, of course, is in accordance with the basic principle of federalism that we should have a central Government of limited powers.

When the President read that line in his speech last night about smaller Government there seemed to be the greatest unanimity in the Chamber than there was on any other point.

A number of things that the President had to say I thought hard to achieve. I believe it will be very difficult when he talks about a tax cut which is obviously, very, very popular, to do so in the context of still cutting the deficit and in the context of increasing other governmental expenditures, as, for example, the defense budget. I believe that the defense budget is now too lean. I would like to see a tax cut. But I am not prepared to enter into the competitive bidding on a tax cut if it will mean adding to the deficit. The way we are looking at this budget, realistically when we talk about a middle-income tax cut and we figure how much it is on a per person basis, that it is more important to avoid increasing the deficit in the United States today.

I was a little more than surprised when the President talked about the North Korean agreement and talked about continuous inspections. That is not the agreement that I have read. The agreement that I have read puts a 5-year moratorium on inspections on spent fuel rods, which is the best way for determining whether there is the development of nuclear weapons by North Korea. I have grave reservations about that agreement as to its substance, and that line particularly, and also the way it has been adopted.

As I read that agreement it has all the indications of a treaty, and under the Constitution the treaty has to be ratified by the U.S. Senate. There have been a number of concerns raised in a number of quarters but so far it is an executive agreement and it has very, very profound implications for the United States. Now only $4 billion is involved and the United States is the guarantor of that, but the moratorium on inspections, I think, poses very, very substantial risks.

When we had hearings in the Intelligence Committee, the Senate Intelligence Committee, a committee which I Chair, I was very concerned when the intelligence officials could not give any assurances or any real ideas as to how long it might be before North Korea would have sufficient ballistic capability to reach the continent of the United States. In the course of that hearing, it was disclosed that North Korea could now reach Alaska. It was disclosed further that North Korea and Iran are working jointly on testing ballistic missiles.

I was very much concerned, Mr. President, about the very limited attention given in the President's very long speech, very limited attention given to foreign policy. He spoke for 1 hour and 21 minutes, which some may have considered a little long. A little easier when you are watching C–SPAN 2 or watching the national networks. You have greater control over the length of speakers. You have the ''off'' button. Perhaps many people are using it now on C–SPAN 2 as I make these few comments. The paucity, the scarcity of comments about foreign policy I thought was revealing and rather indicative of the lack of experience, lack of capability, and, perhaps, lack of interest that is coming out of the administration on this very important issue.

I think in toto, Mr. President, the most telling aspect of the speech last night was the partisanship in the Chamber. That was the 15th State of the Union speech that I ever heard. I have not seen so much partisanship with one side clapping virtually at every sentence and the other side in stony silence on so many of the ideas which were advanced. When I sense that kind of partisanship, it looks to me like we are going to be in for a very tough year. I am hopeful that we will be able to put aside partisanship and really move toward centralism with both parties in addressing the really tremendous problems which confront the people of this country: crime control, nuclear proliferation, health care reform, just some of the problems which we have to address in the national interest.

I thank the Chair and I yield the floor.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 198

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate considers amendment numbered 198, that there be 20 minutes for debate to be equally divided in the usual form, that there be no second-degree amendments in order, and that following the conclusion or yielding back of time, the Senate vote on the McCain amendment.

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

Mr. KEMPTHORNE. I yield the floor.

Mr. MCCAIN. Mr. President, I thank both my friend from Idaho and the Senator from Michigan for their cooperation on this amendment. I believe it is an important amendment. I talked about it at length yesterday, Mr. President, and I know there is significant pending business before the Senate. I believe we now still have about 30 more amendments to consider, so I would be more than happy to yield back the balance of my time if that is acceptable to both managers of the bill.

Mr. President, I ask unanimous consent to request if the Senator from Michigan or the Senator from Idaho have any further discussion on this amendment?

Mr. LEVIN. Mr. President, I wonder if my friend from Arizona would yield for a question.

Mr. MCCAIN. I would be glad to yield.

Mr. LEVIN. A question has arisen as to whether the words ''any legislative provision'' on line 7 of his amendment are intended to mean, in effect, authorizing language.

Mr. MCCAIN. It clearly means any authorizing language.

Mr. LEVIN. I thank the Senator from Arizona. My understanding is that the manager on this side supports the amendment. I understand that Senator BYRD is supportive of the amendment, and I would be happy to yield back any time that I might control.

Mr. MCCAIN. I yield back the balance of my time.

The PRESIDING OFFICER. All time is yielded back. The question is agreeing to the amendment.

So the amendment, No. 198, was agreed to.

Mr. KEMPTHORNE. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I want to thank the Senator from Arizona for his efforts and his diligence in that. I think it is a particularly important amendment that he has offered. I appreciate the manager on the other side of the aisle and his support on this.

Mr. LEVIN. Mr. President, on Monday night I had a lengthy colloquy with the managers, the principal sponsors of the bill, the Senators from Idaho and Ohio. A number of important questions were left unanswered. In some cases, the answers were conflicted. Those questions concern issues that are central to the way this bill will work. They need to be answered, I believe, before we conclude our work on this legislation.

These are the questions which I have, and I have given a copy of these questions to my friend from Idaho. I want to read them, put them in the RECORD, in effect, and ask they be answered by tomorrow at some point. I am not seeking an answer, one-by-one at this point, because they take some time, I would think, to attempt to answer, if, in fact, they can be answered.

Here are the ones that we had left outstanding. First, the effective date of the mandates. When is a mandate effective? That is an absolutely critical issue because that date sets off a 5-year time period and if during any one of those 5 years there is an estimate that the cost of the mandate is over $50 million, certain very significant things are triggered.

So it is critical to know when is a mandate effective, and we had a long discussion on that on Monday night with a chart.

If that is determined on a case-by-case basis, then who makes that decision and when is that decision made?

The second group of questions relates to the question of whether an estimate can be given in the form of a range; could an estimate be that that will cost from $20 million to $80 million a year, or any other range? And here the questions are as follows:

Can the CBO estimate be in the form of a range?

Can it be in the form of a range for the purpose of the threshold?

Can it be in the form of a range for purposes of the total cost estimate?

If the CBO reports a range, what is the ''specific dollar amount'' for purposes of the point of order? And who makes that decision?

Then there are a series of questions that relate to amendments and their coverage under this bill.

First, are the direct costs of an amendment, added to a bill in committee, to be included in the estimate of direct costs of the bill as reported?

What if the Senate rejects the committee amendment? For instance, let us say a bill is estimated to cost $30 million a year for each of the 5 fiscal years, so it is not over the threshold. But there is a committee amendment that has been adopted in committee that adds another $30 million a year to the bill.

If the $30 million committee amendment is added to the $30 million cost to the bill that was taken up by committee, that would put it over the $50 million and breach the threshold and the bill would not be in order to even be considered by the Senate. But is the committee amendment cost to be included in the cost of the bill before it is adopted by the Senate? It is technically not part of the bill until the Senate adopts it, even though the committee has adopted it.

If it is included in the bill, what happens if the Senate rejects the committee amendment?

Is an amendment offered on the floor subject to a point of order based on the estimate of direct costs of the amendment alone, or the amendment if added to the bill?

Is an amendment offered on the floor out of order if it does not have a CBO estimate of direct cost?

Then there are some questions relating to the exclusions:

Who will decide whether a bill is subject to one of the exclusions? We have a number of exclusions here and there are always going to be questions of interpretation as to whether or not an exclusion applies.

Who will decide that?

What will specifically be required to meet the terms of the bill with respect to a finding of emergency?

And then the final set of questions relates to the length of the estimate, and here, rather than addressing the problem through a series of questions, I will be seeking consideration tonight of one of my amendments which would place a time limit on the estimate.

I have given a copy of a modification to my amendment to the majority manager. I do not know if they have had a chance to look at the modification yet. But I will seek to get that issue resolved by a modified amendment.

The issue here is a kind of fundamental one. Once that threshold is breached, then you have to have an estimate of the direct costs of the bill or the amendment to State and local governments for as long as there are costs. Unless there is a sunset provision in that authorization bill, those costs have no time limit.

Then the CBO would be in the position of trying to estimate cost to State and local governments for decades, 50 years, 100 years. It is an impossible burden which will raise even greater questions about the accuracy of the estimate. An awful lot rides on these estimates. The life or death of a bill or amendment may ride on the estimate.

So I will be offering an amendment in this area to put a limit of 10 years on that estimate so we can get something, hopefully, a little more practical from the Congressional Budget Office.

But those are the questions which I would appreciate having answers to tomorrow. They go right to the question of whether this is a workable piece of legislation. Its goals are very admirable. I supported its predecessor. There is a whole new point of order that has been added this year which is going to create a real different situation on the floor relative to bills and amendments, and we have to think through this process in advance.

We are putting tremendous burdens on the CBO to suggest that they are going to be able to come up with estimates in a matter of hours, perhaps minutes, on amendments, and some people say, ''Well, if you know you are going to offer an amendment, get it to the CBO a day before, 2 days before, 2 weeks before.'' Of course, some of these estimates can take months.

But there is also an answer to that, and that is that, in many cases, we do not know and cannot know that we are going to offer an amendment because an amendment could be a second-degree amendment. We are not all privy to everybody's first-degree amendments around here. We do not have amendments printed in advance. I would like to see a rule, by the way, which would require amendments to be printed in advance, but we do not have any such rule.

So you do not know who is going to call up an unprinted, unfiled amendment to a bill. Somebody can call one up without previous notice, and then, if you want to offer a second-degree amendment, in order for it to be in order, you have to have an estimate from the CBO.

Now, what do we do? Do we hold up the processing of the whole U.S. Senate while the CBO tries to estimate the costs forever, maybe, on 87,000 jurisdictions? We have to work through this in advance. It is a complicated issue and, again, when we had last year's bill, we did not have that final point of order that had such an appropriations impact embedded in it, as we do in this year's bill.

So if the estimate was wrong last year, it did not have serious consequences. It had consequences; the bill would be subject to a point of order if it did not have the estimate. But it did not have this additional point of order with this appropriations aspect to it that this year's bill has.

So, Mr. President, at the appropriate time, I will offer, when the majority is ready, this amendment putting a 10-year time limit on the estimate of the CBO because I think that is a relatively practical length of time for which we can get an estimate.

The modification that I will seek unanimous consent for on this is that the 10-year limit on the estimate apply to both the private sector estimate as well as the public sector estimate. I believe the way my amendment was written and filed, it only applied to the public sector estimate. We should seek practicality and workability for both the private and public sector estimates.

I did not mean to rush the manager on the majority side. I know they may not have had a chance yet to look at this, but whenever he is ready, I am ready to offer this amendment.

Again, I also appreciate his engaging in these colloquies on this bill. He is performing a very important function by trying to clarify the legislative intent, and the questions which I have read and which I will now submit to the desk are questions which I would appreciate your attempting to answer by tomorrow.

I thank the Chair, and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the spirit in which the Senator from Michigan has provided these questions, and I appreciate the fact he is not requiring an immediate response. I always appreciated take-home exams instead of pop quizzes, but I will be happy to provide the answers, to the extent I am capable, sometime tomorrow. I appreciate his effort as we work through this bill.

Mr. President, I know that the Senator from Iowa is here and will be calling up his amendment. I would like to inquire, I believe on the previous unanimous-consent agreement, we had a time agreement of 30 minutes equally divided?

The PRESIDING OFFICER. That is correct.

Mr. KEMPTHORNE. And that no second-degree amendments were in order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Will the Senator yield just for one moment, for a parliamentary inquiry? Is there a unanimous-consent agreement in effect on the Grassley amendment? Is there a time agreement?

The PRESIDING OFFICER. Yes, there is.

Mr. LEVIN. Is there a unanimous-consent agreement indicating when the Grassley amendment will be called up?

The PRESIDING OFFICER. No, there is not.

Mr. LEVIN. At that point, I would note 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, some of the Members are inquiring about the schedule for this evening. It is slow, I can tell you that. We are not making any progress. On the 11th day on this bill, we have had only three votes. Two votes. It is worse than I thought.

Now, if this is not delay, I do not know what delay is. So we are going to be here a long time tonight, I am fearful. There will not be any window. We are going to vote as the amendments come up. We just have to stay here and do it.

I regret that I cannot accommodate some of my colleagues on both sides of the aisle. We are spending 90 minutes on immigration amendments. A lot of things have nothing to do with this bill at all. Anything anybody can think of has been offered as an amendment—Social Security amendment having to do with a balanced budget. We have to debate that again on this bill.

I have about reached the point where we will either file cloture tonight or start tabling these amendments unless they are offered and you have limited debate. We do not need 40, 50, 60 minutes on some of these amendments or rollcall votes on some of these amendments.

So I must say that I do not know any other alternative. If somebody stands back here and banters back and forth for a day, that is not my idea of progress. Eleven days ought to be enough. We could have finished this bill in 4 or 5 days.

We will finish the bill this week. If it takes until 10 o'clock tonight, 11 o'clock tomorrow night, and 11 o'clock the next night, we will finish the bill this week. But we may file cloture in the meantime if we continue. We may do that this evening. We have been all day long. Now it is dark outside. People want to be home with their families, so we are going to start voting at 6, 7, 8, 9, 10 o'clock.

So I hope my colleagues will accommodate us—not the leader; I will be here in any event, but accommodate our other colleagues who would like to be home with their children and families. But we have not accomplished much today.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I can appreciate the wishes of the majority leader to move this through, but I would submit that we have disposed of about 12 amendments today.

If I could address the majority leader just a moment, we have disposed of about 12 amendments today. We have worked with them. They have gotten some withdrawn. We have some we have gotten agreement on, and I thought we had been making very good progress today. We are moving right along on this. I had hoped we would be able to—I think we are making a great deal of progress.

Mr. DOLE. How many amendments remaining?

Mr. GLENN. I do not know how many are remaining. I do not know exactly. We have disposed of about 11 or 12 today. Not all of them had votes on them. They either were withdrawn or we had some agreement on them or they were accepted.

Mr. DOLE. We had 39 yesterday, and now we have 34 so I do not know—unless there are some that have not been properly cataloged on our side that have been disposed of. But we still have 34 amendments after 11 days on a bill. We were told last week that there were maybe 30 amendments. Then we got up to 67, and 49, and now we are down to 34, 3 days later. So if that is progress, it is very slow progress. But, again, it is up to our colleagues. If they want to spend Saturday here, that is fine with me.

Mr. GLENN. The procedures by which this bill was brought to the floor, I would submit, are ones that engendered a lot of amendments. We are still trying to work out some of the things we normally would have taken care of in committee had we been permitted to do so. We were not permitted to do any of the amendments in committee. It was sent back to the floor. Had we been able to do that, I think we would have saved an awful lot of trouble and saved much of that 11 days we have been out here in the Chamber, whatever it is now.

I suggest the absence of a quorum.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. GLENN. I withhold.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. GRASSLEY. Mr. President, I will yield the floor if the manager wants it. I reserve my right to get the floor back after he is completed.

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

Mr. KEMPTHORNE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 207, AS MODIFIED

Mr. GRASSLEY. Mr. President, I presented yesterday an amendment of mine. It has been modified, and I would like to send it to the desk and ask unanimous consent that the modification be made.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. GLENN. Will the Senator yield for a question, please?

Mr. GRASSLEY. Yes, Mr. President, I will yield.

Mr. GLENN. The modified language of his amendment, I do not believe we have a copy of that. Does the Senator have a copy he can give us so we will know?

Mr. GRASSLEY. We sure do. Just so the Senator knows I am not pulling a fast one, it has been well known about what we are doing and we will get the Senator a copy so he can be sure of that.

Mr. GLENN. Would the Senator restate the unanimous-consent request, please. Was there a unanimous-consent request?

Mr. GRASSLEY. Yes. Mr. President, the unanimous-consent request I made is for the modification according to the changes that have been made at the request of various staff.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. I have no objection. I believe the Senator can modify his amendment anyway, can he not?

The PRESIDING OFFICER. It requires unanimous consent under the circumstances.

Mr. GLENN. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, 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.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an 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.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an 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, as I indicated yesterday, Senator SNOWE is working with me on this approach.

This very simply expresses the sense of the Congress that Federal agencies should review and should evaluate planned regulations to ensure the costs of Federal regulations are within the cost estimates that are provided for the statute by the Congressional Budget Office.

Then there is a second part that is not a sense of the Senate. The second part would allow any Senator to request that CBO provide an estimate of the cost of regulations and compare them with the cost estimates provided by CBO as required for the statute that we are passing under S. 1.

This is just a commonsense amendment that when agencies implement a Federal mandate they should take steps and make a good-faith effort to keep regulatory costs within the CBO estimates called for under S. 1. We do not want to pass legislation, in Congress, thinking when we pass the legislation that it might only be a $1 billion unfunded mandate and then, after several months have passed—in some cases I suppose years could pass—the agency unnecessarily implements regulations that would raise that cost, something above the $1 billion estimate?

I hope we could all agree to this amendment. I know at least on our side of the aisle, after discussing it with our distinguished floor manager, Senator KEMPTHORNE, he had some concerns about it. I think the modifications will satisfy his concerns.

I think it ought to be stated as well that CBO has no problem with the costs of carrying this out. And from that standpoint, this is language similar to what was in the amendment of the Senator from Michigan [Mr. LEVIN] when he called up a previous amendment he got adopted, calling for a report at the instigation of any particular Senator.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield such time as he might need to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate what the Senator from Iowa is proposing here. To me it seems like a very reasonable request, so again I thank him for his diligence. I will be supporting this amendment. I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that immediately following the next rollcall vote the Senate proceed to vote on a resolution expressing our condolences to the nation of Japan, and I ask it be in order to ask for the yeas and nays at this point.

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

Mr. KEMPTHORNE. 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.

Mr. LEVIN. Parliamentary inquiry, whose resolution is this?

Mr. KEMPTHORNE. Mr. President, it is a Dole-Daschle-Bingaman bipartisan resolution.

Mr. LEVIN. This is relative to Japan?

Mr. KEMPTHORNE. It is.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I say to my colleague from Iowa, the agencies are already under strictures that come under the President's Executive order to examine costs and benefits before issuing regulations. It seems to me that should really be the test for any regulation—do the benefits outweigh the costs? If they do, the regulations should go forward. If not, the regulations should be killed.

It seems to me the proposed Grassley amendment adds another stricture without taking benefits into account. If a benefit far outweighs a cost, why should the CBO cost estimate become a ceiling?

In other words, what we are doing here is saying CBO—as I understand it—CBO is to make an estimate of the cost. Then once that cost estimate is made, which at best is an estimate, then the cost of implementing whatever the proposal is could not exceed the CBO cost, no matter what? Is that the intent of the Senator from Iowa?

Mr. GRASSLEY. Mr. President, I will be glad to attempt to answer. I am not sure I can, because I am not sure I understand the question of the Senator. But implicit in his question, I believe, is a feeling that the purpose of my amendment is to stop the regulation from going into effect. That is not the purpose of the amendment. There is nothing in the wording of the amendment that does that.

The purpose of the amendment is that if we pass a statute in the year 1996, and CBO says it is going to cost $1 billion, and then 2 years later—it takes a long time to get these regulations written—2 years later the agency might issue regulations that cost something more.

My amendment does not make CBO study that, except at the request of a Senator. But if I would decide, looking at department X's regulations, it looks to me like these are a lot more expensive in unfunded mandates than what we anticipated when we pass the legislation, I want CBO to take a look at those regulations.

CBO takes a look at those regulations and they might say, no, this is not over the $1 billion; or they might say it is $2 billion, it is going to make this statute cost $2 billion instead of $1 billion. My amendment will not in any way keep those regulations from going into effect. But I surely think we ought to have a track record by which we can measure whether or not an original estimate and intent of statute is realized. And if it is not, then at least we know that and it is a matter of public record.

The other thing that might come as a benefit of my regulation is that the regulation writers, if somebody might ask for a review, may be just a little more careful to stay within the cost intent of the statute. I think that is legitimate. I think if we write a statute that we think is going to be an unfunded mandate costing $1 billion, we should not allow some faceless bureaucrat to write regulations that make it cost much more and not be in keeping with congressional intent. That is all I am trying to do. I hope I have answered the Senator's question.

Mr. GLENN. I would have another question I would like to ask, too. That is, it says, ''an estimate of the costs of regulations implementing an 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 then goes on, ''a comparison of the costs of such regulations with the cost estimate provide for such Act by the Congressional Budget Office.''

Would this mean that these would all be still prospective? Or does this mean that, because we go back and reference the Congressional Budget and Impoundment Control Act of 1974, that the CBO would be expected upon written request to go back and estimate mandates and how they worked out compared with CBO estimates, clear back over the last 21 years?

Mr. GRASSLEY. Mr. President. It is a very good question. And the answer is it is prospective, and it just covers whatever S. 1 covers.

Mr. GLENN. I have a further question. Would the Senator be willing to have the benefits and costs evaluated at the same time?

Mr. GRASSLEY. No.

Mr. GLENN. The President's Executive order, I would say, covers that and I think that is a necessary part of this thing, to consider the benefits as well as just the costs.

Mr. GRASSLEY. Mr. President, I see the cost-benefit analysis as a very worthwhile procedure. I think I supported that. I have not had a chance to vote on it in past Congresses. But I support the concept. I think, as the Senator said, the concept is to end the rulemaking process. I happen to think that is not a very effective process that we go through. I think it is not refined well enough. I do not think there is a bureaucratic inclination to abide by it in good faith. I support that concept, but I do not think it has any relationship to what I am trying to accomplish by my amendment.

It is a worthy goal the Senator suggests, but it is a little more. I believe it is much more in depth and serves a whole different purpose than what I am trying to serve by my amendment.

Mr. GLENN. Mr. President, if I might add another question in part A, sense of the Congress, it is the sense of the Congress that the Federal agency should review and evaluate planned regulations. And then the next part is

to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

It seems to me that sets a ceiling beyond which you could not go. The CBO is at best making estimates. I do not see how you can say that the agency, trying to implement something that may be very involved, should be limited to no more than the estimate of the Congressional Budget Office. I do not know whether that was the intent or not.

What we would be doing is saying with the legislation we pass, we are in effect passing our legislative responsibilities on to the CBO and saying whatever they come up with is the absolute ceiling, when they are required on a rapid basis to give us their best estimates. That does not mean when it gets over to the agency, they get it in more detail. It might exceed a little; it might go under some. But I think to make CBO the final authority on what the ceiling will be, with their rapidly arrived-at estimate of costs, I just do not see how that would work.

Was not the intent to make the estimate of the Congressional Budget Office a ceiling that could not be exceeded in the executive branch when they try to implement the law that we just passed, or implement a mandate?

Mr. GRASSLEY. Mr. President, before I answer this question, there is one further response I want to give to the Senator on his question about the cost benefit. A more explicit answer to the question is, as I said, we only want to do what S. 1 does, and S. 1 deals just with cost.

On the point that the Senator from Ohio just made, there is not a real solid answer I can give because of the very basis of my language being sense of the Senate. I think sense of the Senate implies, first of all, that the bureaucrats and regulation writers do a good-faith effort to be within the congressional intent of whatever the ceiling is of the unfunded mandate.

Second, sense of the Senate is not binding because it is only sense of the Senate. It is not statute. I would feel that the Congressional Budget Office, in making this estimate, could do no more under my amendment than just simply say in a quantifiable way that the agency cost will be so much. That could be higher or lower. The extent to which it is higher, their statement that it is higher in no way, under the statute or under the intent of my amendment, is going to keep the regulation from going into effect.

If I could be perfectly candid with the Senator from Ohio, I think if unfunded mandates legislation is going to mean anything, eventually you have to get to that point where the regulation writers are within the intent of Congress on what the cost is, or else we do not have a very effective statute. But I cannot do that now. I do not know whether now is the time to do that because this legislation is a pioneering piece of legislation. So we ought to feel our way along to that point. I think my sense of the Senate ought to be looked at as giving Congress some additional tools down the road, a track record by which we can make better judgments if this statute needs to be refined.

Mr. GLENN. Mr. President, the Senator treats sense of the Senate just a little more lightly than I think a sense of the Senate should be treated in this regard. Legislative history is made here on the floor, and we talk about sense of the Senate and all the other things that go on in debate. All of these things give the regulation writers the sense of the Senate as to where we want to go. They follow this. They are supposed to follow it.

This is used in its entirety, of course, and sense of the Senate is not as binding as regular legislation. But we are telling the agency that the agencies should review and evaluate planned regulations, not just to think about it. We are saying to ensure that the costs are within the cost estimates provided by CBO.

That is a mighty potent statement, it seems to me. If we are saying it is sense of the Congress, but we really do not mean that, and you people over there just go ahead and do what you think ought to be done, then that is a different thing. But what we are saying is we are telling them it is our sense of the Senate and the Congress to ensure that they stay within the CBO estimate.

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

Mr. GLENN. Certainly.

Mr. GRASSLEY. Mr. President, this would require further modification. But first of all, before I suggest something, I do not want it to be suggested that I think my amendment does more or is intended to do more than what I said I wanted it to do. I did not doctor up the sense-of-the-Senate language because I do not know how much weaker you can get in any statement of public policy that this body makes in sense-of-the-Senate language. Maybe the Senator from Ohio puts it on a higher plane than I do. But I do not think it deserves such a high plane.

So I did not think about adjusting it any, because I do not think you can be much weaker than a sense of the Senate. But if it would help the Senator, we could put in the same words that we put in the second part of the amendment, and say ''to the extent practicable.''

Mr. GLENN. I am not exactly sure how that would change it that much, Mr. President. I think when you are trying to direct them to ensure that whatever they do with regard to rules and regulations will not go beyond the Congressional Budget Office estimate, no matter what we passed on the floor here, and how many amendments we had, and all the other provisions we may have put on the floor, we are in effect going back to CBO and saying: You are the legislating authority on this because your estimate that you gave us, that might be very sketchy, arrived at in a few hours at best, we are saying that becomes the definitive figure on this thing as far as guidance for the Federal agencies goes, and we want to ensure that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. I want to save some of my time, so I do not want to yield. I ask unanimous consent that the Senator have 1 additional minute.

Mr. GLENN. I am sorry we did not know the time here. That is my fault. I ask unanimous consent that Senator LEVIN be granted an additional 5 minutes.

Mr. GRASSLEY. Then I want 5 minutes on this side.

Mr. GLENN. We have no objection to that.

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

Mr. GRASSLEY. Mr. President, may I yield myself such time as I might consume to respond?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, again, I did not make my suggestion very clear to the Senator from Ohio because he kept concentrating on the word ''ensured.'' We could eliminate ''ensured'' and put in there ''to the extent practicable'' and that may solve the problem. I do not want to do that unless it will solve the problem because I think this is about as weak as you can get.

I yield the floor and reserve the remainder of my time.

Mr. LEVIN. Mr. President, the trouble with this sense-of-the-Senate language is that it delegates the legislative responsibility to the Congressional Budget Office. This is what the Senator from Ohio was alerting us to in his last couple of minutes.

The Congressional Budget Office, if we are lucky, is going to be able to make an estimate of what the cost will be to 87,000 State and local governments for some period, which could last forever, the way the bill is currently worded. But it is going to be decades into the future. These are, at best, going to be guesstimates. We have example after example that they have told us where they cannot make a good estimate. These are not scientific statements of costs; these are guesstimates that are going to be coming out of the CBO. We cannot take that guesstimate and say that it is the sense of the Senate that the agency should ensure that a regulation complies with that guesstimate instead of law.

Let us say we pass a law that says airports must introduce security devices that will pick up levels of metal down to a certain amount. We are doing that for the safety of the passengers of the United States, the American citizens that walk through metal detectors and get on airplanes want to

feel safe. We pass a law that says you must get down to a certain level of detection in these metal detectors. That is the law. We have adopted that law. Now we get an estimate. The CBO gets us an estimate as to how much that is going to cost State and local government. Their estimate comes out that it is going to cost $50 million for all these jurisdictions in one of those years. We have written a law saying you have to do something for the safety of the American people, but we have a CBO guesstimate over there that says $50 million.

It turns out, down the road, that when those detectors are put in, they are going to cost more than $50 million. Are we going to say tonight that we want the agency to abide by the estimate of the CBO instead of our law? Are we putting a CBO guesstimate on a pedestal so that it will take precedence over what we have said is essential for the safety of the American people? Is that our intent? It is not my intent. I am not going to put that guesstimate on a pedestal. I am troubled about the ambiguities of these guesstimates.

We surely do not want that guesstimate of the unelected CBO, for some period out in the future, to supersede the elected representative of the people of the United States. If we say the law is that there must be metal detectors that can capture metal or other material down to a certain level, that is our intent. And we have a guesstimate that says it is going to cost a certain amount in a certain year, OK, that will give us some guidance. But do not give that precedence over what our decision is as to what the law should be, because you are just delegating to the CBO what we as elected officials are responsible to do.

That is one of the difficulties with my friend's amendment. When he says that agencies should evaluate planned regulations to ensure—the key word is ''ensure''—that they are within cost estimates in the budget office, he is just giving the legislative authority away to the budget office and saying, yes, we want those metal detectors to capture a certain level of metal, but we are not really saying that. So I would suggest that we let the staff try to work out some language here. I think I know what the Senator is driving at. I think this language goes too far. I suggest that his staff and the staff of Senator GLENN, and perhaps mine, and any other interested Senator, might get together to work out language to avoid the result that this could otherwise lead to.

Mr. GRASSLEY. Mr. President, first of all, the Senator from Michigan wants us to believe that the sense-of-the-Senate resolution is going to bind every regulator who is working under the constitutional authority of the President—that they will not perform their responsibilities; that a sense-of-the-Senate resolution will somehow amend the Constitution, take away statutory authority of the bureaucrat. No sense-of-the-Senate amendment can or will do that or ever has done that.

The other point is that Congress does not turn anything over to the Congressional Budget Office through this sense-of-the-Senate resolution. This is our decision to make. There is no regulation that in any way can be stalled by either part of my amendment. It is not intended to do that. For the Senator from Michigan, it is not intended to take, nor will it take away any statutory responsibilities or constitutional responsibilities of any employee or officer of the executive branch.

I am always willing to work something out, but I think we have reached a point where yesterday and today we have tried to work out things in this area. One of the very concerns that the Senator from Michigan had previously with my amendment, in some of the discussions before, was the extent to which CBO could do this within their budget. From that standpoint, the Senator from Michigan just got an amendment adopted by this body that, within the same budget limitation of the CBO, asked them to do exactly what I am doing with my amendment.

So I think it is a little bit wrong for the Senator from Michigan to come here and say that I am asking too much of the Congressional Budget Office, or that a sense-of-the-Senate resolution will reduce the statutory responsibilities or the congressional responsibilities of any person within the executive branch.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. LEVIN. If the Senator will yield for a question, I have not objected to your part B which relates to the statement of cost of the Congressional Budget Office. I have not raised an objection.

Mr. GRASSLEY. I think it is because we have satisfied you with our changes in our language.

Mr. LEVIN. For whatever reason, I have not objected to the Senator's amendment as it relates to the additional duty of the CBO.

Will the Senator yield for a question?

Mr. GRASSLEY. I stand corrected from the standpoint that that may have referred to the entire language of the bill.

I yield for a question.

Mr. LEVIN. Under your language, it is the sense of the Congress that the Federal agency should do something to ensure something, and I want to give the Senator a hypothetical.

Assume that the estimate of the CBO was that the metal detector would cost $50 million. But the way the agency reads our law requiring them to get these new metal detectors installed to protect the American people, it turns out that those metal detectors required by our law will cost $75 million. Should the agency ensure the $50 million in that event, even though they read our law to require metal detectors which as it turns out a couple years down the road will cost $75 million? Or is it your sense that they should go with the cheaper $50 million metal detector, which will not do the job, because that was the CBO estimate? Or is it the Senators intention that they comply with our law because the better metal detector will be better?

Mr. GRASSLEY. I think it is a relatively easy question to answer. First of all, S. 1, as far as the unfunded mandates are concerned, the statutory authority that the regulator has to fulfill their responsibilities to protect the public is binding. That is not the sense of the Senate. But I am not saying that because I want to bring less significance to my sense of the Senate. I am saying that because that is the role—that is the place of sense-of-the-Senate resolutions in policymaking in our constitutional system of Government.

The regulator would go ahead and put in the more expensive product to protect the public. But, if I, Senator GRASSLEY, 6 months later said, ''Well, you know, I have some doubts about this. Is it within the cost?'' I ask the CBO to study what the cost is. Let us suppose CBO comes up with the fact that it is over the unfunded mandate estimate.

That is a quantifiable fact that does not affect the decision of the regulators. And that is the intent. But, to be perfectly candid to both of my colleagues who have spoken in opposition to this, I would expect maybe at reauthorization time that that fact could be a basis for maybe tightening up some of the statutes so that regulations cannot circumvent the original intent of the statute.

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

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes remaining.

Mr. GRASSLEY. And the other side has?

The PRESIDING OFFICER. No time remaining.

Mr. GRASSLEY. Mr. President, I would like to ask a question of the Republican manager of the bill. Is it the Senator's desire, then, if I would yield back my time, that we would immediately go to a vote on my amendment?

Mr. KEMPTHORNE. Mr. President, that would be my intent.

Mr. GRASSLEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Mr. GLENN. Mr. 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. 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. KEMPTHORNE. Mr. President, I ask unanimous consent that, with respect to the Lautenberg amendment numbered 199, there be 40 minutes of debate prior to the motion to table, to be divided in the usual form; and that, upon the expiration or yielding back of time, the majority manager or his designee be recognized to make a motion to table. I also ask unanimous consent that there be no second degree amendments in order to the Lautenberg amendment prior to the motion to table the Lautenberg amendment.

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

Mr. KEMPTHORNE. Mr. 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

AMENDMENT NO. 207, AS FURTHER MODIFIED

Mr. GRASSLEY. Mr. President, we have been able to arrive at some language that satisfies myself and satisfies the Democratic side of the aisle. Pursuant to that, I will have to ask unanimous consent that my amendment be modified as written on this paper.

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

The amendment, as further modified, 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 cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an 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.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an 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, I will yield back my remaining time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 207, AS FURTHER MODIFIED

The PRESIDING OFFICER. The vote now occurs on the amendment No. 207, as further modified, offered by the Senator from Iowa [Mr. GRASSLEY].

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.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Chafee	Hutchison	Robb
Coats	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simon
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone

NOT VOTING—1

Simpson

So the amendment (No. 207), as further modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. 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.

EXPRESSION OF SUPPORT FOR THE PEOPLE OF JAPAN

The PRESIDING OFFICER. Under the previous order the Senate will proceed to consider Senate Resolution 72, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 72) expressing support for the nation and people of Japan and deepest condolences for the losses suffered as the result of the earthquake of January 17, 1995.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the resolution (S. Res. 72). 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 Missouri [Mr. BOND] 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 Wyoming [Mr. SIMPSON] would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chanmber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—98

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Chafee	Hutchison	Robb
Coats	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simon
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	

NOT VOTING—2

Bond Simpson

So the resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 72) and its preamble are as follows:

S. RES. 72

Whereas on the morning of January 17, 1995, a devastating and deadly earthquake shook the cities of Kobe and Osaka, Japan killing more than 5,000 people, injuring more than 25,000 and leaving more than 300,000 temporary homeless;

Whereas the earthquake of January 17, 1995, has left more than 46,440 buildings in ruin, destroyed highways, train lines and other infrastructure and has caused losses of as much as $80 billion in Kobe alone;

Whereas the tradition of strength, courage, determination, and community of the people of Japan has been displayed time again by the citizens of Kobe and Osaka and, indeed,

all of Japan since the earthquake and has served as an inspiration to all of the world;

Whereas the nation's and people of the United States and Japan share a strong, decades old history of friendship and mutual interests and respect; and

Whereas the people of the United States, having suffered a similar tragedy almost a year ago to the day of the Kobe and Osaka earthquake, share in the pain and hope of the people of Japan: Now, therefore, be it

Resolved by the Senate that—

(1) The Senate expresses its deepest sympathies to the Nation of Japan and the citizens of Kobe and Osaka for the tragic losses suffered as a result of the earthquake of January 17, 1995.

(2) The Senate expresses its support to the people of Japan as they continue their noble efforts to rebuild their cities and their lives.

(3) The Senate expresses its friendship to the people of Kobe and Osaka and pledges its support for their efforts in the face of this disaster.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Will the Senator yield to the majority leader?

Mr. LAUTENBERG. Absolutely.

Mr. DOLE. Mr. President, there is not a ''no more vote'' sign out there because I did say—and I am reminded by the Senator from Kentucky—that we would be here until 11 o'clock tonight, tomorrow night, whatever it took.

I assume now we will debate this amendment and two additional amendments. We will probably be here until about 9:30. The question is whether we want to have a vote at that time, or have the vote tomorrow morning. I am prepared to do it either way. There are a number of our colleagues at a press dinner. Some would not be displeased if they were called back about 9 o'clock. Others who are on the program would be; but whatever the wishes of the Senator from Kentucky.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I did not know it was all left up to me.

Mr. DOLE. No. I said we have not said that there would be no more votes. I am prepared to do it either way.

Mr. FORD. Mr. President, I say to the majority leader that I understand the problem that he got into, and he probably will not get in this deep again for awhile. The Senator from New Jersey has an amendment. I am willing to debate him tonight and stack the votes until tomorrow. I would prefer that we have 40 minutes tomorrow in the morning, that we debate it tomorrow, and then have the motion as proposed by the distinguished Senator from Idaho. That is my preference. In order to accommodate the leader, I am perfectly willing to debate it tonight. However, we can vote on it tomorrow, and the votes apparently are going to be stacked. Two or three votes will be stacked, and I will be part of that. I am willing to acquiesce to that.

Mr. DOLE. Or we give you 5 minutes each before the vote tomorrow.

Mr. FORD. That would suit me fine, but I am trying to be—like my daddy told me, ''When you sell it and they ask you when do you want to be paid for it, say right now is fine.'' I have tried to accommodate the leader. Now you are trying to stick me over to tomorrow and divide me up. Let us debate it tonight and put the vote off until tomorrow. But do not have it too early. Those fellows over at the press dinner probably are going to have such a good time they will want to sleep in the morning.

Mr. DOLE. I am still sleepy from last night. In any event, that press dinner does last a while. It is live on C-SPAN. If you are not able to go, but you would like to watch it—which I prefer—it will be on about from 9:45 until 10:30.

So if that is agreeable, I appreciate the consideration by my friend from Kentucky. There will be the debate on the Lautenberg amendment, which is 40 minutes, I understand, equally divided. Two Levin amendments will be offered. I do not know of any time on that. If there are any rollcall votes ordered on any of the amendments, they will be postponed until tomorrow morning.

At 9 o'clock there will be an immigration amendment, we hope. I guess the point is that none of the votes will occur until disposition of the immigration amendment, and we will try to stack the votes, probably after 10, maybe later than that.

Mr. FORD. Mr. President, may I ask the distinguished majority leader, are we coming in at 9?

Mr. DOLE. We will come in at 9.

Mr. FORD. Then morning business?

Mr. DOLE. We are not going to have morning business. We will get right on the bill.

Mr. FORD. But you will go to the immigration amendment?

Mr. DOLE. There is an hour agreement on that. So that will be at least 10 o'clock. That vote will occur at 10, followed by a vote on Lautenberg, or any other votes ordered.

Mr. FORD. At 10 o'clock, or a minute or two after that. After the prayer and so forth, there will be an hour, which will take us to a few minutes after 10, when the first vote will occur.

Mr. DOLE. There will be no votes before 10, if that is all right with the Democratic leader. If that is agreeable to everybody, there will be no more votes this evening.

Mr. GLENN. The majority leader mentioned immigration. We are trying to work on differences on both sides on immigration. Did you not have that as part of any agreement?

Mr. DOLE. I did not make a request. But we can put it in writing if it works out. We still will not have any votes before 10, I can assure the Senator from Kentucky.

Mr. GLENN. Is that when we go back on the bill?

Mr. DOLE. That will be at 9.

AMENDMENT NO. 199

Mr. LAUTENBERG. Mr. President, I would like to turn to the consideration of my amendment No. 199 at this time.

The PRESIDING OFFICER. Amendment No. 199 is the pending business.

Mr. LAUTENBERG. Mr. President, I felt like a spectator as I was watching this debate occur. The majority leader knew that he had my good will as part of his dialog here. Since I was not asked, I just kind of shook my head. I was glad to be here. Obviously, those of us without a sense of humor are here because tonight is the funny night down there. It may be funnier here.

Mr. President, I thank my colleagues, the managers of the bill, the distinguished Senator from Ohio and the distinguished Senator from Idaho, for their interest in moving this legislation. I marvel at their patience and their good temperament, because it has not been easy, especially when there are those of us who think that the legislation is appropriate, but at the same time want to amend it to make it as good as we can in our own views and our own perspectives.

So I rise to speak for the fourth time on the subject of unfunded mandates. I understand I have 20 minutes, and I do not know whether I will use it all—probably not. But I will use sufficient time to discuss the subject now.

I offer this amendment which is as simple as it is compelling. I offer it because I believe that some laws are so important to the well-being of our citizens that regardless of whether the Federal Government fully pays for them, State and local governments should be required to implement them.

The authors of this bill recognized this fundamental truth, and that is why they created exclusions to S. 1. Federal legislation designed to enforce the constitutional rights of individuals are exempt from the strictures of the unfunded mandate law. So is legislation designed to protect statutory rights when they are threatened by discrimination. So is legislation deemed to be necessary to protect our national security.

Mr. President, my amendment would expand the list of exemptions to S. 1 to include limits of or on exposure to known human carcinogens. The Environmental Protection Agency has a list of substances which are believed to be causally connected to cancer in human beings. Evidence from human studies confirms a relationship between exposure to these substances and cancer.

These known carcinogens include: arsenic, asbestos, benzene, nickel, radon, and environmental tobacco smoke.

I ask unanimous consent that EPA's complete list of Group A carcinogens be printed in the RECORD at this time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EPA'S GROUP A CARCINOGENS

Group A: known human carcinogens:

''This group is used only when there is sufficient evidence from epidemiologic studies to support a causal association between exposure to the agents and cancer''. (EPA's Risk Assessment Guidelines of 1986)

Arsenic.
Asbestos.
Benzene.
Benzidine.
Bis(chloromethyl)ether.
Chromium VI.
Coke oven emissions.
Diethylstilbestrol.
direct black 38—benzidine-based dye.
direct blue 6——benzidine-based dye.
direct brown 95——benzidine-based dye.
Environmental tobacco smoke (ETS).*
2-naphthylamine.
Nickel.
Radon (and other radionuclides).
Vinyl chloride.

*ETS is the only carcinogen in Group A for which the cancer risk in humans was detected at environmental exposure levels, rather than occupational or pharmaceutical levels.

ETS is also the only Group A carcinogen which is not subject to regulation by EPA.

Mr. LAUTENBERG. My view is that protecting our citizens from avoidable risks is an essential responsibility of government. It is an obligation which State and local government must accept and discharge—even if the Federal Government does not pay all the costs of doing so.

On another level, though, I recognize that States and cities are often unable to afford the cost of Federal mandates. They need the flexibility to set their own priorities and implement Federal mandates efficiently. There is a commonsense appeal to this statement.

But we must also recognize that problems which cross State borders can only be effectively addressed at the Federal level.

Pollution, for example, knows no State borders. If each State develops its own pollution policy, some States will adopt stricter laws than others. As a result, a State with strong environmental laws, such as New Jersey, might fall victim to pollution from a nearby State with weaker standards. The cost of dealing with this foreign pollution would be unfairly borne by New Jersey taxpayers.

During the last few weeks, I have discussed the problem of State shopping that might result from this bill. With a patchwork of differing standards across the States, why wouldn't companies build factories in States with the least stringent environmental standards? In order to remain competitive, why wouldn't States with higher standards, lower them? This dangerous race to the bottom would lower the quality of life for all Americans. And I believe the Federal Government has a moral responsibility to discourage it.

The cancer-causing group A substances identified in my amendment are so deadly, and the Federal role in efforts to reduce our exposure to them are so important that I believe efforts to restrict human exposure to them should be exempt from the points of order in S. 1.

I commend the Senator from Idaho for his tenacity which ensured unfunded mandates would be a priority. I also want to commend the Senator from Ohio for his hard work in committee and on the floor to improve this bill. Together, they have forged a bill that would create better intergovernmental relations.

But central to this bill is the recognition that certain laws are so important to our Nation's welfare that they must be enacted and enforced—regardless of whether State and local governments will have to pay to implement them.

Mr. President, I think legislation to control known human carcinogens is so important that it warrants special consideration. Certainly, protection from deadly exposure to cancer-causing substances is as critical as any of the exclusions currently found in S. 1. Those who have lost loved ones to this disease can tell you that.

I believe this bill, as currently drafted, could hamper congressional efforts to protect the public from cancer-causing agents. Let me explain why.

Some of my colleagues might say that once the EPA determines something to be a group A carcinogen, there would be a broad consensus to protect children from it. But that is not the case at all.

Consider the case of radon. Radon, an invisible, toxic gas, is very threatening. Radon is one of the most serious environmental health risks facing the country. In my State, radon is the most prevalent environmental cause of cancer. Nationwide studies show elevated radon levels in 25 percent of our homes and in 20 percent of our schools. Radon testing and mitigation are relatively inexpensive. Still, because this problem is so widespread, a mandate to test for and reduce radon levels in schools would certainly pass the $50 million threshold contained in S. 1.

Last year, I offered, and the Environment and Public Works Committee reported, a bill to do radon testing in schools. It was never considered on the floor of the U.S. Senate. And one of the reasons is was not, was because some objected to the cost that would have to be assumed if tests revealed unacceptable levels of radon.

S. 1 would institutionalize those concerns and roadblocks. It would tie our hands and prevent us from passing legislation that requires radon testing and mitigation in schools. Someone would argue that radon is just a medium-risk hazard. And, as a result, progress in the fight against radon-related disease would be threatened. After smoking, radon is the second leading cause of lung cancer. Is not protecting our children from this risk important enough to support Federal legislation?

Again, I ask my colleagues: Are we prepared to surrender to all the different States the basic obligation of protecting the health—and in this case, the lives—of American citizens? Are we prepared to allow thousands of American children to be exposed to proven carcinogens? Is it a defense—or even an excuse—to say we are leaving this up to the States? I hope not.

I will conclude my remarks, Mr. President, to allow others to speak about my amendment. But I would ask my colleagues to think about the children whose health might be affected if we are unable to effectively regulate group A carcinogens. My youngest daughter is about to give birth to my second grandchild and I cannot help wondering how this bill, as written, might affect his or her health.

I feel that it is my obligation to protect that child with all of the might and the power that I can muster. I am sure that everyone else feels similarly about their children and grandchildren and the generations that follow.

As a consequence of that, I hope that we will have the support to amend S. 1 to include this very important exemption.

Mr. President, I ask unanimous consent that Senator BRADLEY from New Jersey and Senator BOXER from California be listed as cosponsors of this legislation.

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

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time that we are in a quorum call be equally charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Mr. President, I will not object, but I must note that the time that I used was because I was here and prepared to speak on the amendment.

I hope that my colleague from Kentucky is ready to speak.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, will the distinguished Senator from Idaho yield me at least 5 minutes?

Mr. KEMPTHORNE. Mr. President, I am more than happy to yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. That is probably twice what I will need. I usually like to work and not talk.

Mr. President, the amendment offered by my colleague from New Jersey is unwise. Since the proposed amendment would give the Environmental

Protection Agency authority in deciding what causes are worthy of exemption from this bill, I feel it deserves closer attention than could be afforded a floor amendment on an unrelated bill. The amendment before the Senate is a powerful amendment. It adds to a list of special exemptions for items that are so important to the fabric of our Nation that they should receive preferential treatment.

I question why we should give an agency whose credibility is in such question. I am not the first to raise the issue of the EPA falling down on the job. By some people's judgment, if it was not for rash and politically motivated regulations and decisions by the EPA, we might not even need the unfunded mandates bill.

I have a report here that outlines the problems at the EPA. It is called ''Safeguarding the Future: Credible Science, Credible Decisions.'' It was produced by an expert panel on the role of science at EPA. The reason that the EPA needed such a report was simple: The agency has been unable to base its actions on unpoliticized science. Its findings are nothing short of startling.

Furthermore, the EPA is not even sure what is a class A carcinogen. I submit a letter from the EPA that states that putting an ''exact number of chemicals on this unofficial 'A' list is tricky * * *.'' Some chemicals are grouped with others, some don't appear on EPA's risk hotline called IRIS, with this kind of information coming out of the EPA, we have no idea what this amendment could lead to down the road.

Mr. President, I ask unanimous consent that a letter from the U.S. Environmental Protection Agency dated June 21, 1994, to my office, be included in the RECORD at this point.

There being no objection, the letter is ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 21, 1994.

To: Matthew Rapp.
From: Jeanette A. Wiltse, Ph.D., Deputy Director, Office of Health and Environmental Assessment (8601).
Re: EPA Classification of Suspected Carcinogens.

Attached is the information that you requested on substances identified by EPA as Class A carcinogens. We have provided both use and health effects information.

Please be aware that the exact number of chemicals on this unofficial ''A'' list is tricky depending on how they are grouped. Often you will see just nickel listed, while on IRIS two nickel compounds are listed separately. Also, you may see radionuclides and radon listed separately or just radon mentioned as a catch-all for the whole group. As you know, there are at least 300 different radionuclides.

If you need additional information please call me at 202–260–7315.

Mr. FORD. Mr. President, a prime example of what could happen is chlorine. Chlorine, according to a recent newspaper article:

* * * is found in such diverse products as Teflon, compact discs, photographic film, sofa cushions, linoleum and lawn chemicals. It is used in 85 percent of all pesticides, purifies 98 percent of all U.S. drinking water, and directly affects 1.3 million American jobs. Chlorine is so important, in fact, that it is used in 60 percent of all chemical transactions—which amounts to 40 percent of our total gross national product.

Guess which product is likely to get on EPA's unofficial group A list? Chlorine. The EPA stated last year that it should ''develop a national strategy for subjecting, reducing, or prohibiting the use of chlorine and chlorinated compounds.''

Mr. President, to me this proves we should not give the EPA this new authority, and should not by our actions condone its behavior.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Eight minutes and 56 seconds.

Mr. LAUTENBERG. I ask the manager of the bill at this point whether there are additional speakers?

Mr. KEMPTHORNE. Mr. President, in response to my friend from New Jersey, no. I would have a quick comment at the conclusion of this. I think that will be all the speakers tonight.

Mr. LAUTENBERG. Mr. President, I yield myself such time as I need, and in the interest of trying to reduce this debate to its shortest possible period I want to respond to the distinguished Senator from Kentucky by just saying that I understand why he is raising those questions. Certainly there is a lot there that can be questioned.

In this case, Mr. President, I, too, have a letter and I assume it is not the same letter that the Senator from Kentucky submitted for the RECORD because he ascribed a June date to that and this letter is January issue. It is addressed to me from Miss Browner, who is the Administrator of the EPA, and she says—and I will put the full letter in the RECORD:

Group A carcinogens are, as explained at length in EPA's Risk Assessment Guidelines, those which have, in fact, caused cancer in humans. Group A classification does not derive from laboratory studies and inferences, assumptions or other uncertainties. These are instances which have resulted in cancer.

That is a pretty specific statement. When actions are needed to effectively limit exposure to these substances, EPA should be able to move expeditiously to do so.

She goes on further to say, ''Your amendment would provide an exemption from the procedural and other requirements of S. 1 that could delay or prevent congressional or other actions to limit exposure to known human carcinogens,'' signed Carol M. Browner, Administrator for EPA.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter is ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 25, 1995.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: I applaud your effort to ensure there is no hindrance to Environmental Protection Agency regulatory actions to limit human exposure to Group A carcinogens.

Group A carcinogens are, as explained at length in EPA's Risk Assessment Guidelines, those which have in fact caused cancer in humans. Group A classification does not derive from laboratory studies and inferences, assumptions, or other uncertainties; these are substances which have resulted in cancer. When actions are needed to effectively limit exposure to these substances, EPA should be able to move expeditiously to do so.

Your amendment would provide an exemption from the procedural and other requirements of S. 1 that could delay or prevent Congressional or other actions to limit exposure to known human carcinogens.

Sincerely,

CAROL M. BROWNER.

Mr. LAUTENBERG. I just say this to the distinguished minority whip, and that is that chlorine is now under question review. Despite its omnipresence, we know the material is used effectively all over. But we do not know the full health effects. It is, I think, appropriate to review it.

I think back to the days when asbestos was used for installation in every conceivable type of product: Wallboard, ceilings, pipes, et cetera. Then one day a terrible discovery was made. That was that asbestos is, in fact, cancer-causing material. There have been lawsuits that confirm that. Lots of people whose health was injured and, as a matter of fact, their lives terminated.

So the fact that something has been used extensively does not mean, of course, that it is, therefore, acceptable from a science or health-based review.

I conclude, Mr. President, and would yield the floor at this moment. If there is no further discussion I would be happy to yield back the balance of my time, but that depends on what happens with the opponents' statement.

Mr. KEMPTHORNE. Mr. President, I appreciate the concern that my friend from New Jersey has expressed. I enjoy serving on the Environment and Public Works Committee with him. I know of his sincerity in this issue. I appreciate his concerns about class A carcinogens and I share that concern. I may vote with my friend from New Jersey to waive a point of order on this when and if it comes to the floor. However, I do not support the amendment.

For example, we have the issue of radon on safe drinking water. What was the cost of that? Some estimate $10 billion. But should we know that cost up front? Was there a less costly alternative? This is exactly the purpose of Senate bill 1, to provide this process so that the issues that have been raised concerning this amendment can be brought to the floor to allow informed debate, accountability. And I believe that a complete exemption not only prevents us from knowing cost but prevents us from agreeing if, in fact, a waiver is deserved. Again,

there may be a time in the future that I would support him in seeking a waiver of the point of order, but I cannot support the idea of an exemption. So we could never get to that part of the process.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LAUTENBERG. Mr. President, I ask the manager of the bill whether he is going to ask for the yeas and nays for the purpose of tabling the motion.

If that is the end of the discussion, I am happy to yield back the remainder of my time.

Mr. KEMPTHORNE. Mr. President, an inquiry. Is it now in order for me to move to table the amendment?

The PRESIDING OFFICER. The Senator from New Jersey has yielded back his time. It would be in order for the Senator to do so.

Mr. LAUTENBERG. Mr. President, I yield back the remainder of my time.

Mr. KEMPTHORNE. I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, just to make this certain so that everybody knows and they know it in the offices also, it was understood that the vote on this would occur in the morning, if a rollcall vote is requested.

The PRESIDING OFFICER. That is correct, the agreement was that the vote will be not prior to 10 in the morning. If the Senator would propound a unanimous-consent in that regard.

Mr. GLENN. Mr. President, I ask to set the pending amendment aside.

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

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

AMENDMENT NO. 177, AS MODIFIED

(Purpose: To clarify use of the term ''direct cost'')

Mr. LEVIN. Mr. President, I first ask unanimous consent that I be allowed to modify amendment No. 177.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

Mr. LEVIN. I thank the Chair. I believe the majority has a copy of that modification.

Mr. President, I believe the modification is at the desk now.

The amendment, with its modification, is as follows:

On page 14, line 19 strike ''expected''.
On page 22, line 12 strike ''estimated''.
On page 22, line 22 strike ''estimated''.
On page 23, line 2 strike ''estimated''.
On page 23, line 5 strike ''estimate'' and ''full''.
On page 24, line 8 strike ''estimated''.
On page 24, line 15 strike ''estimated''.

Mr. LEVIN. Mr. President, I think it is also required that I ask unanimous consent that the Senate return to consideration of amendment No. 177.

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

Mr. LEVIN. Mr. President, this amendment may seem like a technical amendment, but it has substantive ramifications to it. There are eight places in the bill where the term ''direct costs'' is used, and that is a very critical term in the bill. But in five of those eight instances, there are some adjectives which are used which confuse the bill. For instance, sometimes it is referred to as ''estimated direct costs,'' even though the word ''estimate'' is already in the definition of direct costs in the definition section.

Once it is referred to as ''expected direct costs.'' Another time it is referred to as ''full direct costs,'' which raises an implication about, well, on those other occasions when you refer to direct costs, are they something other than full direct costs.

So in order to clear up these ambiguities and potential problems with those times direct costs is referred to in the bill, this amendment strikes the adjectives which I have indicated which are in the amendment and just simply leaves the words ''direct costs.'' That would then be as defined in the definition section of the bill.

I understand that the floor managers will accept this amendment. It is, frankly, a good reason why it is important that we take some time to make sure this bill is as clear as can possibly be achieved, and while there has been some suggestion by some that there has been an effort to delay this bill, there is no effort that I know of to delay this bill. The effort is being made to improve this bill in a number of very important ways, to clarify the bill where there are ambiguities, and this is one instance where there are ambiguities which need to be cleared up.

I believe the managers of the bill concur in this and, if so, this does not require a rollcall vote, as far as I am concerned. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we view this as a technical amendment which eliminates several redundancies in the language of the bill, as the Senator from Michigan pointed out. Because the term ''direct costs'' is defined to mean aggregate estimated amounts, there really is no need for the word ''estimated'' to be used elsewhere in the bill with the term ''direct costs.'' Therefore, this amendment strikes such usage.

This side of the aisle is ready to accept this amendment. Again, we appreciate the Senator from Michigan for his efforts.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, once again, I think the Senator from Michigan has shown his dedication to making this a good piece of legislation by going into some of the details and defining before we pass this, and correcting some of the things that might give trouble a little later on or that could be misinterpreted.

I want to congratulate him on that, and I am glad it has been accepted on the other side. We are happy to accept it on this side, also.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 177, as modified.

The amendment (No. 177), as modified, was agreed to.

Mr. KEMPTHORNE. 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.

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

The PRESIDING OFFICER. Will the Senator withhold for a moment?

Mr. KEMPTHORNE. Mr. President, I withhold.

HOW TO BALANCE THE FEDERAL BUDGET

Mr. GRAMM. Mr. President, we have heard recently requests from a number of colleagues and the President for an explanation of exactly how those of us who support the balanced budget amendment to the Constitution propose to achieve that goal after the States have ratified the amendment.

Frankly, the demand for details has come from some of the same individuals who opposed the balanced budget constitutional amendment when it was considered last year and it is my belief that no matter how detailed a plan was presented, they would find fault with it.

However, I do believe it is worth demonstrating to my inquiring colleagues that there is a specific, legislative path that we can follow in order to balance the Federal budget—S. 149, the Balanced Budget Implementation Act, which I introduced on January 4 of this year, the first day of the 104th Congress and which I originally introduced on February 16, 1993, as S. 377.

The legislation outlines the procedures necessary to bring the Federal

budget into balance, including such reforms as a requirement that the annual budget resolution be signed into law by the President, the implementation of zero-based budgeting which requires the reauthorization of most current Federal spending programs in order for them to remain eligible for funding; the application of the Social Security spending formula to other entitlement programs; and an extension to the year 2002 of the limits placed on discretionary spending. These requirements will be enforced with 60-vote points of order and other mechanisms.

This is the path to a balanced budget. I hope those of my colleagues who have requested such guidance will join me in following it.

I ask unanimous consent that a more detailed explanation of the legislation be printed at the conclusion of my remarks.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

BALANCED BUDGET IMPLEMENTATION ACT—OUTLINE

(By Senator Phil Gramm)

A bill to require and implement a balanced budget by the year 2002.

TITLE 1.—REQUIRE A JOINT BUDGET RESOLUTION TO FORCE JOINT ACTION BETWEEN CONGRESS AND THE PRESIDENT

(A) Joint resolution on the Budget: To remedy the lack of cooperation and coordination between the President and Congress resulting from the Congressional Budget and Impoundment Control Act of 1974 which created two budgets—one Executive and one Congressional—the Balanced Budget Implementation Act converts the present concurrent resolution on the budget into a joint resolution on the budget which must be signed by the President, ensuring joint Congressional and Executive branch consensus on and commitment to each annual budget.

TITLE 2.—ZERO-BASED BUDGETING & DECENNIAL SUNSETTING

(A) For FY 1996 and FY 1997, Congress must re-authorize all discretionary programs and all unearned entitlements: The Balanced Budget Implementation Act adopts President Carter's zero-based budgeting concept, mandating that before FY 1996 begins, the spending authority for all unearned entitlements, and the spending authority for the most expensive one-third of discretionary programs will expire. Entitlements earned by service or paid for in total or in part by assessments or contributions shall be deemed as earned, and their authorization shall not expire. Entitlements not sunsetted include Social Security, veterans benefits, retirement programs, Medicare and others. Before FY 1997, the spending authority of the remaining discretionary programs will expire.

Specifics

By the beginning of FY 1997, all unearned entitlements and discretionary programs will be subject to re-authorization. If a specific unearned entitlement or discretionary program is not re-authorized in a non-appropriations bill, it cannot be funded and will be terminated.

(B) Unauthorized programs cannot receive appropriations: The Balanced Budget Implementation Act creates a point of order in both Houses against any bill or provision thereof that appropriates funds to a program for which no authorization exists.

Specifics

Such point of order can be waived only by the affirmative vote of 3/5ths of the whole membership of each House. Appeals of the ruling of the Chair on such points of order also require a 3/5ths affirmative vote of the whole membership of each House.

A 3/5ths point of order shall lie against any authorization that is contained in an appropriation bill.

(C) All discretionary programs and unearned entitlements must be reauthorized every ten years: In the first session of the Congress which follows the decennial Census reapportionment, the spending authority for all unearned entitlements and the most expensive one-third of all discretionary programs will expire for the fiscal year that begins in that session. In the second session of that Congress, the spending authority for the remaining discretionary programs will expire for the fiscal year that begins in that session. This provision will be enforced by the points of order contained in Section B) above.

TITLE 3.—LIMIT THE GROWTH OF ENTITLEMENTS TO THE GROWTH RATE OF SOCIAL SECURITY

(A) The Balanced Budget Implementation Act adopts President Bush's proposal to limit the aggregate growth of all entitlements other than Social Security to the growth rate formula of Social Security for the period FY 1996 to FY 2002: The aggregate growth of all entitlements other than Social Security is limited to the growth rate formula of Social Security, which is the consumer price index and the growth in eligible population.

(B) The Balanced Budget Implementation Act provides flexibility in the growth rate of entitlement programs: An individual entitlement program can grow faster than the overall entitlement cap as long as the aggregate growth in all entitlements (other than Social Security) does not exceed the entitlement cap.

(C) From FY 1996 to FY 2002, the aggregate spending growth cap on entitlements will be enforced by an entitlement sequester: The Balanced Budget Implementation Act provides that if aggregate spending growth in entitlements exceeds the total growth in consumer prices and eligible population, an across-the-board sequester to eliminate excess spending growth will occur on all entitlements other than Social Security. A 3/5ths vote point of order lies against any effort to exclude any entitlement from this sequester. This sequester would be in effect until Congress passes legislation which brings the entitlement program back within the cap, and the President signs the bill.

TITLE 4.—ESTABLISH FIXED DEFICIT TARGETS, RESTORE AND STRENGTHEN GRAMM-RUDMAN, AND REQUIRE A BALANCED BUDGET BY 2002

(A) Restore the fixed deficit targets of Gramm-Rudman (GR) enacted by President Reagan: The Balanced Budget Implementation Act modifies the existing GR maximum deficit amounts and extends the GR sequester mechanism to balance the budget by FY2002 and annually thereafter.

The Fixed deficit targets established for the next seven fiscal years will result in a balanced budget by the fiscal year 2002:

Fiscal year:	*Billions*
1996	$145
1997	120
1998	97
1999	72
2000	48
2001	24
2002	0

The new maximum deficit amounts will be enforced by the existing GR deficit sequester. After reaching a balanced budget, the GR sequester mechanism will become permanent to ensure the budget stays in balance.

(B) Strengthen the GR points of order: The Balanced Budget Implementation Act requires the strengthening of the existing GR budget points of order.

Specifics

A point of order will lie against all actions that 1) increase the deficit or 2) increase the limit on national debt held by the public beyond the deficit levels required in Section A & B (above). This point of order will lie in both Houses, and may be waived only by a 3/5ths vote of the whole membership of each House. An appeal of the point of order can only be waived by a 3/5ths vote. No rule in either House can permit waiver of such a point of order by less than 3/5ths affirmative vote of the whole membership of such House nor can such point of order be waived for more than one bill per vote on such point of order.

Once the budget is balanced, all points of order will become permanent to ensure the budget stays in balance.

(C) Protect Social Security: Social Security will be protected fully by 1) preserving the existing points of order to protect the Social Security trust fund; an 2) providing expedited procedures in 2002 for consideration of additional legislation to balance the budget excluding the Social Security Trust Fund.

(D) Extend the Discretionary Spending Caps: President Clinton proposed extending the existing caps on total discretionary budget authority and outlays to cover the fiscal years 1999 and 2000. That cap will be extended to also apply to the fiscal year 2001 and 2002, at the same level of President Clinton's proposed extension.

Outlays

Fiscal year:	*Billions*
1998	$542.4
1999	542.4
2000	542.4
2001	542.4
2002	542.4

(E) Look Back Sequester: In the last quarter of every fiscal year, a ''look back'' sequestration is required to eliminate any excess deficit for the current year. This look back sequester will guarantee that the actual deficit target set for that year is achieved.

Specifics

On July 1 of every fiscal year, the Office of Management and Budget (OMB) will order an initial look back sequester based on the most recent OMB deficit estimates. On July 15, the OMB Mid-Session Review will update and finalize the sequester order. The final order will stay in effect unless offset by appropriate legislation to bring the deficit into compliance with that year's target.

APPOINTMENTS BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Senate Resolution 105, adopted on April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the following appointments and designations to the Senate Arms Control Observer Group:

The Senator from West Virginia [Mr. BYRD] as minority administrative cochairman; and

The Senator from Georgia [Mr. NUNN] as cochairman for the minority.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Bill Roth, J.M. Inhofe, Paul D. Coverdell, Bill Frist, Slade Gorton, Olympia Snowe, Spencer Abraham, Rick Santorum, Bob Smith, Jon Kyl, Dan Coats, Craig Thomas, Conrad Burns, Phil Gramm, Thad Cochran, Mitch McConnell, Richard Shelby, Fred Thompson.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, although progress has been made today, there are still approximately 30 amendments on the list to be considered. The managers say many of those approximately 30, at least some of them, will not be offered. But until they are formally stricken from the list, there is still the risk they could each be called up. The majority leader has made it very clear. He has been very patient in trying to work through this bill and the amendments thereto. The bill's managers certainly have been working very assiduously to try to reduce the amendment list and bring this to closure.

Also, the leader has made it clear he intends for us to complete this bill this week. In order to do that we have to work through this list, either have them stricken or acted on. If we do not get them completed tomorrow at a reasonable time, then it would go beyond that.

I understand there are only a few issues that still really need to be resolved. However, if they cannot be resolved amicably then it may be necessary to close off debate. If cloture is invoked, I am not sure exactly how many of these amendments are not germane, but those that are not germane would then be dealt with through the cloture motion and we could move on to the remaining amendments.

If going through cloture appears to be necessary tomorrow afternoon, it will be agreeable to this side of the aisle to waive the intervening day and have the cloture vote tomorrow. But I know there would be discussion between the majority leader and the minority leader before that would be done. I just wanted to put that out on the RECORD tonight. Perhaps we can get this thing really moving tomorrow, and it will not be necessary. But in order to deal with the time requirements, it was essential we put the cloture motion down at this time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the hour is late. I do not plan to debate this. In fact, there is no debate on a cloture motion, obviously. It can be filed at any time.

I am sorry it has to be filed or the majority feels it has to be filed in that I think we have had a very productive day here. We have worked very hard all day today. I just asked staff to total up what we had done today. We had five amendments accepted, one was withdrawn, and one was set aside. In that breakdown of five that were accepted, three were Democratic ones and two Republican. We had one amendment debated that was put over for vote tomorrow, and that vote will occur tomorrow morning. And we had three amendments tabled.

That is 11 effective actions on this bill today. I think that is rather good progress. I would say to my friend from Mississippi —we will not go into the whole litany of how we got to where we are—but we lost the first several days working on this bill basically because of what happened in committee, where we had actions taken in committee to speed this to the floor that prohibited any amendments. We were guaranteed once this reached the floor there would be plenty of time for all the amendments, to take them up on the floor. Now we get to the floor and the attempt is made to restrict or at least discourage amendments from coming up. That violates at least the spirit of what we were told in committee.

In committee also, the action there that caused us to lose quite a bit of time was the action wherein there was not a committee report sent. For those who are not familiar with how important a committee report is, it is what in layman's language explains to all the Senators and their staffs what the technical legalese language is in the bill itself. So on something like this that really is landmark legislation, that report was very important. We objected to the bill being filed without the report. We were voted down on that, and that was the issue that Senator BYRD took up—and quite successfully. On that issue alone, we spent some 2 or 2½ days.

Then we are finally told we can get the report, but then when the time came for the report to be filed it was not filed and we lost another day. Then we found out the Budget Committee, which also has jurisdiction over this, had not filed their report and that took another day.

So about the first 5 days, in fact the first week that this legislation was up, I submit we lost that time basically because of the actions that were taken in committee that I have never seen—in my 20 years here, I have never seen actions like that, where the minority was denied a report.

I know I chaired the Committee on Governmental Affairs for some 8 years, and the only time we ever sent a bill to the floor without a report was with the complete acceptance of that move by the minority. So I think the first 5 days we can mark off as being days, rancorous though they were here on the floor, that were caused by the attempt to bypass the normal procedures of the Senate.

I think with all that behind us, we are back on track now. We are dealing with this. I want to move as forcefully and as fast as possible. We had a good day yesterday. I do not have a summary of what happened yesterday, but today we have had 11 effective actions and I just hope we can continue moving tomorrow and I hope we do not have to exercise a cloture motion. I just wanted to spell that out.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, I want to say again I know the distinguished Senator from Ohio has worked very hard to try to move it forward. I know it has not been easy. I know he worked on it last year and great progress was made last year. That effort made it possible for us to have a bill this early in this session. I acknowledge that, and I want to take this opportunity on behalf of all his colleagues to commend him, and certainly our distinguished colleague from Idaho, Senator KEMPTHORNE, who has really been very diligent in trying to work through this, also.

But I do want to point out a couple of things. This is the 9th day that we have been on this bipartisan, I thought relatively noncontroversial, bill. There have been some actions that have been taken that have added some language to the bill. I believe the Senator would say he has made some improvements as he has gone along.

Mr. GLENN. Will the Senator yield?

Mr. LOTT. Sure.

Mr. GLENN. As I pointed out a moment ago, 9 days is correct that we have been on this bill. The first 5 days we lost, as far as effective action on the bill goes, because of what happened in the committee and the speed of putting in the bill in the Senate one day, having a hearing the next day, the markup the third day, no report, and over our objections in the minority. We had repeated votes in committee, and it was a wrangle over that here on the floor—my distinguished colleague from West Virginia was involved. It was that wrangle on the floor about the filing of reports that were not filed when they were supposed to be, even after agreement they would be filed—it was that issue alone that caused us to lose the first 5 days.

The last 4 days, where we have really been operating on this bill, especially the last 2 days, we have made excellent progress. As I said—we read off the list

that we had today—we have had 11 effective actions on this bill today.

Mr. LOTT. Mr. President, if the Senator will yield on that, when you say 11 effective actions, do you mean 11 amendments? Or seven amendments? How many amendments were disposed of?

Mr. GLENN. As I said a while ago, Mr. President, we had accepted five amendments; there were three on the Democratic side and two on the Republican side that were accepted—effective actions. We had one that was withdrawn. We had one that was set aside. We had one that was debated with the vote to occur tomorrow, and three were tabled. That is 11 effective actions, as I total them up.

So we are moving on this, is my point. I know cloture has been filed. This is not the time to debate cloture.

I just want to balance all of the blame we have been getting and the heat around us over here. I think it is not justified. At least the first 5 days that this was on the floor were not effective days for other reasons. They were noneffective days because of what happened in committee, which I think was unwarranted.

Mr. LOTT. Mr. President, I certainly understand what the Senator has said. I would like to note that, while I think progress was made today, we would all acknowledge that, at that pace, since we dealt with I guess 5 amendments today, on that basis it would still take us another 5 or 6 days with approximately 30 amendments pending. Even though we made good progress, if we are able to dispose of five or six a day, this thing could keep going on down the line. Certainly in the first couple of days a lot of discussion was delivered or exchanged on reports.

I point out that objection was heard, and an effort was made to get the reports filed. I have before me the two reports. In fact, the report from the Governmental Affairs Committee was available on the 12th of January. That is a Thursday. It is 45 pages long. I am sure the Senators have had more than ample time to review that in these succeeding days. Then the report from the Budget Committee was available on Friday the 13th. There are 38 pages there. Certainly there was time to review that.

So the objection was made, and the reports then were printed and made available in a way that everybody could have a chance to review them. I want to make sure that point is made, that the reports have been available now for 12 or 13 days.

Then also just one other point. Talking about the time lost the first couple of days, I think it is fair to note that the majority leader properly and because of his appreciation for the family and the need for various Senators to attend a funeral earlier this week, we in fact did not have any votes. There was not a lot of action on Monday even though we were scheduled to have votes any time after 4 p.m. In fact, they did not occur until late on Tuesday to accommodate a lot of Senators. We do not blame anybody for that. Those things happen. A compassionate leader would always honor that.

There are arguments on both sides. But I think the leader wanted to make sure that he took action to try to deal with this problem. For instance, if maybe we could get some information as to how many of these amendments will be stricken from the list, that would help. I understand that has not been available. If it is not approximately 30, if in fact it is 15, then that would make a lot of difference.

Mr. GLENN. The Senator is absolutely correct. I agree with that. We have already asked that be checked on our side to see how many will probably not be called up so we will know what is on the list. There are serious amendments left. And I am hoping the same thing can be done on the Republican side so we can combine things and maybe start getting some time agreements and so on.

Just one further statement on this. One of the reasons I think there were some amendments filed on this is because when people finally had a chance to read the reports and understand what was in the legislation, they had some concern about it. So they started filing their amendments. These have been substantive amendments which we have been considering.

Mr. LOTT. Does the Senator mean today or yesterday?

Mr. GLENN. Most of them yesterday and today. The ones that Senator LEVIN put in and several others here today. Some not dealing directly with this would have been accepted in committee. I grant that. But I think because we finally got the report people had a chance to look at it and understand what was in the bill. That is one reason we had so many amendments. Had we been permitted to do this in committee, I think there would not be nearly the number of amendments when we got to the floor.

Mr. LOTT. One response, if I could, I understand. Like the Senator from Ohio, I do not want to go on at great length. A lot of these amendments in that long list of about 100 certainly were not germane and not relevant to this bill. We spend a lot of time on both sides on things like history standards, the abortion clinic violence, and maybe the pornography—a lot of amendments in which it would be a huge leap to say that they really were urgent right now and that they were really relevant to this bill. But I think maybe we have been through that exercise and now we are down to really trying to deal with the amendments that have been offered that really are of concern.

I hope maybe we can complete that, and maybe in the spirit that the distinguished Senator from Ohio was exhibiting here tonight we will move right along tomorrow and be able to bring it to a conclusion.

Mr. GLENN. We will do our best.

Mr. LOTT. Mr. President, I will have a final closing statement, unless any other Senator would like to be heard at this time.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–244. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the report on unauthorized appropriations and expiring authorizations dated January 15, 1995; to the Committee on Appropriations.

EC–245. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93–16; to the Committee on Appropriations.

EC–246. A communication from the Deputy Assistant Secretary of the Air Force, transmitting, pursuant to law, notice of a cost comparison of base operating support; to the Committee on Armed Services.

EC–247. A communication from the Chair of the Defense Environmental Response Task Force, Under Secretary of Defense, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Armed Services.

EC–248. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the B-1 Conventional Mission Upgrade Program; to the Committee on Armed Services.

EC–249. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Advisory Board on the Investigative Capability of the Department of Defense; to the Committee on Armed Services.

EC–250. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Tunisia; to the Committee on Banking, Housing, and Urban Affairs.

EC–251. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC–252. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–253. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–254. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration's annual report for fiscal year 1994; to

the Committee on Banking, Housing, and Urban Affairs.

EC–255. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of sales and advertising expenditures data for calendar years 1992 and 1993; to the Committee on Commerce, Science, and Transportation.

EC–256. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC–257. A communication from the Administrator of the National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of the study of the safety impact of permitting right-turn-on-red; to the Committee on Commerce, Science, and Transportation.

EC–258. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the comprehensive program management plan; to the Committee on Energy and Natural Resources.

EC–259. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report for fiscal year 1993 entitled ''Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition''; to the Committee on Energy and Natural Resources.

EC–260. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Outer Continental Shelf Natural Gas and Oil Leasing and Production Program for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC–261. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled ''The Clean Air Act Ozone Design Value Study''; to the Committee on Environment and Public Works.

EC–262. A communication from the President of the United States, transmitting, pursuant to law, the Executive Order relative to the seismic safety of Federally-owned or leased buildings; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Rules and Administration, without amendment:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate (Rept. No. 104–6).

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. BAUCUS:

S. 274. A bill entitled the ''Old Faithful Protection Act of 1995''; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. BOND, Mr. BURNS, Mr. HELMS, Mr. MCCONNELL, Mr. PRESSLER, and Mr. NICKLES):

S. 275. A bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 276. A bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on the Judiciary.

S. 277. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion; 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. BINGAMAN (for himself, Mr. DASCHLE, Mr. DOLE, Mr. ROCKEFELLER, Mr. PELL, and Mr. ROBB):

S. Res. 72. A resolution expressing support for the nation and people of Japan and deepest condolences for the losses suffered as the result of the earthquake of January 17, 1995; considered and agreed to.

By Mr. STEVENS:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MURKOWSKI (for himself, Mr. SIMON, Mr. HELMS, Mr. ROBB, and Mr. THOMAS):

S. Con. Res. 4. A concurrent resolution expressing the sense of the Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 274. A bill entitled the ''Old Faithful Protection Act of 1995''; to the Committee on Energy and Natural Resources.

THE OLD FAITHFUL PROTECTION ACT

Mr. BAUCUS. Mr. President, Americans first heard about Yellowstone National Park back in the 1850's, from an old mountain man by the name of Jim Bridger.

Bridger told about a place where water ran so quickly it heated the stream bed through friction. He said steam rose up from the edges.

He told folks about how you could cook a trout without taking it off the line—just catch the fish in the Firehole River and swing it into one of the steam cauldrons on the bank.

Folks back then were a little hard pressed to believe Jim Bridger. But when they saw it for themselves, they were convinced. President Ulysses S. Grant made it our first national park on March 1, 1872.

Today, millions of Americans have visited Yellowstone to see the geysers and mudpots and hot springs that make this a unique place. And I think we all want to make sure we keep it forever.

That is why today, I am introducing the Old Faithful Protection Act of 1995. This legislation guarantees that Yellowstone—our Nation's first national park—will remain the marvel that it was, is, and should always be.

Why am I doing this? Because while Jim Bridger was a great man, he was no geologist. Yellowstone has geysers, paint pots, and steam cauldrons not because of fast-running streams, but because of the geothermal characteristics of the underlying rock formations.

These structures are fragile. In the past, some have been tempted to tap into them for energy. And when that has happened elsewhere the geysers have vanished.

A 1991 National Park Service report found that geothermal development has dried up 7 of the world's 10 major geyser systems. Systems have disappeared in China, Russia, Chile, and Iceland. Next door in Nevada, 30 geysers were active as recently as 1958. Extensive geothermal development has dried them all up. They are gone forever.

The same thing could happen in Yellowstone. And as the Park Service report concludes, ''any risk, no matter how small, to Yellowstone's geothernal resource is too much risk.''

The Old Faithful Protection Act guarantees complete protection to Yellowstone's world famous geysers, paint pots, mud volcanoes, and hot springs.

It forbids geothermal development on Federal lands within approximately 15 miles of Yellowstone's boundaries.

It lets Montana, Idaho, and Wyoming regulate geothermal development on State and private lands within this 15-mile buffer zone provided that each State develops a regulatory program that adequately protects Yellowstone.

In summary, the Old Faithful Protection Act makes sure that Yellowstone is protected, private property rights are respected, and the appropriate role of the States in managing the water resource is recognized.

We owe it to future generations to preserve Yellowstone so that they can see the same wondrous sights that Jim Bridger saw 140 years ago.

And we owe it to the many people whose jobs depend on Yellowstone—guides, small businesses, nearby hotels and more—to keep their livelihood safe.

And I want to put my colleagues on notice about this bill. Last Congress, my friend and colleague Congressman PAT WILLIAMS brought this through the House on an overwhelming vote.

Unfortunately, it was held up here in the Senate. I will not let that happen again. I have written to the chairman of the Energy and Natural Resources Committee, asking for an immediate hearing and rapid action on the bill. And if that does not happen, I will

bring this bill to the floor at every opportunity, because I believe Yellowstone is that important to me and to Montana.

As Teddy Roosevelt said 90 years ago:

There can be nothing in the world more beautiful than the Yosemite, the groves of giant sequoias and redwoods, the Canyon of the Colorado, the Yellowstone * * * and our people should see to it that they are preserved for their children and their children's children forever, with their majestic beauty all unmarred.

Yellowstone compares with Yosemite National Park, one of Teddy Roosevelt's favorites.

Mr. President, no risk to the park is too small to ignore. I consider this bill a top priority. And I urge my colleagues to give it their strong support.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 25, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Today I am introducing the ''Old Faithful Protection Act of 1995.'' This legislation is intended to protect the hydrothermal systems associated with Yellowstone National Park, an objective I have long been a strong advocate of. I have gone to great lengths to tailor this legislation so that it protects Yellowstone, while respecting private property rights and the important role of states in managing their water.

The importance of this legislation to maintaining the integrity of Yellowstone National Park cannot be understated. It is my intention to do everything I can to see this bill to final passage during this Congress, and I would very much appreciate your assistance. Toward that end, I ask that you hold a hearing on this legislation at as early a date as possible.

I look forward to hearing from you in the near future on this matter.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

U.S. SENATE,
Washington, DC, January 25, 1995.

Hon. J. BENNETT JOHNSTON,
Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. BENNETT: Today I am introducing the ''Old Faithful Protection Act of 1995.'' This legislation is intended to protect the hydrothermal systems associated with Yellowstone National Park, an objective I have long been a strong advocate of. I have gone to great lengths to tailor this legislation so that it protects Yellowstone, while respecting private property rights and the important role of states in managing their water.

The importance of this legislation to maintaining the integrity of Yellowstone National Park cannot be understated. It is my intention to do everything I can to see this bill to final passage during this Congress, and I would very much appreciate your assistance. Toward that end, I ask that you hold a hearing on this legislation at as early a date as possible.

I look forward to hearing from you in the near future on this matter.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

By Mr. D'AMATO:

S. 276. A bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on the Judiciary.

THE SMALL BUSINESS FINANCIAL INSTITUTION PROTECTION ACT

● Mr. D'AMATO. Mr. President, I introduce legislation to address the problem of bank fraud that is being perpetuated against the U.S. Small Business Administration [SBA]. The SBA besides specializing in small business loans also gets heavily involved in loans for disaster relief areas. Currently there are over 5,000 loans in default with the SBA. These defaulted loans represent a loss over $1.8 billion to the SBA and the financial institutions that processed the loans. Since 1990, the SBA has repurchased in excess of $878 million of these defaulted loans yielding a direct loss to the U.S. Government. The remaining $300 million lost in this process was incurred by the federally insured financial institutions that processed the loans. The SBA guidelines for approving loans are adopted by the financial institution, these guidelines are clearly deficient. The background investigation and financial checks for SBA loan approval are basically nonexistent. The amount of fraud associated with SBA loans is extraordinary.

In addition to the internal loan approval problems present in the SBA, there are several problematic areas within the prosecution of these violations. Currently SBA violations are prosecuted under title 18 USC, section 1001 (False Statements) and section 287 (False, fictitious or fraudulent claims). Both of these sections are merely 5-year counts. The U.S. Attorney's offices nationwide, due to the large caseload, have to prioritize their prosecutions. Five-year violations are usually declined due to lack of prosecutive merit. Furthermore, this meager judicial penalty allows for these violations to be cost effective for the defendants. Most of the SBA defaulted loans are over $100,000. These violations rarely result in prison terms, therefore crime truly does pay.

The second problematic area within the prosecution of these violations is that neither of these sections have asset forfeiture provisions. Therefore, the SBA must make a business decision to prosecute or proceed civilly.

My legislation will address all these issues. First, by incorporating SBA violations under title 18 USC, section 1344—(Bank Fraud) prosecutive thresholds will be met in virtually all U.S. attorney's offices. Second, this section will raise the penalties associated with these violations. This in effect will send the message out that we will not tolerate abuses against our financial systems of the U.S. Government. The current penalties for violation of section 1344 impose a fine of not more than $1 million or imprisonment of not more than 30 years, or both. This increased exposure tells would-be defendants that crime does not pay. And lastly, section 1344 has asset forfeiture provisions. This allows both for the return of the illegally gained proceeds to the Government and the victim financial institutions and for the prosecution of those involved. As is clearly demonstrated by the above figures, SBA fraud is already a form of bank fraud in that federally insured financial institutions share in the losses when SBA loans are defaulted. The recent indictment in Los Angeles of 16 defendants, highlights the necessity for this change. These defendants were responsible for approximately $10 million in losses. Just in my State alone during the last 4 years over $20 million in losses were incurred by defaulted SBA loans.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 276

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 ''Small Business Financial Institution Protection Act''.

SEC. 2. CRIMINAL PENALTIES.

Section 1344 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''or the Small Business Administration'' after ''financial institution''; and

(2) in paragraph (2), by inserting ''or the Small Business Administration'' after ''financial institution,''.●

By Mr. D'AMATO:

S. 277. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

THE COMPREHENSIVE IRAN SANCTIONS ACT OF 1995

● Mr. D'AMATO. Mr. President, I introduce the Comprehensive Iran Sanctions Act of 1995. This act will institute a total trade embargo between the United States and the Islamic Republic of Iran. This embargo will also include a prohibition on all trade engaged in by a U.S. national abroad, but exempt all humanitarian supplies.

This legislation is modeled after a provision in the Cuban Democracy Act, and forbids any United States-owned foreign subsidiary from doing business with Iran. Moreover, it will end the ability of United States oil companies to buy Iranian oil and then resell it on the open market. We must stop subsidizing Iranian terrorism. Our purchase of Iranian oil does just that. In 1993, oil purchases by United States companies of Iranian crude oil bought and resold

in foreign markets amounted to $3.5 billion, or 25 percent of all Iranian crude oil sales.

United States companies supply annually over $750 million in exports to Iran. In the first 6 months after the imposition of the sanctions in October 1992, $461 million in exports to Iran required G–DEST or General Destination licenses. Companies using G–DEST licenses do not submit individual license applications, thereby removing the State and Defense Departments from the review process. This process makes it easier to slip dual-use material through the oversight process and for Iran to continue receiving exports that it can convert for use in its military and nuclear program. This is exactly what Iraq did during the 1980's and we allowed it to happen. We cannot allow the same mistake to be repeated.

Iran is arming itself to the teeth, and we are simply ignoring it. Iran conducted a $12 billion shopping spree for arms in 1990, and is stockpiling Chinese and North Korean Scud missiles. In 1991, Iran purchased Chinese nuclear technology and a nuclear reactor. This, in addition to its ongoing receipt of U.S. dual-use exports, portends a very dangerous situation.

Iran set forth 2 years ago, an arms budget estimated at over $50 billion for the following 5 years. This should make it clear to all that Iran aims to build itself into a regional nuclear power intent on spreading its will by force. We cannot sit back and allow this bloodthirsty band of terrorists to grow into a monster too big for anyone to handle.

Moreover, Iran's territorial expansion into North Africa and Central Asia is seemingly being ignored. Iranian-supported terrorists are active in Algeria, Tunisia, Morocco, Egypt, Yemen, and in Israel. Iran is also making serious efforts at spreading its influence into Afghanistan and Tajikistan. While this may seem tangential, Iran's spreading influence is indicative of a wider, more dangerous effort, designed to build an anti-American bloc. This much has even been alleged, regarding suggestions of some Sudanese role in the bombing of the World Trade Center.

Iran's actions, speak louder than words and its continued effort at obtaining weapons of mass destruction, as well as its pursuit of an Islamic fundamentalist, anti-American bloc, speak volumes about its intent in the world today.

With Iran's goals in mind, the United States should not be providing it with the capabilities to build such weapons to fulfill its aims. Unfortunately, the Commerce Department has found no illegal exports, but is investigating some potentially suspect cases. I would suggest that if the administration is sincere about true export control, it should reexamine its policy vis-a-vis Iran. Over a year ago, Secretary of State Christopher announced an American intention to isolate Iran, yet the continued export of dual-use material to this country and the American purchase of Iranian oil, seems to run counter to this pronouncement.

If the world community wishes to avoid another Middle Eastern war, we must join together to take any and all steps necessary to prevent Iran from its goal of nuclear domination of the Middle East. In 1981, Israel foresaw the danger in Iraq. In 1995, let us not ignore the danger again with Iran and miss an opportunity to stop this problem before it gets too big.

We must sever any remaining trade between the United States and Iran, to ensure that we do not provide them with anything that will come back to haunt us. We must take the lead and begin a worldwide effort at halting all exports to Iran until it sheds its violence and antagonism towards the West. When Iran agrees to join the rest of the civilized world, then we can consider lifting sanctions.

I urge my colleagues to join me in cosponsoring this legislation.

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. 277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Iran Sanctions Act of 1995''.

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made ''no appreciable progress towards improved compliance with human rights in accordance with the current international instruments''.

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of American University President in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–1986 by the Hezballah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (c), effective on the date of enactment of this Act, a total trade embargo shall be in force between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) Any transaction in the currency exchange of Iran.

(2) The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) The importing from, or exporting to, Iran of currency or securities.

(4) Any acquisition, holding, withholding, use, transfer, withdrawal, transportation,

importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(6) The importation into the United States of any good or service which is, in whole or in part, grown, produced, manufactured, extracted, or processed in Iran.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—This section shall not apply to any transaction involving the furnishing, for humanitarian purposes, of food, clothing, medicine, or medical supplies, instruments, or equipment to Iran or to any national thereof.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 5. WAIVER AUTHORITY.

The provisions of sections 3 and 4 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 6. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term ''act of international terrorism'' means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(3) the term ''Iran'' includes any agency or instrumentality of Iran;

(4) the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States; and

(5) the term ''United States national'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 9, a bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1996 through 2003 that would balance the budget by fiscal year 2003.

S. 47

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 50

At the request of Mr. LOTT, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

S. 141

At the request of Mrs. KASSEBAUM, the names of the Senator from Arizona [Mr. KYL], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 165

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 165, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 174

At the request of Mr. SIMON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 174, a bill to repeal the prohibitions against political recommendations relating to Federal employment and United States Postal Service employment, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 194, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 198

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes.

S. 200

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 200, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in handgun and is capable of penetrating police body armor.

S. 205

At the request of Mrs. BOXER, the name of the Senator from Wisconsin [Mr. KOHL] 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. 208

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 208, a bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States.

S. 226

At the request of Mr. DOMENICI, the name of the Senator from New Mexico

[Mr. BINGAMAN] was added as a cosponsor of S. 226, a bill to designate additional land as within the Chaco Culture Archeological Protection Sites, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Colorado [Mr. BROWN], and the Senator from West Virginia [Mr. ROCKEFELLER] 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.

S. 241

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 241, a bill to increase the penalties for sexual exploitation of children, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of 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.

SENATE JOINT RESOLUTION 1

At the request of Mr. DOLE, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. HELMS], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 16

At the request of Mr. BROWN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 16, a joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the names of the Senator from Washington [Mr. GORTON] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 17, a joint resolution naming the CVN–76 aircraft carrier as the U.S.S. *Ronald Reagan*.

SENATE JOINT RESOLUTION 22

At the request of Mr. GRAMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 22, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

AMENDMENT NO. 199

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from California [Mrs. BOXER] were added as cosponsors of amendment No. 199 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.

AMENDMENT NO. 201

At the request of Mrs. BOXER, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of amendment No. 201 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.

AMENDMENT NO. 202

At the request of Mrs. BOXER, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of amendment No. 202 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.

SENATE CONCURRENT RESOLUTION 4—RELATIVE TO THE KOREAN PENINSULA

Mr. MURKOWSKI (for himself, Mr. SIMON, Mr. HELMS, Mr. ROBB, and Mr. THOMAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 4

Whereas the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that ''[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula'';

Whereas the Agreed Framework also states the ''[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue'';

Whereas the two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea;

Whereas the North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula; and

Whereas the reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.

It is the sense of the Congress that—

(1) the executive branch should take steps to ensure that the implementation of the Agreed Framework between the United States and North Korea, dated October 21, 1994, is linked to substantive and rapid progress in dialogue between North and South Korea; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the executive branch should develop specific timetables for achieving measures to reduce tensions between North and South Korea, such as—

(A) holding a North Korea-South Korea summit;

(B) the prompt dismantlement of North Korea's nuclear reprocessing facility;

(C) the initiation of mutual nuclear facility inspections by North and South Korea;

(D) the establishment in both North and South Korea of North-South Liaison Offices;

(E) the establishment of a North-South joint military commission to discuss steps to reduce tensions between North and South Korea, including—

(i) the mutual notification and control of major troop movements and major military exercises;

(ii) the relocation of troops to positions further from the demilitarized zone;

(iii) exchanges of military personnel and information;

(iv) the installation of a telephone ''hotline'' between military authorities; and

(v) phased reductions of armaments and troops, and verification thereof;

(F) the expansion of trade relations between North and South Korea;

(G) the promotion of freedom to travel between North and South Korea by citizens of both North and South Korea;

(H) exchanges and cooperation in science and technology, education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(I) the establishment of postal and telecommunications services between North and South Korea; and

(J) the reconnection of railroads and roadways between North and South Korea.

SEC. 2. PRESIDENTIAL ENVOY.

The President should appoint a senior official with appropriate experience to represent him in communicating directly with the North Korean government regarding the steps and measures set forth in section 1, and to consult with South Korea and other concerned allies regarding such communications.

SEC. 3. REPORT TO CONGRESS.

The President should report to the Congress, within 90 days after the adoption of this concurrent resolution, regarding the progress made in carrying out sections 1 and 2.

SEC. 4. DEFINITIONS.

As used in this concurrent resolution—

(1) the term ''North Korea'' means the Democratic People's Republic of Korea; and

(2) the term ''South Korea'' means the Republic of Korea.

SEC. 5. DELIVERY OF RESOLUTION TO PRESIDENT.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

● Mr. MURKOWSKI. Mr. President. I submit a concurrent resolution that expresses the Sense of the Congress regarding the serious issue of North Korea-South Korea dialog as part of the United States-North Korea Agreed Framework on the nuclear issue. I am joined today by my colleagues Senator SIMON, HELMS, ROBB, and THOMAS in submitting this resolution. Several of our colleagues on the House side have submitted a similar resolution today.

I do not intend at this time to launch into a lengthy critique of the agreed framework signed between the United States and the Democratic People's Republic of Korea [DPRK]. I chaired a hearing last week in the Senate Energy and Natural Resources Committee to examine the agreement in greater detail. Other hearings on the agreed framework are being held in the Senate Foreign Relations Committee and Armed Services Committee this week. And I believe this body will have an opportunity to debate the entire agreement in detail when the administration seeks additional funding to carry out the provisions of the agreed framework.

Today, however, I want to focus on a specific, and critical, element of the agreed framework: the necessity of a meaningful North-South dialog. Without such a dialog, I am convinced that implementation of the agreed framework is unworkable.

Section III(2) of the agreed framework specifies that ''[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.'' The agreed framework goes on to say in section III.(3) that ''[t]he DPRK will engage in North-South dialogue, as this agreed framework will help create an atmosphere that promotes such dialogue.'' Yesterday, in testimony before the Senate Foreign Relations Committee, Secretary of State Warren Christopher had this to say about these provisions: ''As part of the framework, North Korea has pledged to resume dialogue with South Korea on matters affecting peace and security on the peninsula. We have made clear that resuming North-South dialogue is essential to the success of the framework—so important that we were prepared to walk away from the framework if North Korea had not been willing to meet that condition.''

I am gratified that the United States negotiators held firm on including references to these two North-South issues, but I am greatly concerned that the requirements were not spelled out in greater detail in the agreement. For instance, what is the time line for progress? At what point will the United States stop fulfilling its commitments under the agreed framework if there has been progress in North-South relations.

It is this lack of specificity that has led me and my colleagues to introduce this resolution. The resolution calls on the executive branch to take steps to ensure that the implementation of the agreed framework is linked to substantive and rapid progress in the dialogue between North and South Korea, including developing timetables for achieving measures to reduce tensions between North and South Korea. Although not a comprehensive list, positive measures could include: First, hold a North-South summit; second, prompt dismantlement of North Korea's reprocessing facility; third, initiation of mutual nuclear facility inspections; fourth, establishment of North-South Liaison offices; fifth, establishment of a North-South joint military commission; sixth, expansion of trade relations; seventh, promotion of freedom to travel; eighth, exchanges and cooperation in science and technology, education, the arts; health, sports, the environment, publishing, journalism, and other fields of mutual interest; ninth, establishment of postal and telecommunications services; and tenth, reconnection of railroads and roadways.

The resolution also calls on President Clinton to appoint a senior official to communicate directly with the North Korean Government regarding the steps and measures, and to consult with South Korea and other concerned allies regarding such communications. In addition, the resolution calls on the President to report to Congress within 90 days regarding the progress made in the specific steps.

Mr. President. I do not need to remind my colleagues that 37,000 American soldiers stationed on the demilitarized zone remain in harm's way. We all received a grim reminder of this when a U.S. helicopter was shot down on December 17, 1994, killing one U.S. airman and detaining another on false charges of American espionage.

These American troops are part of the nearly 2 million troops who face each other across a heavily fortified demilitarized zone. Three decades of on-again, off-again talks between Pyongyang and Seoul have produced no significant progress in reducing tensions. Although a cease-fire ended the Korean war in 1953, the two sides technically remain at war. The agreed framework does not adequately address the underlying tensions between North and South Korea. Nor do I believe that North and South Korea will simply work everything out without some outside assistance. For that reason, I believe that the Clinton administration must take specific steps to ensure that North Korea lives up to its commitment under the agreed framework.

I hope this resolution will take us a step in the right direction.●

● Mr. SIMON. Mr. President, there are many trouble spots in the world. But there may be no more dangerous border right now than the one that divides North and South Korea. Approximately 1 million troops, North Korean, South Korean, and United States, are arrayed along either side of that 150-mile-long line. And yet, with all that firepower ready to use, there is practically no communication across that line. It is one of the most hermetic borders in the world, rivalled, perhaps, only by those of Albania in its heyday.

Last December my colleague Senator FRANK MURKOWSKI and I saw that formidable border with our own eyes, when we crossed the demilitarized zone from North to South. And that same month we all saw some of the consequences of the lack of communication, when a United States helicopter was shot down over North Korea. What in other circumstances might have been handled as a routine incident became a protracted war of nerves, with the freedom of one U.S. airman and the remains of another hanging in the balance. Why? Because there are so few trusted channels of communication between North and South.

When Senator MURKOWSKI and I visited Asia last month, the agreed framework between the United States and North Korea was the focus of our discussions in both Pyongyang and Seoul. The agreement, while not perfect, offers an important opportunity to end North Korea's nuclear program. It also—and this is extremely important as well—can open new channels of communication between North and South, and thereby reduce tensions in northwest Asia.

The sense of the Senate resolution that I am proud to submit today with my colleague Senator MURKOWSKI expands the channels of communication envisaged in the agreed framework. The resolution calls for the executive branch to establish timetables for a range of tension-reducing measures between North and South Korea. Dismantlement of North Korea's nuclear reprocessing facility would be a major step, but only one step, in that area. Other important measures connecting North and South would be: liaison offices; a joint military commission with a particular focus on information exchange and threat reduction; expanded

trade relations; freedom of travel between the Koreas; scientific, cultural, educational and sports exchanges; postal and telecommunications services between North and South; and reconstruction of road and rail links between the two countries. The President should appoint a senior official to work on all those steps with North and South Korea.

All the measures I just listed add up to communication. Opening North Korea to outside influences will not be easy, will not happen overnight, and will not bring overnight results. It is an effort, though, that we should make, because the payoff in reduced tensions on the Korean peninsula could be very great indeed. This resolution aims to support the nuclear accord, and build on it in constructive, positive ways.●

SENATE RESOLUTION 72—RELATIVE TO JAPAN

Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. DOLE, Mr. ROCKEFELLER, Mr. PELL, and Mr. ROBB) submitted the following resolution; which was considered and agreed to:

S. RES. 72

Whereas, on the morning of January 17, 1995 a devastating and deadly earthquake shook the cities of Kobe and Osaka, Japan killing more than 5,000 people, injuring more than 25,000 and leaving more than 300,000 temporarily homeless:

Whereas, the earthquake of January 17, 1995 has left more than 46,440 buildings in ruin, destroyed highways, train lines and other infrastructure and has caused losses of as much as $80 billion in Kobe alone:

Whereas, the tradition of strength, courage, determination and community of the people of Japan has been displayed time again by the citizens of Kobe and Osaka and, indeed, all of Japan since the earthquake and has served as an inspiration to all of the world:

Whereas, the nations and people of the United States and Japan share a strong, decades old history of friendship and mutual interests and respect:

Whereas, the people of the United States, having suffered a similar tragedy almost a year ago to the day of the Kobe and Osaka earthquake, share in the pain and hope of the people of Japan.

Therefore be it resolved by the Senate that—

(1) The Senate expresses its deepest sympathies to the Nation of Japan and the citizens of Kobe and Osaka for the tragic losses suffered as a result of the earthquake of January 17, 1995.

(2) The Senate expresses its support to the people of Japan as they continue their noble efforts to rebuild their cities and their lives.

(3) The Senate expresses its friendship to the people of Kobe and Osaka and pledges its support for their efforts in the face of this disaster.

Mr. BINGAMAN. Mr. President, I rise today to submit Senate Resolution 72 expressing the Senate's deepest sympathies to the people of Kobe and Osaka, Japan.

Mr. President, by now we are all aware of the frightening devastation that was caused by the earthquake that struck Kobe and Osaka in the early morning of January 17, 1995. We have seen the terrible destruction of homes and businesses, we have heard the enormous numbers of dead and wounded and we have read the remarkable stories of courage and hope that have sprung daily from the rubble and ruins of Kobe and Osaka.

Mr. President, the memories of the earthquake that struck California almost a year ago to the day of the Kobe and Osaka earthquake have not diminished in the short period of time that has elapsed. We remember all too well the feelings of disbelief and loss as we learned of the destruction that the California earthquake reeked on our own citizens. As it was a year ago, so it has been throughout the past week as we watched the events unfold in Kobe and Osaka.

Mr. President, we do not need a disaster to remind us of our friendship and mutual commitment with the people of Japan; however, at a time of tragedy such as this, we do have an opportunity to again reaffirm that friendship and to say to the people of Japan that America does care.

Mr. President, I hope that my colleagues will join with me today in supporting Senate Resolution 72 and will join with all of America in expressing our deepest sympathies and pledging our support and friendship to the people of Japan.

SENATE RESOLUTION 73—ORIGINAL RESOLUTION REPORTED AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. STEVENS, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

S. RES. 73

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1995, through September 30, 1996, in the aggregate of $49,394,804 and for the period March 1, 1996, through February 28, 1997, in the aggregate of $50,521,131 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications, (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1995, through September 30, 1996, and March 1, 1996, through February 28, 1997, to be paid from the appropriations account for ''Expenses of Inquires and Investigations'' of the Senate.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,708,179, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,746,459, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30,

1996, under this section shall not exceed $4,823,586, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,931,401 of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,641,704. For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,702,669.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,778,802, of which amount (1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,851,936, of which amount (1) not to exceed $850, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $3,032,295, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $3,103,181, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $3,369,312, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $3,445,845, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,579,566.

(c) For the period of March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,636,292.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,376,346, of which amount (1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,430,379, of which amount (1) not to exceed $8,000, be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may

be expanded for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,960,173, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $3,026,449, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,647,720, of which amount (1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,708,841, of which amount not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,429,312, of which amount (1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,530,725, of which amount (1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs: Provided, That, in carrying out the duties herein set forth, the inquiries

of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1995, through February 28, 1997, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 71 of the One Hundred Third Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,260,450, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act.)

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,359,828, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,018,406, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,111,256, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,309,439, of which amount (1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,340,234, of which amount (1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,059,861, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,083,793, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,097,451, of which amount not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,122,714, of which amount not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1995, through February 28, 1997, in its discretion

(1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,108,255.

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,132,974.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1995, through February 29, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,064,860, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,133,120, of which amount not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Committee on Indian Affairs is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the Services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,119,088.

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,143,036.

SPECIAL RESERVES

SEC. 22. (a) Of the funds authorized for the Senate committees listed in sections 3 through 21 by Senate Resolution 71, agreed to February 25, 1993, as amended (103rd Congress), for the funding period ending on the last day of February 1995, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b). During March 1995, obligations incurred but not paid through February 28, 1995, shall be paid from the unexpended balances before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances transferred to the special reserves.

(b) The reserves established in subsections (a) shall be available for the period commencing March 1, 1995, and ending with the close of September 30, 1995, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1995, and which were not deducted from the unexpended balances under subsection (a), and (2) meeting expenses incurred after such last day and prior to the close of September 30, 1995.

SEC. 23. (a) It is the sense of the Senate that space assigned to the respective committees of the Senate covered by this resolution shall be reduced commensurate with the reductions in authorized staff funded herein. The Committee on Rules and Administration is expected to recover such space for the purpose of equalizing Senators offices to the extent possible, taking into consideration the population of the respective states according to the existing procedures and to consolidate the space for Senate committees in order to reduce the cost of support equipment, office furniture, and office accessories.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, January 25, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the economic outlook for the Nation.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 25, 1995, at 2 p.m. to hold a hearing on the North Korea Nuclear Agreement.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, January 25, at 9:30 a.m. on the subject of Reinventing Government I: Welfare Reform.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, January 25, 1995, at 9:30 a.m., to markup a resolution for Senate Committee Funding for 1995 and 1996.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 25, 1995 at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. CRAIG. 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 Wednesday January 25, 1995, at 10 a.m., in Senate Dirksen room 226, on congressional term limits.

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

ADDITIONAL STATEMENTS

THE ELKAY MANUFACTURING CO.'S 75TH ANNIVERSARY

● Mr. SIMON. Mr. President, I would like to recognize the Elkay Manufacturing Co. which is celebrating its 75th year in business today. Elkay has enjoyed steady growth and solid achievements throughout its existence, including many industry innovations.

Over the past 75 years, Elkay Manufacturing has grown from a small father-and-son manufacturer of handmade German silver sinks to the world leader in the sales of stainless steel sinks and water coolers. As a result of this continued success, employment at Elkay Manufacturing has grown from 3 employees in 1920 to 2,300 employees today.

Elkay Manufacturing has consistently been able to recognize positive opportunities and respond to them. This strong awareness of both industry and customer needs is what has enabled Elkay to become a leader in the industry.

I am proud to recognize the achievements of Elkay Manufacturing and its commitment to high standards, quality, and continuing innovation in the products it manufactures in Illinois and across the Nation.●

TRIBUTE TO ROBERT H. GRASMERE

● Mr. LAUTENBERG. Mr. President, I rise today to honor Robert H. Grasmere, former mayor of Maplewood Township in New Jersey.

Robert Grasmere has served the Maplewood community for 34 years. He was first elected to the township committee in 1960 and was subsequently reelected for 11 more 3 year terms. His contributions, however, do not end there. Mr. Grasmere also served Maplewood Township as mayor for 23 years from 1970 until 1993.

His leadership and hard work earned him recognition from the citizens of Maplewood and the State of New Jersey. The New Jersey State League of Municipalities awarded Mayor Grasmere the Presidential Citation for Extraordinary Service in 1988 and in 1991, he was the recipient of Elected Official Award from the American Public Works Association for his outstanding public works.

Mr. Grasmere's dedication to the Maplewood community led him to be a founding member of the Durand-Hedden House and Garden Association, an organization who's many causes concluded the restoration of a prerevolutionary property in Maplewood. It has since been designated as Grasmere Park in honor of this outstanding person.

Robert H. Grasmere is an exceptional citizen who has dedicated his life to the people of Maplewood and the State of New Jersey. I congratulate him on his numerous past successes and what I am sure will be many more successes yet to come.●

CHILDREN AND TELEVISION

● Mr. SIMON. Mr. President, I would like to insert a statement by Keith Geiger in the CONGRESSIONAL RECORD.

The statement follows:

[From the National Education Association]

CHILDREN, TV, AND THE PUBLIC GOOD

(By Keith Geiger)

Do you believe that ''Super Mario Brothers,'' the cartoon based on the popular video game, teaches children self-confidence? Would you call television broadcasts of ''G.I. Joe,'' ''The Flintstones,'' and ''The Jetsons'' educational programming?

Welcome to the world of children's television—where these and other equally astounding assertions are made regularly by TV stations applying to the Federal Communications Commission for license renewal. Even more remarkable,the FCC agrees that these programs serve ''the educational and informational needs of children'' as required by the Children's Television Act.

Here we are, a nation deeply concerned about the lack of values, the level of violence, and the academic achievement of our children and youth. But flip through the channels and Saturday morning or weekday afternoon. You'll find program after program glorifying space-age shoot-em-ups, ninja warriors, brutality and mayhem. Many of the shows are nothing more than promotional vehicles for toys.

With a very few—immediately obvious—exceptions, television aimed at children is the domain of toy manufacturers. In the words of Shari Lewis of Lamb Chop fame, ''Our kids are very much for sale to the highest bidder.''

This isn't a new phenomenon. It's the reason the Children's Television Act was passed four years ago. The problem is, this act hasn't changed children's programming. It was written very broadly, and the FCC rules governing its implementation are weak. There's no definition of what constitutes educational programming—or of how much of it a station must provide.

So ''G.I. Joe'' and ''Super Mario Brothers'' become ''educational.'' And millions of U.S. children watch ''Mighty Morphin Power Rangers,'' which has been taken off the air in Canada and New Zealand because of excessive violence.

When asked recently to define quality children's television, Shari Lewis replied: ''You must role model for kids the kind of behavior you want. If the intention is to do a program that seduces children to watch through explosions, chases, crashes, verbal and physical hostility, and aggression, I don't care if you tack on a pro-social message at the end of the show.''

That is exactly what has happened under the Children's Television Act. Broadcasters have produced some so-called educational programs. But what many of these programs do, in the words of a Christian Science Monitor editorial, is to ''hide a smidgen of educational nutrition inside a candy bar of frenetic entertainment.'' And the truth remains that children learn far more from all the action and freneticism than they do from the moralistic words.

The FCC is currently deciding if it should strengthen the regulations that implement the Children's Television Act. The National Education Association is one of more than a dozen education and children's advocacy organizations urging the Commission to put real teeth into its rules. We want the FCC to define educational programs and to require that stations schedule at least one hour of such programming for children each day. These programs should be of standard length (not announcements or shorts) and be shown between 7 a.m. and 10 p.m. (nearly half of educational programs now air between midnight and 6:30 a.m.).

Given the fact that 70 million children in our country watch an average of four hours of television a day. I'd like to issue a challenge. Let every station agree that from 8 a.m. to 10 a.m. on Saturdays, all its children's shows will be truly educational. That should take care of any competitive worries. And it would give our children two options: watch an educational show or turn off the TV. Whichever they choose, America wins.

Television wields immense influence over children. It defines the games they play, the clothes they wear, the way they view their world. It's time we confront the power of this medium and insist that those who profit from it also have a social responsibility to use it to contribute to the public good.●

THE BETHEL NEW LIFE ORGANIZATION

● Mr. SIMON. Mr. President, I would like to recognize the achievements of the Bethel New Life Organization of Chicago, IL. Bethel New Life has been chosen as one of the 24 winners of this year's Renew America for Environmental Sustainability Award.

Bethel New Life is dedicated to reversing the trend toward urban decay and has focused its efforts in Chicago's west side neighborhoods. Building on established community resources, Bethel has developed several job-creation programs. Bethel also concentrates on the needs of Chicago's elderly by sustaining a home-based elder care program that will create 325 new jobs in the area.

Additionally, Bethel is working with Argonne National Laboratory to develop a local recycling and manufacturing center with a materials processing plant already in operation. Community involvement is crucial to the success of Bethel's program, and this is accomplished through Bethel's support of neighborhood block clubs where local high school students improve math and science skills by learning to monitor the local air quality.

I commend the Bethel New Life Organization for its dedication and commitment to job creation and enrichment in Chicago's urban areas. It is my hope that Bethel will serve as a model for other community organizations working to better their neighborhoods.●

AMENDMENT OF TITLE 2, UNITED STATES CODE, SECTION 61H–6

The text of the bill (S. 273) to amend title 2, United States Code, section 61h–6, as passed by the Senate on January 24, 1995, is as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 61h–6 of title 2; The Congress, Chapter 4—Officers and Employees of Senate and House of Representatives; United States Code, is amended to read as follows:

''§ 61h–6. Appointment of consultants by Majority Leader, Minority Leader, Secretary of the Senate, and Legislative Counsel of the Senate; compensation

''(a) The Majority Leader and the Minority Leader, are each authorized to appoint and fix the compensation of not more than four individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Secretary of the Senate is authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Legislative Counsel of the Senate (subject to the approval of the President Pro Tempore) is authorized to appoint and fix the compensation of not more than two consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this section. The provisions of section 8344 of title 5 shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the President Pro Tempore, Majority Leader, Minority Leader, Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be.

''(b) The Majority Leader, and the Minority Leader, in appointing individuals to consultant positions under authority of this section, may appoint one such individual to such position at an annual rate of compensation rather than at a daily rate of compensation, but such annual rate shall not be in excess of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.''.

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I understand that the distinguished Democratic leader may be here momentarily to participate in the closing.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Thursday, January 26, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that the Senate then immediately resume consideration of S. 1 and pending will be the Boxer amendment No. 201. I further ask unanimous consent that immediately following the conclusion of the Boxer amendment, the Senate proceed to vote on the motion to table the Lautenberg amendment No. 199.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that following the conclusion of the minority leader's statement, the Senate stand in recess under the previous order.

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

Mr. LOTT. Mr. 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. DASCHLE. 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 STATE OF THE UNION ADDRESS

Mr. DASCHLE. Mr. President, last night the President spoke to the Congress and to the Nation. He set out an agenda for action. He told us where he wants to take the country and how he will accomplish his goals.

While the audience in the House chamber looked somewhat different from last year's audience, the President's message remained the same: We must help working families who are squeezed between rising prices and stagnant incomes.

The President spoke for all Democrats when he said we believe in opportunity for every American willing to work hard enough to earn it.

We believe in political reform that puts regular people ahead of lobbyists and special interests.

We believe in recasting Government to make it leaner and more responsive to society's contemporary needs.

And we believe that middle-class families are the backbone of this Nation and that Government actions should reflect their values and beliefs.

That agenda responds directly to the Nation's needs, and many of his goals have bipartisan support:

Providing tax cuts for middle-class families that are paid for with real spending cuts; implementing health insurance reforms to protect people against the arbitrary denial of health benefits for which they have paid premiums; replacing welfare as we know it with work as most of us know it; securing our border against illegal entrants; reducing the size of Government, and shifting resources and decision making from bureaucrats to citizens.

On other goals the chance for bipartisan support is unclear, but I am hopeful we can achieve it:

Addressing fundamental national needs like immunization against childhood disease, school lunches, Head Start, medical care and nutrition for pregnant women and infants, and meeting Government's responsibilities to its people by promoting educational opportunity and protecting veterans, Social Security, and Medicare.

We know that there will be partisan fights ahead. Some will reflect principled differences of belief. Some will probably reflect maneuvering for short-term political advantage.

Americans are used to that. It is inevitable in a competitive political system such as ours.

What was more compelling about the President's speech, however, was his reminder to all of us, private citizens and members of Congress alike, that, in many cases, none of us has to wait for the Government or anyone else to tell us how to do the right thing.

He is talking about citizenship. And that is a tenet and responsibility to which all of us subscribe, but sometimes forget.

Members of Congress must adopt true congressional reforms that address the undue influence of lobbyists and special interests. And, as the President said, that reform must include campaign finance reform.

The President asked businesses whose sales are up and whose profits are healthy to share their good fortune with their workers; to keep American plants open in America; to give workers a bonus when the company does well. Every employer in this country knows what the President was talking about.

We who have been blessed beyond others in our Nation know that we didn't achieve our successes along. Each and every one of us can remember the helping hand, the encouragement, the push when we needed it—from a parent, a teacher, a colleague, a fellow American.

The President spoke to our greatest national tradition as a people, the tradition of giving back. I think he spoke wisely and well, to Americans in private life as well as to government officials.

The President's address was important. But what we do over the next 2 years in the critical issue. Democrats and Republicans need to work together, and Democrats are ready to do that.

It is my hope that Republicans will join the President and us in the effort to address the real world concerns of the middle class and bring genuine reform to Washington.

On behalf of my colleagues, I congratulate the President on his State of the Union Address. We look forward to the challenging agenda he has set out for all of us this year.

Mr. President, I ask unanimous consent that the full text of the President's address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT WILLIAM JEFFERSON CLINTON'S STATE OF THE UNION ADDRESS, JANUARY 24, 1995

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: 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 unparralled 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, shorting 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 do to 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 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 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-thick 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 programs 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 you 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.

In the New Covenant there are problems we have the responsibility to face.

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 administration 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 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 nor 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.

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.

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 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 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 Head Start, to public schools, to apprenticeships, to job training, to make 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 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 make 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 started 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 out 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. I want to work together with the Democratic leadership and Republications like Bob Dole, who have a longtime commitment to health reform.

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.

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 American 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 9000 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 of 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 5000 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.

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.

RECESS UNTIL THURSDAY, JANUARY 26, 1995, AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. Thursday, January 26, 1995.

Thereupon, the Senate, at 9:04 p.m., recessed until Thursday, January 26, 1995, at 9 a.m.

EXTENSIONS OF REMARKS

LET'S LOOK TO THE FUTURE

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. WILSON. Mr. Speaker, from time to time a letter comes across my desk that speaks directly to the core of a problem. Recently we received just such a letter.

The debate over balancing the Federal budget and finding ways to also reduce taxes inspired an east Texan to write to my office. This letter is so in tune with both present reality and historic precedent that I wanted to share it with all of you:

DEAR REPRESENTATIVE WILSON: I would much prefer deficit reduction to a middle class tax cut. Although I would qualify, the tax cut would make very little difference in my well-being. But a reduction in the Federal deficit will improve my well-being and that of my child in the long run.

Please work to identify spending cuts that can be applied to deficit reduction rather than a tax cut.

Sincerely,

E.L. WRIGHT.

I expect this letter expresses the views of many people, especially those with children. It asks that we look to their future.

This means getting the Federal ledger in the black first. It means when we do turn to tax relief, the emphasis should be on deductions for education and career training, use of IRA's for college tuition, and other long-term investments.

Fourteen years ago I was one of a handful of Members who voted for President Reagan's spending cuts, and against his tax cuts. We took some flak and received bags of hate mail for this. But I felt then, as I know now, that any tax cuts must come after we achieve a balanced budget, not before. Trying to do both in the early 1980's snowballed us into the most rapid increase in deficit spending in history.

A strong, solvent America is in everyone's interest. Reaching a balanced budget should be our priority now, just as it should have been 14 years ago.

CONCERNING THE RULE TO HOUSE JOINT RESOLUTION 1

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in reluctant support of House Resolution 44, the rule for the balanced budget amendment. Although I will be voting for this rule, I am disappointed that the Franks-Condit-Gillmor substitute amendment adding unfunded mandates language to the balanced budget amendment was not made in order by the Rules Committee.

Mr. Speaker, our amendment was substantially similar to the Barton balanced budget amendment (H.J. Res. 1), but with two crucial differences. First, our amendment struck the three-fifths provision to raise taxes contained in section 2 of House Joint Resolution 1. While I am steadfastly opposed to raising taxes, the controversy surrounding this provision could hamper passage in the Senate and make it more difficult to achieve the requisite two-thirds vote in the House of Representatives.

Second, our amendment includes a provision prohibiting new unfunded Federal mandates. I strongly believe that a ban on unfunded mandates is essential to prevent a future Congress from balancing the Federal budget merely by shifting costs and responsibilities to State and local governments.

The supporters of other versions of the balanced budget amendment contend that there are only two ways to balance the budget—either by cutting spending or increasing taxes. But the truth is there's a third, more insidious option where the Congress would mandate expensive Federal programs onto State and local governments and require local taxpayers to pick up the tab. Judging from the past, it is clear that Congress will use any means available to avoid hard budget choices. I believe that closing the unfunded mandates loophole is imperative to preserve the integrity of the balanced budget amendment and ensure protection for local taxpayers.

Mr. Speaker, including an unfunded Federal mandates provision as part of the balanced budget amendment is the only ironclad way to protect local taxpayers. Although I welcome and support efforts to solve the unfunded mandates issue by passing a statute, the sorry fact is that Congress is adept at finding ways to circumvent statutory law in order to escape from fiscal accountability.

Additionally, it is important to note that Republican and Democratic Governors have rightly expressed their reluctance to encourage their State legislatures to ratify a balanced budget amendment without a provision specifically prohibiting new unfunded Federal mandates. The inclusion of a provision to ban unfunded Federal mandates would have, in my opinion, markedly improved the chance of ratification by the States.

Mr. Speaker, our substitute amendment has the support of the National League of Cities and the National Conference of State Legislatures [NCSL]. The support of NCSL is especially noteworthy, as it is their members who will ultimately be deciding the fate of the balanced budget amendment. And since this rule precludes me from offering my substitute amendment that would have protected the States, I am skeptical whether this version of the balanced budget amendment will ever be ratified by the requisite 38 States.

Mr. Speaker, consideration of the balanced budget amendment presents Congress with a unique and historic opportunity to permanently resolve the issue of unfunded Federal mandates. Our substitute amendment would have provided the assurance that Congress would not have met its obligations under the balanced budget amendment by imposing unfunded mandates on State and local governments. Although I am disheartened that Congress will not act on my amendment today, I expect that we will be revisiting this issue should the States refuse to ratify the balanced budget amendment because of an absence of a unfunded mandate provision.

CONGRATULATIONS TO THE PACIFIC DAILY NEWS: 25 YEARS OF EXCELLENCE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. UNDERWOOD. Mr. Speaker, 25 years ago, shortly after the gateways to Guam were opened to the world, the Guam Daily News published its first edition on my home district of Guam. The paper quickly evolved into a solid business entity, which is important to our island and to the Pacific region.

Now affiliated with the Gannett News Service, the Guam Daily News is better known as the Pacific Daily News. It is our only daily paper, and a tremendous source of current events.

Over the years, the P.D.N. has changed its format, its editors, its reporters, but not its high quality. The paper may not be as thick as the New York Times or the Washington Post, but ''all the news that's fit to print,'' manages to get on its pages.

Truly part of the Guam family, the P.D.N. currently reaches a wider audience than any other island media. It overcame obstacles and outlasted a competing paper. Throughout the years, in typhoons and other natural disasters, I have always found an edition of the P.D.N. at my doorstep. Yet, the paper means so much more to Guahan.

On important occasions, the managers and employees of the P.D.N. constantly prove their keen interest in civic matters. As a member of the Guam Chamber of Commerce, the Guam Olympic Committee, other nonprofit boards and commissions, President Lee Webber leads his staff by example. As the company grew, it shared its success with the island.

Happy 25th birthday, Pacific Daily News.

CONGRESSIONAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 11, 1995, into the CONGRESSIONAL RECORD.

APPLYING LAWS TO CONGRESS

As much as Hoosiers complain to me about excessive government regulations, they complain even more about congressional exemptions from laws that are applied to private citizens and businesses. They believe Congress should follow the same laws as private citizens, and I agree. To address such concerns, on the opening day of the 104th Congress the House passed unanimously the Congressional Accountability Act, which will ensure that Congress lives under the same laws applied to private citizens.

BACKGROUND

Many Members of Congress from both political parties and both chambers have worked for years to develop a process for applying laws to Congress that is consistent with the constitutional requirement of the separation of powers. For example, a proposal similar to the Congressional Accountability Act was included among the recommendations of the bipartisan Joint Committee on the Organization of Congress, which I co-chaired. In August 1994, legislation almost identical to the Congressional Accountability Act passed the House by a margin of 437 to 4. Unfortunately, that proposal was blocked in the Senate in the closing days of the 103rd Congress. The House responded in October 1994 by applying laws to itself via a change in House rules.

This rules change was a worthwhile accomplishment. But private sector laws should be applied as fully as possible to both the House and Senate, and this is best accomplished by legislation rather than a rules change in one chamber. Moreover, the internal House rules change could not allow for court appeals of employee grievances. As a result, Congress is again considering legislation to end the long history of congressional exemptions.

IMPORTANCE

There are three key reasons why it is important for Members of Congress to follow the same laws that cover private citizens.

First, the widespread perception that Members have exempted themselves from many laws significantly undermines public confidence in Congress. This institution loses credibility and legitimacy when people believe that Members are somehow ''above the law.''

Second, more fully applying laws to Congress will improve the quality of the legislation we pass. It can be difficult for Members to understand completely the practical implications of legislation when we are not forced to confront these implications in our own place of work.

And third, it is simply unfair not to extend to congressional employees the same rights and protections available to those who work elsewhere.

COMPLEXITIES

As with many congressional reform issues, the issue of applying laws to Congress is complex, and often misunderstood. For example, many laws such as the Social Security Act have long been applied to Congress in exactly the same manner that they are applied to the private sector. Other key labor laws also are currently applied to Congress, although the methods of enforcement differ somewhat from those adopted for private sector employees. Among these laws are the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Family and Medical Leave Act. Some laws have not been applied to Congress simply because they have no bearing on the internal operations of this institution, such as Title IX of the Higher Education Act Amendments of 1972, which deals with women's athletics programs. And in certain areas Members are actually subject to more stringent statutory limitations than those applied to people in the private sector: examples include full public financial disclosure, post-employment restrictions, and strict limitations on outside income.

Constitutional questions have also complicated the effort to bring the legislative branch into compliance. There would be considerable potential for mischief if a President of one party were allowed to use his regulatory enforcement powers to harass or unduly influence Members of Congress of another party. The internal operations of Congress cannot be subject to regulation—and possible political manipulation—by the President.

However, even with these common misunderstandings and difficulties, the underlying problem has remained: Congress has not been subject to certain laws to the maximum extent feasible, and the institution must be brought into full compliance in a manner consistent with the Constitution.

PROVISIONS

My view is that the Congressional Accountability Act will accomplish these goals without undermining the separation of powers. As passed by the House, it contains a number of important provisions. It will: require the direct application of private sector laws, including OSHA, to Congress; create a bicameral Office of Compliance to issue the regulations necessary to implement these laws; provide that such regulations will go into effect within a certain period unless Congress explicitly votes otherwise; and allow congressional employees to take their complaints to court and receive compensation.

House passage of the Congressional Accountability Act is not the final hurdle in the process of applying laws to Congress. The Senate also has pledged quick consideration of a bill to apply laws to Congress. But the Senate bill likely will differ from the House-passed version in important ways, and the two chambers will have to agree on a single consensus package. Still, my hope is that Congress will settle the issue of congressional compliance early this year.

CONCLUSION

The application of laws to Congress is one key component of the overall reform agenda advanced by the Joint Committee on the Organization of Congress and other reform-minded Members during recent years. But reform is an ongoing process, and much work still needs to be done. Members should continue to work in a bipartisan fashion for meaningful congressional reform throughout the 104th Congress. The passage of a strong reform agenda will help demonstrate that Members are serious about enhancing the openness, effectiveness, and public credibility of Congress.

TRIBUTE TO JONATHAN COHEN, SUBWAY HERO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Jonathan Cohen, a brave young African American whose quick and selfless action prevented a fleeing suspect from escaping a tragic subway murder early this month.

Jonathan Cohen lived in the Bronx until he was 10 and attended P.S. 48 in my Congressional District. He was descending the escalator to the platform at the 34th Street station on January 4 when he saw a man push an elderly woman into the path of an oncoming subway train. While the other onlookers froze, Mr. Cohen had the presence of mind to follow the man he saw commit the crime, call out to others to call the police, and then grab and hold the suspect when he reached the token booth.

Mr. Speaker, when teachers at P.S. 48 read about this incident, they recalled the young boy named Jonathan Cohen who had attended their school 20 years ago. After doing some checking, they were able to ascertain that the hero of January 4 was a grown-up version of the boy they remembered.

Mr. Speaker, on Friday, February 17, P.S. 48 will hold a Black History Month program. The annual theme of this year's celebration, which had been established well in advance of the events of January 4, is ''Growing Better Citizens.'' How fitting it is, Mr. Speaker, that Jonathan Cohen, who has grown into such an outstanding citizen, will speak at this event.

Mr. Speaker, I ask my colleagues to join me and the P.S. 48 community in priase of Jonathan Cohen for the shining example he sets for all Americans.

INTRODUCTION OF TAX LEGISLATION TO REPEAL THE $15 MILLION LIMITATION ON TAX EXEMPT PUBLIC OUTPUTBONDS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I am reintroducing legislation to amend the Internal Revenue Code of 1986 to repeal the special $15,000,000 limitation on the amount of a tax-exempt bond issue which may be used to provide an output facility. The intent of this legislation is to treat public power in the same manner as other public facilities.

Traditionally, States and local governments and other public entities have relied on the issuance of municipal tax-free bonds to finance construction of a wide range of essential public facilities, including schools, roads, water and waste water treatment systems, electric and gas utilities, hospitals, health centers, prisons, and public transit. The Tax Reform Act of 1986 included numerous provisions restricting the use of tax exempt bonds. These provisions were enacted in order to curb abuses in the bond community and to increase revenue to reduce the Federal budget deficit.

One of the changes made in 1986 was the extent to which private parties could benefit from the use of facilities financed by tax-exempt bonds. Pre-1986, up to 25 percent of facilities constructed through the issuance of tax-exempt bonds could benefit from the use of facilities financed by tax-exempt bonds. The Tax Reform Act of 1986 reduced this restriction to 10 percent for all Government bonds. However, a further limitation was imposed on public power and public natural gas transmission facilities. The private use test for public power is the lesser of 10 percent of $15 million. No other entities are subject to the $15 million private-use test.

The removal of the $15 million cap would place public power on equal footing with other

public facilities. The additional restriction on public power hampers the ability of these entities to buy and sell power in the open market. In addition, the restriction constrains public power entities from building units of a size which allow them to gain economies of scale.

In 1989, the Anthony Commission on Public Finance, chaired by former Rep. Beryl Anthony issued a report entitled ''Preserving the Federal-State-Local Partnership: The Role of Tax-Exempt Financing.'' The Commission recommended the elimination of the $15 million public power limit. The bottom line is that this restriction is not only discriminatory, but it drives up the cost of power to consumers of public systems.

On June 23, 1993, the U.S. Department of Treasury testified before the Subcommittee on Select Revenue of the Ways and Means Committee and addressed this legislation. Leslie B. Samuels, Assistant Secretary for Tax Policy said, ''There does not appear to be a reason to treat (these) output facilities more harshly than other output facilities. As a practical matter, the $15 million output limit of current law may have little effect other than to create an incentive for public power issues to operate inefficiently.''

The legislation will remove the $15 million cap and treat public power like other public facilities and I urge my colleagues to join me in cosponsoring this legislation.

JOHN M. RANDOLPH, JR., HONORED WITH COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. KANJORSKI. Mr. Speaker, I am pleased today to have the opportunity to recognize the accomplishments of a highly respected leader and my personal friend, John M. Randolph, Jr. Mr. Randolph will be honored by the Wilkes-Barre community on February 19 at the prestigious Lincoln Day Dinner sponsored by the B'nai B'rith S.J. Strauss Lodge.

Mr. Randolph, a graduate of King's College, is a senior partner in the accounting firm of Parente, Randolph, Orlando, Carey and Associates, which is the 25th largest CPA firm in the United States. It has 10 offices in Pennsylvania, and employs a professional staff of more than 300 employees.

A frequent speaker for professional and community service groups, John has often shared his financial expertise with the community. The list of his personal and professional affiliations and memberships is long and impressive. It includes a seat on the board of trustees of College Misericordia where he served as the vice-chairman of the board and chairman of the finance committee. Currently he is serving as trustee emeritus. He has served from 1989 to 1990 as a trustee for Keystone Junior College; he is a current trustee of King's College and sits on the Wilkes University Presidents Council.

John came to Wilkes-Barre in 1959 to attend King's College and made the Wyoming Valley his home. He and his wife, Sharon, are the proud parents of two sons, John III, a second-year law student, and Scott, who attends Wilkes University.

Mr. Speaker, I am pleased to join with the Strauss Lodge in honoring John Randolph, Jr., for his dedication to his profession and to his community. I applaud the lodge's choice of John Randolph as this year's recipient of this prestigious award.

SALUTE TO THE PARLATOS FOR THEIR SERVICE IN THE U.S. AIR FORCE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Ms. SLAUGHTER. Mr. Speaker, I rise today to salute Julie and Alan Parlato from Rochester, NY for their accredited service in the U.S. Air Force on the occasion of their retirement at the Offutt AFB on November 18, 1994.

In SMSgt. Alan A. Parlato's 24 years in the Air Force he earned a SAC master technician patch and a SAC master aircraft and munitions maintenance badge. His decorations and awards include the Meritorious Service Medal with two oak leaf clusters, Air Force Commendation Medal with one oak leaf cluster, Air Force Achievement Medal, Air Force Outstanding Unit Award with one oak leaf cluster, Air Force Organizational Excellence Award with one oak leaf cluster, Air Force Good Conduct Medal with seven oak leaf clusters, National Defense Service Medal with bronze star, Air Force Overseas Long Tour Ribbon with one oak leaf cluster, Air Force Longevity Service Award with five oak leaf clusters, NCO PME Graduation Ribbon with one oak leaf cluster, Small Arms Expert Marksmanship Ribbon, and the Air Force training ribbon. He enlisted in the Air Force in 1971 as a grand radio repairman and left as a maintenance operations superintendent and logistics group resource advisor.

In Master Sergeant Julie A. Parlato's 20 years in the Air Force her decorations and awards include the Defense Meritorious Service Medal, Air Force Commendation Medal with three oak leaf clusters, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award, Combat Readiness Medal, Air Force Overseas Long Tour Ribbon, Air Force Longevity Service Award with four oak leaf clusters, NCO PME Graduation Ribbon with one oak leaf cluster, and the Air Force Training Ribbon. She enlisted in the Air Force in 1974 as a plumber, retrained first as a teletype operator and later to go into the training career field. She left as chief, education and training section responsible for developing and evaluating unit training programs.

Alan A. Parlato and the former Julia A. Reitano met in 1969 and were married in August 1971 in Rochester, NY. They have one son, Christopher, a daughter-in-law, Heather, and two grandsons, Zakk and Storm. Alan's proud parents are Russell and June Parlato of Irondequoit, NY. Julia's equally proud parents are Joe and Theresa Reitano of Greece, NY.

Mr. Speaker, please join me and their family in thanking the Parlato family for their allegiance to and brave service for our Nation.

AGREE TO DISAGREE IN BIPARTISAN EFFORT TO GET THE PEOPLE'S WORK DONE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Ms. JACKSON-LEE. Mr. Speaker, when the President of the United States addressed this body last night during his annual remarks on the State of the Union, he expressed his desire to put partisan politics aside and to work with this new Congress in accomplishing the goals of the Nation. We should hasten to accept this challenge.

The President's message was a forthright affirmation of America's working men and women. He acknowledges that despite economic recovery, too many families are still working harder for less. President Clinton outlined his strategy for preparing the American people to face the demands of today's economy by raising family incomes. In an effort to reach parity in wages, he proposed raising the minimum wage. He further outlined the proposals of his Middle-Class Bill of Rights—a proposal which will help middle-class families meet the costs of raising and educating their children, obtaining training for higher paying jobs, purchasing a first home, or for the care of an elderly parent. Let us use the President's words and ideas as a framework for legislative action. We cannot afford to allow his passionate directives to simply pass through these halls as wishful rhetoric. We must act now.

President Clinton's new covenant of rights and responsibilities between the Federal Government and the American people is a prescription for new hope. I agree that the Government must help people obtain the necessary tools to improve the quality of their lives. But I further believe that people must play a role in building not only their own lives, but in building and strengthening their communities and their country. To do this, we need to reform our welfare state into a system that rewards work and responsibility; we must continue the fight against crime; and we should build upon the principles of the AmeriCorps national service program.

We are a nation of people—united to work for many of the same causes. But when we disagree, it does not mean that we are fundamentally different creatures. We simply disagree. It's that simple. For this Nation to move forward, we must learn to agree to disagree and move beyond party lines to work toward the health and well being of all. Thank you, Mr. President, for your inspiring words of encouragement.

PERSONAL EXPLANATION

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. QUINN. Mr. Speaker, I am entering these remarks in response to Roll Call Vote 25 which took place Monday night, January 23. I have been recorded as not voting. This is due, however, to problems with my voting card rather than my absence from the floor.

My colleague from Illinois had offered an amendment to H.R. 5, the Unfunded Mandate Reform Act. This amendment would have exempted from the provisions of the bill my Federal mandate that protects aviation or airport security.

Mr. Speaker, had my vote been accurately recorded it would have reflected a nay vote. I believe that we can not exempt numerous programs from the provisions of H.R. 5.

H.R. 5 does not restrict mandates such as ones which aim to protect aviation or airport security. Rather it requires a cost-benefit analysis and strives to minimize the burden of unfunded mandates. We must thoroughly examine the mandates that we pass on to our States and localities. I do not find this unreasonable.

TRIBUTE TO NEWPORT HARBOR HIGH SCHOOL FOOTBALL TEAM

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. COX of California. Mr. Speaker, I rise today to pay tribute to the Newport Harbor High School football team, which completed its first undefeated season in 64 years by winning the California Interscholastic Federation championship title.

Led by Head Coach Jeff Brinkley, the Sailors' triumphant season was the culmination of an extraordinary year for these young men. It was a year that was marked not only by notable individual accomplishments and exemplary team play but also by a tremendous sense of courage and determination rarely seen in prep football. The coaching staff, the players, the fans all made their dream a reality.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in saluting the Newport High School football team and to congratulate their championship year.

GOVERNOR WHITMAN'S SPEECH TO THE NATION

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, last night New Jersey Gov. Christine Todd Whitman delivered the Republican response to the President's State of the Union Address from the historic assembly chamber in Trenton.

As my colleagues are aware, Governor Whitman has a growing national reputation for cutting taxes, slashing onerous regulations, and eliminating unnecessary spending. She has demonstrated the leadership, determination, and guts to govern effectively. She has proven that government can be smaller and less costly and still be responsive to the people it serves.

Mr. Speaker, many political pundits are touting Governor Whitman as a possible Vice Presidential nominee, and rightly so. Governor Whitman's successful policies are a model that should be adopted nationally.

I commend Mrs. Whitman on her excellent speech last night. Below is the text of the Governor's speech for my colleagues' review.

STATE OF THE UNION RESPONSE

Good evening. I'm Christie Whitman, Governor of New Jersey, and I am addressing you tonight from the historic legislative chamber in Trenton, one of the oldest in the nation. Speaking to you this evening is a tremendous honor for all of us here in New Jersey.

It is appropriate that we have come together tonight in Trenton. On Christmas morning in 1776, George Washington crossed the icy Delaware River and surprised King George's mercenaries in their barracks here—on these grounds. The Battle of Trenton was a turning point in the American Revolution.

Just as that revolution two centuries ago began in the colonies, there is a revolution sweeping America today, begun not in Washington, D.C., but in the states. In Wisconsin, in Ohio, in Massachusetts, in South Carolina, in California. The American people are seeking freedom in a new revolution that began before I ever came to office.

It is a revolution of ideas, one in which the voters are given a clear choice between bigger or smaller government, higher or lower taxes, more or less spending.

It is a revolution about a free and sovereign people saying they want power to return to them from their state houses, their county governments, their city halls.

In elections all across America, the voters have chosen smaller government, lower taxes and less spending.

They rejected the tyranny of expanding welfare-state policies, the arrogance of bigger and bigger government. The frustration of one size-fits-all answers.

In a word, they have chosen freedom.

They elected leaders like Governor Bill Weld of Massachusetts—who, in his first month in office, cut state spending by 1.7 billion dollars. Since then, he's cut taxes five times and brought Massachusetts the third-lowest unemployment rate in the nation.

And Governor Pete Wilson, who has already reformed health care in California—using market forces to guarantee access for millions of uninsured and made health care more affordable for small businesses.

They elected governors who said we should have a smaller, more efficient government—and they meant it. Like Governor Tommy Thompson in Wisconsin—he's cut spending, cut taxes, and led the most comprehensive welfare reform movement in the country.

And Governor Fife Symington, who became one of several Republican governors to cut tax every year they were in office and see their economies boom.

In state after state, the revolution of ideas took hold.

By 1994, Governor George Allen reformed the criminal justice system and abolished parole in Virginia.

And the same month Bill Clinton signed the largest tax increases in American history, Governor John Engler signed the largest tax cut in Michigan history, helping bring the lowest unemployment rate to the state in twenty years.

Here in New Jersey—like so many other governors—I was told my tax-cutting policies were a ''gimmick.'' I heard we couldn't do it—that it was ''impossible''—that it would ''hurt the economy.''

But I had given my word to the people of New Jersey that we would cut their taxes. And we did.

In the first year, with the help of the New Jersey legislature, we cut business taxes.

We reduced income taxes not once but twice. We lowered state spending—not recklessly—but carefully and fairly.

Just yesterday, I announced a third wave of income tax cuts—another 15 percent, taking us to a 30 percent reduction, to put more money in the hands of families like yours.

The results have been solid: State revenues are up even from the income tax—and 60 thousand more New Jerseyans are at work today than were a year ago—making this year our best year for job creation since 1988.

And we did it all under a balanced budget amendment to our state's constitution.

In November, the revolution came to Washington.

Now people want less government, lower taxes, and less spending from the federal government.

People want results.

In both houses of Congress, the Republican party has been elected, like many of us in the states were on an agenda of change:

We're committed to reforming welfare—to encourage people to work, and to stop children from having children.

We want to force the government to live within its means by stopping runaway spending and balancing the federal budget.

We want to lower taxes for families and make it easier to achieve the American Dream—to save money, buy a home and send the kids to college.

We're going to stop violent criminals in the tracks—with real prison time for repeat offenders and a workable death penalty.

We must send a message to our young people that crime doesn't pay.

And we're going to slash those unnecessary regulations that strangle small business in America, to make it easier to create more jobs and pay better wages and become more competitive in the global marketplace.

We intend to create a new era of hope and opportunity for all Americans.

Many of these ideas are the same ones Governors have been enacting here in the states.

Time after time, Republicans and Democrats—have found that things work better when states and communities set their own priorities, rather than being bossed around by bureaucrats in Washington.

Our colleagues on Capitol Hill are facing the same opposition we did—the same cries of ''it can't be done'' from the Washington-knows-best crowd. People who think government can't be too big and that there is virtue in raising taxes.

Well, there's nothing virtuous about raising taxes. There's nothing heroic about preserving a welfare system that entraps people. And there's nothing high-minded about wasting other people's money on Big Government spending sprees.

We overcame the same objections, the same stalling and distortion, the same footdragging. We've heard it all. And in the end, we have won the battle of ideas in our states.

Now it's time to win the battle of ideas in Washington.

If the people's agenda is to succeed in Congress, everyone needs to work together.

And while at times tonight some of the President's ideas sounded pretty Republican, the fact remains that he has been opposed to the Balanced Budget Amendment—he proposed even more government spending—and he imposed the biggest tax increase in American history.

It's clear that your votes in November sounded a warning to the President. If he has changed his big government agenda, we say great—join us as we change America.

Republicans welcome your ideas for making government not bigger but smaller.

As we move forward in the next two years, the President and Congress should be reminded that success is not measured in the number of laws passed, but in the results.

Is government serving the people better?

Are neighborhoods safer?

Are families stronger?

Are children learning more?

Are we better prepared to meet the future?

Do we have more freedom?

The election in November was a beginning, not an end—and we are committed to fulfilling the verdict of the voters and enacting our agenda of hope for the families of America. Change is hard. But we're going to work hard.

We will keep faith with America.

We will keep our word.

We will do what you elected us to do.

We will give you results.

On election day you gave us your trust. We accept your mandate.

President Clinton, you must accept it as well.

Put the principles of smaller, more effective government into action. Reduce spending and cut taxes.

Two weeks ago, in my State of the State address to the people of New Jersey, I made them a pledge which, in closing, I would now like to make to the American people on behalf of the Republican Party. By the time President Clinton makes his next State of the Union address:

We will have lower taxes.

We will have more efficient government.

We will have a stronger America.

We will have more faith in our politics, more pride in our states and communities, and more confidence in ourselves.

We will go forward together, as one family with many faces, building a future with opportunity.

A future with security.

A future based on mutual respect and responsibility.

And most of all, a future filled with hope—for our children and our children's children.

Thank you very much and God bless America.

CONGRATULATIONS TO SORENSON BROADCASTING FOR 13 YEARS OF EXCELLENCE AND 10 YEARS OF GREAT TALK RADIO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. UNDERWOOD. Mr. Speaker, in my home district of Guam, we have many fine radio personalities and journalists. One of the island's communications corporations has been around for the last 13 years, and has been the only all talk radio station on our island for the last 10 years. The company is known as Sorenson Broadcasting, and its all talk radio station is NEWSTALK: K–57. Since there is only one all talk station on our local radio dial, K–57 is more like an electronic village meeting which convenes every day.

The mornings are very alive with one of Guam's solid citizens, Jon Anderson. This is morning talk radio at its finest. For 4 hours beginning at 6 a.m., Anderson engages, encourages, stimulates, and informs. Jon Anderson is the most well-known voice throughout all segments of Guam's varied communities. He has been concerned with island issues for many years now, and Guam is enhanced by his show and his concern.

Then, in the afternoon when things seem to be slowing down, Myk Powell hits the air waves. If you need a little humor, albeit tongue-in-cheek, to keep going, Myk, gives you exactly that, a little humor. He'd be proud of me for stealing that joke. But seriously folks. . . .

Myk carries on the same important role of channeling emotion, conveying information, and encouraging debate. He has that rare gift of being able to intelligently sprinkle humor throughout his show. From his Uncle Myk-ie alter ego to his hilarious commercials. Myk can tease an audience immediately after causing them to question their stance on important issues.

Beyond all the talk, NEWSTALK K–57 features the Island's only radio news team guided by news pro, Patty Arroyo, the island's only on-the-go Shakespearian traffic reporter, Jefferson Cronin, and knowledgeable news anchors and reporters.

Yes, we the radio listeners on Guam are fortunate indeed. The naysayers said you'd run out of things to talk about. Ten years later, we continue to enjoy the fine programs which K–57 radio offers today and, we hope, for many years to come.

FEDERAL MANDATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 25, 1995 into the CONGRESSIONAL RECORD.

FEDERAL MANDATES

Local officials and small business owners in Indiana often tell me of the difficulty they have paying for unfunded federal mandates. One of their top priorities is to limit the ability of Congress to shift costs to businesses or state and local governments by requiring them to meet certain federal standards. I agree. Congress is responding to these concerns by considering a bill this week in both the Senate and the House to limit the practice of imposing unfunded federal mandates. This bill is similar to legislation I cosponsored in 1993.

In the past, state and local governments have been told they must do things such as provide safe drinking water, reduce asbestos hazards, or impose tough criminal penalties. Businesses were required to improve workplace standards, protect their customers from fraud or abuse, and comply with numerous environmental regulations. The objectives of these federal requirements are almost always worthy: clean water, safer roads, trustworthy banks, or consumer protection. But collectively they often drain funds from local governments and discourage business growth. For example, compliance with the Clean Water Act is expected to cost state and local governments $32 billion this year. By one estimate, compliance with twelve other federal mandates will cost $33.7 billion over the next five years. In all, federal mandates consume an average of 12.3% of local revenue. In the private sector, an EPA study found that environmental compliance costs can at times exceed profits for some small businesses, including many dry cleaners, truckers, farmers, and wood finishers.

Unfunded mandates have imposed costs and inflexible rules on governments and business. They often dictate priorities to those who must comply without considering their views. But since many of the laws and regulations in question prevent discrimination, promote worker safety, and protect health, safety, and the environment, the proposals to reduce unfunded mandates must be approached with great care. The challenge is to alleviate the financial burden of unfunded mandates without letting the worthy objectives slip away.

FEDERAL BUDGET CUTS

The major impetus behind growing federal mandates is the federal budget deficit. In the 1960s and 1970s, federal money to state and local governments grew steadily as a percentage of state and local outlays, peaking at 27% in 1978. More recently, the federal government's response to budget deficits has been to reduce its share of state and local aid to about 18% of their budgets. But mandates did not decrease, and local costs escalated.

CONGRESSIONAL ACTION

There is broad support in Congress to curb unfunded mandates. At a minimum, the House and Senate should be required to take a separate vote on any measure that would place costs on state or local governments.

Without such a vote, the House bill's ''no money, no mandate'' provision would require the federal government to provide funds for new mandates. Before Congress takes action on a bill, the Congressional Budget Office (CBO) would have to determine if the costs of the proposed legislation would exceed $50 million for states and localities, or $100 million for the much larger private sector. For bills that exceed these thresholds, any one Member of Congress could demand a separate vote on whether or not to impose an unfunded mandate.

In addition, federal agencies would be prohibited from imposing unauthorized costs on states and localities when issuing new regulations. There would also be reports to Congress on the costs incurred by state and local governments and the private sector in meeting existing mandates.

DRAWBACKS

There are, however, several drawbacks to any blanket prohibition on federal mandates. First, civil rights advocates fear restrictions on mandates could gut constitutional rights and anti-discrimination laws. Thus, the measure should not apply to laws protecting constitutional rights. It should also exempt laws to protect against fraud, provide emergency assistance, and protect national security. Second, eliminating mandates may make it more difficult to apply worthy existing health and safety standards. Third, protection from mandates should apply equally to the public and private sector. For example, local governments should not be exempt from labor safety laws just because the federal government does not subsidize their implementation. Fourth, the analysis of mandates should include potential benefits as well as costs. It would be shortsighted to abolish public health requirements that pay for themselves many times over in long-term health care savings. Fifth, estimating the effect of complex legislation is extremely difficult. Calculating direct and indirect costs of a mandate is so exacting that analysts will be hard-pressed to present accurate figures.

While this bill is not perfect, it is a good start in dealing with the complex problem of unfunded mandates. It can and will be improved over time. A major flaw in the bill is that it delays taking effect until October. We should curb unfunded mandates now, not later.

CONCLUSION

The unfunded mandates bill will cause Congress to think twice before shifting costs to local governments and businesses. It will shift power from the federal government to the states, and provide businesses and local officials a forum to discuss the cost-effectiveness of rules with federal regulators before rules take effect. These costs will now be considered as an integral part of the legislative process. Members who approve legislation without funding will be required to explain their actions to those faced with the costs of compliance.

Government that works better and costs less must consider all costs, including those incurred by the private sector, and encourage cooperation among all levels of government. We accomplish little if we balance the federal budget with unfunded mandates on the backs of others. Enactment of unfunded mandate legislation will be an important step in improving the performance of government.

INTRODUCTION OF SUPER IRA LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. NEAL. Mr. Speaker, today Mr. Thomas and I are introducing the Savings and Investment Act of 1995, commonly referred to as the Super IRA bill. Since I have been a Member of Congress, I have been very concerned about our low national savings rate. I share the belief of chairman Alan Greenspan of the Federal Reserve that our low national savings rate is our number one economic problem.

The savings rate has declined significantly since the 1950s. In 1993, U.S. net national saving was only 2.7 percent of net national product, compared to 12.3 percent in 1950. In a recent study, Professors R. Glenn Hubbard and Jonathan Skinner concluded raising the Individual Retirement Account (IRA) contribution limit would increase net national savings by $4 for every dollar lost in government tax revenue. Professors Hubbard and Skinner believe the decline in the national savings rate is a cause for serious concern because of the links between saving, capital formation, productivity, and American living standards.

I believe the purpose of this legislation is to increase our national savings rate. IRAs are a proven tool to boost our savings. Most contributions to IRAs are made by middle income families. All Americans should be able to contribute to IRAs. We need to provide individuals with an incentive to save for their retirement. The U.S. personal saving rate dropped from 5.2 percent of GDP in 1960–1980 to 3.4 percent in 1991–1994.

Under this legislation, all Americans would be eligible for fully deductible IRAs. Current law only allows those taxpayers who are not covered by any other pension arrangement, and whose income does not exceed $40,000 ($25,000 singles) to be eligible for a fully deductible IRA. These limits would be gradually lifted over time. The $2,000 contribution limit will be indexed for inflation in $500 increments in the year in which the indexed amount exceeds the next $500 increase.

The legislation creates a new kind of IRA option. Taxpayers will be offered a new choice of IRA. Under this new type of IRA, contributions will not be deductible, but if the assets remain in the account for at least 5 years, all income will be tax free when it is withdrawn. A 10 percent penalty will apply to early withdrawals, unless one of the five exceptions is met.

The legislation includes a provision which I believe is very important. The bill allows spouses who work at home to contribute up to $2,000 to their own IRA to the extent of their own income. In addition, the legislation waives the 10 percent penalty on early withdrawals if the funds are used to buy a first home, to pay educational expenses, to cover catastrophic health care costs, during long periods of unemployment, or to purchase of long-term care insurance. Similar penalty withdrawal rules will apply to 401(k) and 403(b) employer-sponsored plans.

We have to encourage individuals to save for their retirement. I believe this legislation is a step in the right direction. I urge you to support this legislation.

SOUTH BRONX MENTAL HEALTH COUNCIL, INC. PATIENT RECOGNITION AND EMPOWERMENT DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the South Bronx Mental Health Council, Inc., which this Friday will celebrate its fourth annual ''Patient Recognition and Empowerment Day.''

The South Bronx Mental Health Council is a community based organization which provides treatment and mental health services to the local population and to area schools and senior centers.

While it is important, and appropriate, to recognize the care givers who provide these services, it is even more important that those individuals who have made special efforts to overcome their challenges also receive our attention and support.

Mr. Speaker, I ask my colleagues to join me in saluting our friends at the South Bronx Mental Health Council, who on Friday, January 27 will celebrate the fourth annual Patient Recognition and Empowerment Day.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1477–S1555

Measures Introduced: Three bills and four resolutions were introduced, as follows: S. 274–276, S.J. Res. 24, S. Res. 72 and 73, and S. Con. Res. 4.

Page S1539

Measures Reported: Reports were made as follows: Reported on Tuesday, January 24, 1995: Report to accompany S.J. Res. 1, proposing an amendment to the Constitution of the United States to require a balanced budget. (S. Rept. No. 104–5) **Page S1442**

Reported Today: S. Res. 73, authorizing biennial expenditures by committees of the Senate. (S. Rept. No. 104–6) **Pages S1539, S1545–49**

Measures Passed:

Expressing Condolences to Japan: By a unanimous vote of 98 yeas (Vote No. 46), Senate agreed to S. Res. 72, expressing support for the Nation and people of Japan and deepest condolences for the losses suffered as the result of the earthquake of January 17, 1995. **Pages S1531–32**

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 S1485–86, S1488–95, S1498, S1502–35, S1537–38

Adopted:

(1) Levin Amendment No. 173, to provide for an estimate of the direct cost of a Federal intergovernmental mandate. **Pages S1485, S1502–03, S1518**

(2) Graham Modified 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. **Pages S1485, S1518–19**

(3) McCain Amendment No. 198, to modify the exemption for matter within the jurisdiction of the Committees on Appropriations. **Pages S1485, S1525**

(4) By a unanimous vote of 99 yeas (Vote No. 45), Grassley Modified 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. **Pages S1485, S1527–31**

(5) Levin Modified Amendment No. 177, to clarify the use of the term ''direct cost''.

Pages S1485, S1535

Rejected:

(1) Wellstone Amendment No. 185, to express the sense of the Congress that the Congress shall continue its progress at reducing the annual Federal deficit. (By 54 yeas to 45 nays (Vote No. 43), Senate tabled the amendment.) **Pages S1485, S1488–95**

(2) Wellstone Modified Amendment No. 186 (to Amendment No. 185), of a perfecting nature. (The amendment fell when Amendment No. 185, listed above, was tabled.) **Pages S1485, S1495**

(3) Boxer Amendment No. 202, to provide for the protection of the health of children, pregnant women, and the frail elderly. (By 55 yeas to 44 nays (Vote No. 44), Senate tabled the amendment.)

Pages S1485, S1503–18

Pending:

Levin Amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996. **Page S1485**

Levin Amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie. **Page S1485**

Levin Amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002. **Page S1485**

Levin Amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Page S1485

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 S1485**

Murray Amendment No. 188, to require time limitations for Congressional Budget Office estimates. **Pages S1485, S1520–23**

Graham Amendment No. 189, to change the effective date. **Page S1485**

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 S1485**

Bingaman Amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies. **Page S1485**

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 S1485**

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. **Page S1485**

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 S1485**

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. **Pages S1485, S1532–35**

Byrd Amendment No. 200, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate. **Page S1485**

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. **Page S1485**

A unanimous-consent agreement was reached providing for the consideration of Amendment No. 201 on Thursday, January 26. **Pages S1550–51**

Boxer Amendment No. 203, to provide for the deterrence of child pornography, child abuse, and child labor laws. **Page S1485**

Wellstone Amendment No. 204, to define the term ''direct savings'' as it relates to Federal mandates. **Page S1485**

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 S1485**

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. **Page S1486**

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 S1486**

Kempthorne Amendment No. 210, to make technical corrections. **Page S1486**

Kempthorne (for Dole) Amendment No. 211, to make technical corrections. **Page S1486**

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 S1486**

Byrd Modified Amendment No. 213, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate. **Page S1486**

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 S1486**

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 S1486**

Byrd Modified Amendment No. 217, to exclude the application of a Federal intergovernmental mandate point of order to employer-related legislation. **Pages S1486, S1503–04**

Levin Amendment No. 218, in the nature of a substitute. **Page S1486**

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 S1486**

Brown Amendment No. 220, to express the sense of the Senate that the appropriate committees should review the implementation of the Act. **Page S1486**

Brown/Hatch Amendment No. 221, to limit the restriction on judicial review. **Page S1486**

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 S1486**

Withdrawn:

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. **Pages S1485, S1520–23**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, January 27, 1995. **Page S1537**

Senate will continue consideration of the bill and amendments pending thereto, on Thursday, January 26.

Appointments:

Senate Arms Control Observer Group: The Chair, on behalf of the Minority Leader, pursuant to S. Res. 105, adopted April 13, 1989, as amended by S. Res. 280, adopted October 8, 1994, announced the following appointments and designations to the Senate Arms Control Observer Group: Senator Byrd as Minority Administrative Co-Chairman and Senator Nunn as Co-Chairman for the Minority. **Page S1536**

Messages From the President: Senate received the following message from the President of the United States:

Received on Tuesday, January 24, 1995: Transmitting the State of the Union Address; ordered to lie on the table. (PM–4) **Pages S1430–35**

Communications: **Pages S1538–39**

Statements on Introduced Bills: **Pages S1539–42**

Additional Cosponsors: **Pages S1542–43**

Authority for Committees: **Page S1549**

Additional Statements: **Pages S1549–50**

Text of S. 273, as Previously Passed: **Page S1550**

Record Votes: Four record votes were taken today. (Total—46). **Pages S1495, S1518, S1531**

Recess: Senate convened at 9:30 a.m., and recessed at 9:04 p.m., until 9 a.m., on Thursday, January 26, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S1555.)

Committee Meetings

(Committees not listed did not meet)

CBO ANNUAL REPORT

Committee on the Budget: Committee held hearings to examine the state of the United States economy and the budget outlook for fiscal years 1996–2000, receiving testimony from Robert D. Reischauer, Director, Congressional Budget Office.

Hearings were recessed subject to call.

SUBCOMMITTEE MEMBERSHIP

Committee on Commerce, Science, and Transportation: Committee announced the following subcommittee membership:

Subcommittee on Aviation: Senators McCain (Chairman), Pressler, Stevens, Gorton, Burns, Lott, Hutchison, Ashcroft, Ford, Exon, Inouye, Bryan, Rockefeller, Breaux, and Dorgan.

Subcommittee on Communications: Senators Packwood (Chairman), Pressler, Stevens, McCain, Burns, Gorton, Lott, Ashcroft, Hollings, Inouye, Ford, Exon, Kerry, Breaux, and Rockefeller.

Subcommittee on Consumer Affairs, Foreign Commerce and Tourism: Senators Gorton (Chairman), Pressler, McCain, Snowe, Ashcroft, Exon, Ford, Bryan, and Rockefeller.

Subcommittee on Oceans and Fisheries: Senators Stevens (Chairman), Packwood, Gorton, Snowe, Kerry, Inouye, and Breaux.

Subcommittee on Surface Transportation and Merchant Marine: Senators Lott (Chairman), Hutchison, Packwood, Stevens, Burns, Snowe, Inouye, Exon, Breaux, Dorgan, and Bryan.

Subcommittee on Science, Technology, and Space: Senators Burns (Chairman), Pressler, Hutchison, Stevens, Lott, Rockefeller, Kerry, Bryan, and Dorgan.

SUBCOMMITTEE ASSIGNMENTS

Committee on Energy and Natural Resources: Committee announced the following subcommittee assignments:

Subcommittee on Energy Production and Regulation: Senators Nickles (Chairman), Jeffords (Vice Chairman), Hatfield, Thomas, Domenici, Bingaman, Ford, Akaka, and Wellstone.

Subcommittee on Energy Research and Development: Senators Domenici (Chairman), Burns (Vice Chairman), Craig, Kyl, Grams, Ford, Bradley, and Wellstone.

Subcommittee on Forests and Public Land Management: Senators Craig (Chairman), Kyl (Vice Chairman), Hatfield, Domenici, Burns, Thomas, Bradley, Bumpers, Bingaman, and Campbell.

Subcommittee on Parks, Historic Preservation, and Recreation: Senators Thomas (Chairman), Grams (Vice Chairman), Nickles, Jeffords, Bumpers, Akaka, and Campbell.

ECONOMIC OUTLOOK

Committee on Finance: Committee held hearings to examine the current condition and future outlook of the United States economy, receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

Committee will meet again tomorrow.

NORTH KOREA NUCLEAR AGREEMENT

Committee on Foreign Relations: Committee concluded hearings to examine the effects of 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, after receiving testimony from James R. Lilley, American Enterprise Institute, Paul Wolfowitz, Johns Hopkins University, Richard V. Allen, Richard V. Allen Company, and Leonard S. Spector, Carnegie Endowment for International Peace, all of Washington, D.C.; and Victor Gilinsky, Glen Echo, Maryland, former Commissioner of the Nuclear Regulatory Commission.

WELFARE REFORM

Committee on Governmental Affairs: Committee held hearings on proposals to reform the national welfare system, receiving testimony from Jane L. Ross, Director, Income Security Issues, Health, Education, and Human Services Division, General Accounting Office; Mary Jo Bane, Assistant Secretary of Health and Human Services for Children and Families; William Ludwig, Administrator of the Food and Consumer Service, Department of Agriculture; Michael A. Stegman, Assistant Secretary of Housing and Urban Development for Policy Development and Research; South Carolina Governor Carroll Campbell, Columbia; Ohio State Representative Jane Campbell, Columbus, on behalf of the National Conference of State Legislatures; Robert Rector, Heritage Foundation, and Mark Greenberg, Center for Law and Social Policy, both of Washington, D.C.; Lawrence M. Mead, Princeton University, Princeton, New Jersey; and Judith M. Gueron, Manpower Demonstration Research Corporation, New York, New York.

Hearings were recessed subject to call.

CONGRESSIONAL TERM LIMITS

Committee on the Judiciary: Subcommittee on the Constitution, Federalism and Property Rights concluded hearings on S.J. Res. 19 and S.J. Res. 21, measures proposing an amendment to the Constitution of the United States relative to limiting congressional terms, after receiving testimony from Senators Grams, Ashcroft, Thompson, and McConnell; Representatives McCollum, Inglis, Fowler, and Deal; Lamar Alexander, former Governor of Tennessee and former Secretary of Education, Nashville; Patrick Buchanan, The American Cause, McLean, Virginia; Lloyd N. Cutler, Wilmer, Cutler & Pickering, Edward H. Crane, Cato Institute, David M. Mason, Heritage Foundation, Thomas E. Mann, Brookings Institution, Norman J. Ornstein, American Enterprise Institute for Public Policy Research, Paul Jacob, U.S. Term Limits, Becky Cain, League of Women Voters of the United States, Cleta D. Mitchell, Term Limits Legal Institute, and Fred Wertheimer, Common Cause, all of Washington, D.C.; Ron Rotunda, University of Illinois, Urbana; Mark Petracca, University of California, Irvine; Sherry Bockwinkel, LIMIT, Tacoma, Washington; and Ed McMullen, Columbia, South Carolina.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported an original resolution (S. Res. 73) authorizing biennial expenditures by committees of the Senate, in lieu of S. Res. 36, S. Res. 38, S. Res. 39, S. Res. 40, S. Res. 41, S. Res. 43, S. Res. 45, S. Res. 48, S. Res. 49, S. Res. 50, S. Res. 51, S. Res. 52, S. Res. 53, S. Res. 54, S. Res. 55, S. Res. 56, S. Res. 62, S. Res. 64, and S. Res. 65.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Wednesday, February 1.

House of Representatives

Chamber Action

Bills Introduced: Twenty-six public bills, H.R. 665–690; and two resolutions, H. Con. Res. 19 and 20, were introduced. **Pages H691–92**

Treatment of Social Security in Legislation: By a yea-and-nay vote of 412 yeas to 18 nays, Roll No. 40, the House agreed to H. Con. Res. 17, relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget. **Pages H619–28**

Balanced Budget Amendment: House completed all general debate on H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States; but came to no resolution thereon. Consideration of amendments will begin on Thursday, January 26. **Pages H628–57**

H. Res. 44, the rule under which the joint resolution and H. Con. Res. 17 were being considered, was agreed to earlier by a recorded vote of 255 ayes to 172 noes, Roll No. 39. Agreed to order the previous question on the amendment and the rule by a yea-and-nay vote of 233 ayes to 196 noes, Roll No. 37. **Pages H605–19**

Agreed to the Solomon correcting amendment (agreed to by a recorded vote of 253 ayes to 176 noes, Roll No. 38). **Pages H615–18**

Meeting Hour: House agreed to meet at 9:00 a.m. on Thursday, January 26. **Page H641**

Quorum Calls—Votes: Two yea-and-nay and two recorded votes developed during the proceedings of the House today and appear on pages H617, H617–18, H618–19, and H628.

Adjournment: Met at 11:00 a.m. and adjourned at 10:56 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary held a hearing on Review of U.N. Operations and Peacekeeping. Testimony was heard from Richard L. Thornburgh, former Under Secretary-General, Administration and Management of the United Nations; John R. Bolton, former Assistant Secretary, International Organization Affairs, Department of State; and Ambassador Frank Ruddy, former Deputy Chairman, Referendum for Western Sahara, MINURSO Peacekeeping Operation.

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.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security held a hearing on Ongoing Defense Operations. Testimony was heard from the following officials of the Department of Defense: William J. Perry, Secretary; and Gen. John Shalikashvili, USA, Chairman, Joint Chiefs of Staff.

MEXICAN ECONOMIC SITUATION

Committee on Banking and Financial Services: Held a hearing on Mexican Economic Situation. Testimony was heard from Robert E. Rubin, Secretary of the Treasury; Warren M. Christopher, Secretary of State; and Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

LINE-ITEM VETO ACT

Committee on Government Reform and Oversight: Ordered reported amended H.R. 2, Line-Item Veto Act.

EXPORT CONTROL

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on Issues in Export Control. Testimony was heard from Paul Freedenberg, former Under Secretary, Department of Commerce; and a public witness.

CUBAN "MARCH 13TH" TUGBOAT INCIDENT

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on the Cuban "March 13th" Tugboat Incident. Testimony was heard from Representative Diaz-Balart; Ambassador Michael Skol, Principal Deputy Assistant Secretary, Inter-American Affairs, Department of State; and public witnesses.

NATIONAL SECURITY REVITALIZATION ACT

Committee on National Security: Held a hearing on Title II, Missile Defense, of H.R. 7, National Security Revitalization Act. Testimony was heard from

the following former Assistant Secretaries, International Security Policy, Department of Defense: Stephen J. Hadley and Richard N. Perle; and a public witness.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a 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. Testimony was heard from Ambassador David A. Solson, Deputy Assistant Secretary, Oceans, Department of State; Rolland A. Schmitten, Assistant Administrator, National Marine Fisheries Service, NOAA, Department of Commerce; and Gary Edwards, Assistant Director, Fisheries, U.S. Fish and Wildlife Service, Department of the Interior.

OVERSIGHT—GUARANTEED BUSINESS LOAN PROGRAM

Committee on Small Business: Held an oversight hearing on the SBA's 7(a) Guaranteed Business Loan Program. Testimony was heard from Philip Lader, Administrator, SBA; and public witnesses.

COMMITTEE ORGANIZATION

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development met for organizational purposes.

CONTRACT WITH AMERICA

Committee on Ways and Means: Continued hearings on the Contract With America, with emphasis on provisions designed to encourage savings and investment. Testimony was heard from Representatives Wyden and Calvert; Jane Gravelle, Senior Specialist, Economic Policy, CRS, Library of Congress; and public witnesses.

Hearings continue tomorrow.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 26, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings on S. 178, authorizing funds for the Commodity Futures Trading Commission, 9:30 a.m., SR–332.

Committee on Appropriations, Subcommittee on VA, HUD, and Independent Agencies, to resume hearings to examine the management and budgetary situation at the Department of Housing and Urban Development, 9:30 a.m., SD–192.

Committee on Armed Services, to hold hearings on the security implications of the Nuclear Non-Proliferation Agreement with North Korea, 9:30 a.m., SH–216.

Committee on the Budget, to hold hearings on the nation's economic and budget outlook, 9:30 a.m., SD–608.

Committee on Commerce, Science, and Transportation, to hold oversight hearings on activities of the National Railroad Passenger Corporation (Amtrak), 2 p.m., SR–253.

Committee on Finance, to hold hearings to examine the Federal budget outlook, 9:30 a.m., SD–215.

Committee on Foreign Relations, to hold hearings to examine the Mexico economic situation and United States efforts to stabilize the peso, 10 a.m. and 2 p.m., SD–419.

Committee on the Judiciary, business meeting, to mark up S.J. Res. 19 and S.J. Res. 21, measures proposing a constitutional amendment to limit congressional terms, 10:30 a.m., SD–226.

Committee on Labor and Human Resources, to hold hearings on activities of the National Endowment for the Arts, 9:30 a.m., SD–430.

House

Committee on Appropriations, Subcommittee on Foreign Operations, Export Finance, and Related Agencies, on Foreign Operations in an Era of Budget Reductions, 10 a.m., H–144 Capitol.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, to continue on Public Witnesses, 10 a.m., 2358 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Oversight and Investigations, hearing on Reexamining Old Assumptions, 11 a.m., 2175 Rayburn.

Committee on International Relations, to continue hearings on Evaluating U.S. Foreign Policy, Part III, 9 a.m., and to mark up H.R. 7, National Security Revitalization Act, 2 p.m., 2172 Rayburn.

Committee on National Security, executive, briefing on regional hotspots, 9:30 a.m., 2118 Rayburn.

Committee on Resources, oversight hearing on Federal Efforts To Introduce Canadian Gray Wolves Into Yellowstone National Park and the Central Idaho Wilderness, 9:30 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Lands, to mark up 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, 2 p.m., 1324 Longworth.

Committee on Rules, to mark up the following measures: H.R. 2, Line Item Veto Act; and H. Res. 43, to amend clause 2(g)(3) of House rule XI to permit committee chairman to schedule hearings, 10 a.m., H–313 Capitol.

Committee on Small Business, hearing on Capital Gains Tax Reform and Investment in Small Business, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on Disposition of the ICC's Rail Merger Authority, 10 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 a.m., Thursday, January 26

Senate Chamber

Program for Thursday: Senate will resume consideration of S. 1, Unfunded Mandates.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, January 26

House Chamber

Program for Thursday: Continue consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment.

Extensions of Remarks, as inserted in this issue

HOUSE

Cox, Christopher, Calif., E176
Franks, Bob, N.J., E173, E176
Hamilton, Lee H., Ind., E173, E177
Jackson-Lee, Sheila, Tex., E175
Kanjorski, Paul E., Pa., E175
Neal, Richard E., Mass., E174, E178
Quinn, Jack, N.Y., E175
Serrano, José E., N.Y., E174, E178
Slaughter, Louise McIntosh, N.Y., E175
Underwood, Robert A., Guam, E173, E177
Wilson, Charles, Tex., E173

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