United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, FEBRUARY 14, 1995 No. 29

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 14, 1995.

I hereby designate the Honorable JAY DICKEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member except the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Georgia [Mr. NORWOOD] for 5 minutes.

IRS HOLDING UP REFUNDS OF SOME WHO FILE TAX RETURNS ELECTRONICALLY

Mr. NORWOOD. Mr. Speaker, I rise today in support of the people the administration has targeted for help through the minimum wage. These people need help today because of the administration. I rise today in support of hardworking Americans everywhere who are being unjustly punished by the IRS.

The IRS encourages people to file electronically. It saves time, paper, and mailing costs. Many Americans have utilized this service because it means they can get their refunds much faster. Companies that prepare taxes will make refund anticipation loans to people who file electronically. It is a simple way for hardworking people to get money owed them by our Government fast—and these people depend on that refund check.

But in steps the IRS. The IRS has begun holding the refunds of those people who are filing electronically for the earned income tax credits. Our information is that the IRS is holding as many as 95 percent of those electronic filers seeking the earned income tax credit, in a supposed effort to cut down on fraud. These are people who do not make a lot of money and need those refund checks to get by. Their refunds are being held up to 2 months. They are unable to get refund loans from tax preparers because of the delay caused by the IRS. The IRS is creating a terrible problem for people who can afford it the least.

Mr. Speaker, we are just beginning to learn the consequences of the IRS' irresponsible actions. My office has learned of instances where people have been evicted from their homes because they were expecting a refund check that has yet to come. The other side has spent a lot of time telling us of the plight of the low-income worker. Well, right now, there are low-income workers depending on the Clinton administration, depending on a check from the IRS to pay for food or rent or heat on this cold February morning—a check that the IRS is holding up.

We live in an age where we depend on ever-expanding information technologies. In tax-filing, we encourage taxpayers to file electronically. We encourage people to use the information super highway. The Clinton administration has promoted the use of the information super highway. The Vice President has championed this as a step toward reinventing Government. Well, Mr. Vice President, I hope you are paying attention, because some of America's hardest working low-income workers have stepped out onto the information super highway, and have gotten run over by the IRS.

Mr. Speaker, we all know that the gentleman from Ohio [Mr. TRAFICANT] has documented the abuses of the IRS. This is just one further example. I am willing to consider a flat tax if for no other reason than it would eliminate most all of the need for having an IRS. I call on the IRS to immediately release the refunds due those hard-working people who filed electronically and to act more responsibly in the future. To the IRS, I say this, ''You may be responsible for collecting taxes from the people, but that does not mean you are not responsible to the people.''

WE NEED COPS, NOT CONSULTANTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. STUPAK] for 4 minutes.

Mr. STUPAK. Mr. Speaker, yesterday we began the debate and amendment process on H.R. 728, the crime bill, the Republican crime bill. Those of us who opposed 728 believe all it is is one huge block grant proposal to cut and gut the Clinton program.

Four months into this very successful program of putting police on the streets, Republicans want to gut the program for a block grant.

Mr. Speaker, yesterday I took to this well, and I described the block grant program as ''pork of Christmas past.'' We learned from the abuses in the past, in the late 1960's and early 1970's, and because of the abuses in law enforcement block grant proposals in the bill, we put in amendments that said block grant money cannot be used for tanks, armored personnel carriers, fixed-wing

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aircraft, limousines, real estate, and yachts.

Well, we just started to debate yesterday and, guess what, we got ''pork of Christmas present.''

The gentleman from North Carolina [Mr. WATT] wanted to make sure that law enforcement block grant proceeds would not go to be used to build roads. His amendment says to improve public safety, that it not be interpreted to use any funds appropriated under this title for the construction or improvement of highways, streets, and roads. We are trying to stop past abuses.

Guess what? The amendment failed. The Republicans want to use block grant money for law enforcement for anything they want. I looked into what the Speaker said 8 months ago: If we have to choose between paying for a direct purpose such as building prisons, I can defend that. What I cannot defend is sending a blank check for local politicians across the country for them to decide how to spend it.

So we are going to give them money for roads and call it law enforcement. That is what we did yesterday. Past abuses that we found: One-third of every dollar went to consultants, not for law enforcement. In a $10 billion crime bill for block grants, that is $3.3 billion; 367,000 less cops will take the streets if this proposal goes through.

We want cops, not consultants. We want what Mr. GINGRICH said 8 months ago to hold up today and not use it so local politicians can use it for whatever they want. Eight months ago, or 8 hours into the debate, Republicans were already starting to use money to build roads instead of putting cops on the street.

Now, as we all know the old saying, roads, The road to—is paved with good intentions.

We do not need good intentions. We need cops on the street where they belong. We want cops to walk the beat, we want cops, we don't want consultants. We want cops, we do not want pork. We want cops, we do not want good intentions.

Today those who say they support law enforcement will have the opportunity. Mr. SCHUMER and Mr. CONYERS will offer an amendment that says the 100,000 cops program stays as it is.

You will have a chance to redeem your ways, you will have a chance to change and put police officers on the street, not to build streets and roads.

So I hope that my colleagues today on the Schumer-Conyers amendment will vote ''yes'' to keep 100,000 cops in H.R. 728. Support law enforcement, support the Clinton cops program. H.R. 728, as written, is opposed by all the major police organizations: The National Association of Police Organizations, the Fraternal Order of Police, the International Brotherhood of Police Officers, the Major Cities Chiefs, the National Association of Police Executives, the National Organization of Black Law Enforcement Executives, National Troopers Coalition, Police Executive Research Forum, the Police Management Association, Federal Law Enforcement Officers Association, National Black Police Association, National Sheriffs Association, and the Police Foundation.

We are saying, leave the 100,000 cops program alone. Support the Schumer-Conyers amendment.

IS WASHINGTON OMNIPOTENT? I DOUBT IT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. JOHNSON] for 2 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I hate to see comments like we just heard. Is Washington omnipotent? I doubt it.

I would like to quote what the administration thinks of our Governors' and mayors' ability to fight crime in their own States and cities.

The Justice Department said, ''The proposed block grant will be dissipated by applying the funds to unwise and frivolous expenditures, with the result that their impact was scattershot, short-term, and diluted.''

They continue by saying, ''Local officials would be free to engage in 100 percent federally funded 'spending spree,' with no guidance as to how these funds should be spent.''

Do our local officials need guidance from Washington, DC? I do not think so. A Member of this body said that grants would be just like ''throwing dollars down a rat hole.'' Is he calling our State and local governments rat holes? I do not think they are.

Is this not the pot calling the kettle black?

A Federal Government that has accumulated a $5 trillion debt is saying that our State and local government officials will go on a spending spree.

Well, I do not think Americans want, need, or deserve control from Washington, DC. Unlike some of our Washington crowd, we must have faith in our Governors, our mayors, our police chiefs and every citizen of this country; that they, not some Washington bureaucrat, know best how to fight crime in America.

LOCAL LAW ENFORCEMENT BLOCK GRANTS, H.R. 728

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

Mrs. CLAYTON. Mr. Speaker, last Congress we passed legislation to put 100,000 police on the streets. Grants have already been awarded to 17,000 communities across the United States, including several in my State of North Carolina. At least half of the police departments throughout the country have applied for these community policing grants. This bill will take a giant step back in time.

I believe we are at a dangerous point in history. We are placing greater emphasis on putting people away, than we are on protecting and preserving our neighborhoods. For years, it has been well recognized that punishment alone is not enough to deter crime. The classic case of public hangings of pick pockets, while others were in the crowd picking pockets, should not be lost in this debate. Prevention has a place in eliminating crime. Policing has a place in deterring criminal activity. More jails is the last place we should look to as a way of ridding our streets of crime and steering our young people in the right direction.

The police program we passed is designed to help stem the rising tide of crime and to make our streets safe again. Last year's crime bill made sure that the resources would be used for more police and police related activities, such as new technology and overtime pay. The language of this bill, which allows for block grants, would broaden the use of the funds. That broader use will effectively dilute resources for community policing and would allow funds to be used for such things as street lights and disaster preparation. Those are important uses, but those uses are not as important as more police.

There is absolutely no requirement in H.R. 728 that the funds authorized must be used for police. Last year's bill gave sufficient flexibility to the State and local governments, while insuring that the police would be hired to patrol our streets. H.R. 728 provides no such guarantees. In addition, any block grant funds that might be used for police under this bill, may well be threatened by the budget ax under the mandate of a balanced budget constitutional amendment. Block grants funds are far more vulnerable to such a result.

We may not have any new police on the streets, if this bill passes. More importantly, under block grant funding, the critical prevention programs we passed last year are at risk. Over the next 5 years, under last year's bill, my State of North Carolina would receive millions of dollars in funds to help prevent violence against women; $27 million would have gone for police, prosecutors, and victims services. And $9 million would have gone to grants for shelters for battered women and their children. There is doubt that those funds will be available under this bill.

Under last year's bill, North Carolina would have received $6 million to treat some 5,400 drug addicted prisoners, housed in our prisons. We would have received $21 million, over the next 5 years, for after school and in-school safe heavens for our children. All of those funds will be in doubt, with passage of this bill. We would have received $39 million in direct grants for a variety of local programs for education and jobs programs. And, we would have

been eligible for millions more in discretionary grants—money for boys and girls clubs, and antigang grants.

Those funds are now in doubt. Mr. Speaker, it is by now well established that it is for more costly to incarcerate an individual than it is to train or educate him. Prisons are warehouses and training grounds for further criminal activity. If we are serious about crime prevention, we should put more police on the streets and provide resources for programs that discourage crime. The Local Law Enforcement Block Grants Act undercuts that effort. This bill should be defeated.

HIGHER MINIMUM WAGE EQUALS HIGHER UNEMPLOYMENT

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

Mr. SAXTON. Mr. Speaker, during President Clinton's State of the Union Address, he purposed an increase in the minimum wage. The administration has asked for an increase of 90 cents over 2 years. This will raise the current wage from $4.25 and hour to $5.15 an hour.

The President says that every person should receive a living wage for a good days work. I say three cheers to that, I cannot agree more with the President.

I believe that every American should be paid a fair wage.

However, the President and I disagree on how exactly we get there. President Clinton believes that the Government should mandate a wage.

On the other hand, I believe that the businesses and workers should negotiate their own wages and allow the free market to work.

Mr. Speaker, I think I can explain why the President and his administration have taken this flawed path.

Their heart is in the right place, but they are stuck in the same rut they have been in for years. Jeff Joseph from the U.S. Chamber of Commerce explained it perfectly last week. Let me quote from him, when he talked about why the minimum wage mandate is bad:

> Primarily because it's a 60-year-old idea that doesn't fit in the global world we live in today. We shouldn't be talking about minimum wages and minimum skills. We should be figuring out how our workers can have world-class skills so they can earn world-class livings. You know, with the welfare debate that's going on today, people can get in the welfare system and earn about—the equivalent of $16,000 a year.

So the debate should not be how do we get people from $8,000 to $9,000. The issue is how do we get people with the skills so they can go out and get off welfare and go out and earn $20,000 and $30,000 a year? ''And this 60-year-old idea that says there is an artificial minimum which gets put out there which only ratchets up the rest of the system with inflation and makes our valuable goods and services cost more in a world marketplace, it becomes a self defeating idea that hurts us economically.''

The administration has a superficial and incomplete understanding of the way markets work.

This is not surprising from an administration populated by so many who have never held real private sector jobs, owned a business, or met a payroll.

Last year during the national health care debate, Americans were stunned to hear their President lecture the owner of Godfather's Pizza not to worry about the Clinton health insurance mandate on employers because Godfathers could just increase the price of its pizzas to offset the cost of the mandate.

In other words, in the world of ''Clinton-Commerce,'' mom and pop businesses can make as much money as they need by just raising the prices of their products high enough. Never mind income taxes, never mind unemployment taxes, never mind unfunded mandates; just raise prices.

Obviously the President does not have a firm grasp on the law of supply and demand.

This same lack of understanding is exhibited with regard to Government taxation. In the President's mind, Uncle Sam can raise as much money as it desires just by increasing tax rates high enough.

A perfect example was his enormous retroactive tax increase that hit the Americans taxpayers with 2 years ago. Even with this retroactive tax increase, there is already solid evidence that Uncle Sam will collect less than half of what was expected.

Next year, I am sure, that after everyone has had a chance to fully adjust their behavior, virtually all of the expected revenue increase will evaporate.

Now he wants to apply the same kind of ''quack-economics'' to the minimum wage.

Mr. Speaker, let me take a few minutes to explain why I believe the free market is a better judge of what a fair wage should be.

During the President's State of the Union address, he said the following: ''I believe the weight of the evidence is that a modest increase [in minimum wage] does not cost jobs and may even lure people back into the job market.''

Well, he has it half right. If the Government artificially forces wages above the market wage, it will certainly entice more people into the job market. This is called the supply-side effect.

But, what he seems to ignore is the demand-side effect. At these higher wages, who is going to hire all of these new job seekers? In fact, not only will employers have to pay more to hire new workers, they will have to pay their current workers even more if they are making under $5.15 an hour.

As all serious economists recognize, the net effect of increasing the minimum wage will be to increase the supply of job seekers and decrease the number of job offers. In short, raising the minimum wage will actually kill jobs and increase the unemployment rate.

Even liberal Democrats quickly learn the true effects of the Federal mandates they impose when they have to meet a payroll. For example, former Democrat Presidential candidate George McGovern learned this lesson first hand when he became an inn-keeper and restaurateur. A few years ago, in a Wall Street Journal, Senator McGovern lamented on how he too had to struggle with regulations, mandates and taxes imposed by the Federal Government on his small business.

Mr. Speaker, compassionate politicians and well-meaning Government programs like the minimum wage cannot repeal the law of supply and demand any more effectively than they can repeal the law of gravity.

In closing, I have here in my hand, more than 20 years of research, more than 100 studies completed by some of the most eminent economist from all over this country, that exhibit the destructive effects of the minimum wage. These studies show that an increase in the minimum wage will kill jobs and destroy opportunities for the same people ''compassionate'' liberals say they want to help.

Mr. Speaker, later today I will place this list of studies in the CONGRESSIONAL RECORD so all Americans can see for themselves how a minimum wage increase hurts the very people it is suppose to help.

□ 0950

DEBUNKING THE MYTHS: THE 100,000 COPS PROGRAM WORKS

The SPEAKER pro tempore (Mr. DICKEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 3 minutes.

Mr. RICHARDSON. Mr. Speaker, the debate today will be police versus pork and politics versus public safety.

Here is what the President said about the cops program:

> I made a commitment, a promise, to put a hundred thousand more police in our streets because there is simply no better crime fighting tool to be found. I intend to keep that promise. Anyone on Capitol Hill who wants to play partisan politics with police officers for America should listen carefully. I will veto any effort to repeal or undermine the hundred thousand police commitment, period.

Mr. Speaker, under the Republican plan there is no guarantee that one police officer will be hired. It is a pork program of the highest order. Here are five myths about the cops program that they are going to try to perpetuate:

Myth No. 1, that the cops program will not put 100,000 new officers on the street. It works. The plan does work. With this week's COPS FAST awards the President has already provided grants to hire almost 17,000 new police officers in just 4 months. He is well on

the way of reaching 100,000 new community police officers, and we cannot retreat from this goal.

Myth No. 2: Crime is only a big city problem, so the cops program only helps big cities. Not the case. Primarily it benefits small towns and rural America. This week's COPS FAST awards went only to towns and communities with populations under 50,000. $433 million awarded under COPS FAST is going to enable over 6,500 such small jurisdictions to hire over 7,100 new community police officers.

Myth No. 3, the cops program is another bureaucratic Federal program that imposes so many restrictions on cities and towns. It is one of the least bureaucratic programs; one page application, one page and you can proceed to have an application looked at by the Justice Department. The Justice Department announced that the COPS FAST program grants less than 6 weeks after the application deadline.

Myth No. 4: Law enforcement officers oppose the cops program. Here are some quotes. ''Not the case.'' ''We strongly support you, Mr. President, in your resolve to fight any diversion of funds earmarked for the hiring of a hundred thousand police officers.'' Letter from Dewey Stokes, national president, Fraternal Order of Police, to the President.

Here is another quote from the Ohio Sheriff Gene Kelly: ''Our President in 1992 said he would not forget the people in small towns and countries throughout America. He has more than kept his promise to us all.''

From the chief of police in Maryland, Mary Ann Viverette, from Gaithersburg, MD: ''Because of President Clinton's effort we will soon see a hundred thousand new police on the streets without smoke and mirrors. On behalf of my colleagues here and across America, thank you.''

Mr. Speaker, let police versus pork make police the winner and politics versus public safety make public safety the winner.

H.R. 728 TERMED A ''PORK BLOCK GRANT BILL''

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

Mr. OLVER. Mr. Speaker, last year I voted for the Crime Control Act of 1994 which promised Americans who live in fear of crime 100,000 more cops on the beat in community policing.

Already, 17,000 cops have been provided to more than 8,000 large cities and small towns. In my district alone 67 cops will make my constituents safer.

Today we are debating H.R. 728 the pork block grant bill which eliminates the Community Policing Program.

Community policing is not some new untried approach. It has been used in many places across the country. Putting cops on the street makes people safer.

Community policing puts police on our streets who know the neighborhoods and work with residents to reduce crime. Officers who take the time to build relationships with citizens. Officers who get leads from contacts who see crime committed. Officers who understand the community's crime problems, and know the needs of the neighborhood.

Community policing takes cops out from behind their desks and puts them back on the beat to prevent crime, if possible, and to punish criminals.

Community policing does not simply add more police, it creates community leaders. These officers serve as role models, advisors, and assistants to the citizens they serve.

In my district, the Cleghorn neighborhood in the city of Fitchburg was deteriorating because of increasing crime. A community policing program started 4 years ago in Cleghorn caused a dramatic drop in crime. Here is what happened after 4 years of community policing: 25 percent decrease in assaults; 55 percent decrease in burglary; 55 percent decrease in weapons possession; 23 percent decrease in domestic violence; and 67 percent decrease in disorderly conduct.

The mayor of Fitchburg says there is no substitute for a consistent police presence in a troubled neighborhood. Community policing has helped make that neighborhood safe for families again.

And Fitchburg has received seven added cops under the 1994 Crime Control Act of 1994 to expand the Cleghorn experience to other troubled neighborhoods in that city.

But this pork block grant bill, H.R. 728, means fewer police officers catching criminals, fewer officers patrolling neighborhoods, fewer officers building partnerships based on trust, and fewer people safe in their neighborhoods.

In my district, violence and street crime are not just city problems. Community policing funds cops in small cities and towns.

The ''COPS FAST'' Program was designed specifically to help rural communities and smaller towns. In many of my communities, just one or two additional officers can make a world of difference.

Communities in my district and throughout the country have made decisions based on the commitment we made last year. We cannot walk away from this commitment. Community policing works. Now is not the time to break the promise we made to our citizens who live in fear.

Mr. Speaker, we, Republicans and Democrats, agreed that we need more cops on the beat to keep people safe. So why does the Republican contract cut funds for new police?

Under this pork block grant, the cops on the beat program would no longer exist. There the block grant does not guarantee a single new police officer would be added. The block grant would not ensure that the hardest hit communities get help.

The block grant in H.R. 728 permits pork-barrel spending in broad categories without guaranteeing any more police on our streets.

Police will have to compete with street lighting, tree removal, and other pet projects.

H.R. 728 ignores the demonstrated effectiveness of community policing and does nothing to stop crime before it starts.

This bill promises everything to everybody and delivers nothing to nobody. It makes the communities in my district less safe than they were under last year's crime bill.

Wake up, America, the pork block grant in H.R. 728 is a sham.

It is not smart. It is not savings.

I urge my colleagues to vote against H.R. 728.

SPACE SHUTTLE COMPLETES SUCCESSFUL MISSION WITH FIRST WOMAN PILOT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Maryland [Mrs. MORELLA] is recognized during morning business for 3 minutes.

Mrs. MORELLA. Mr. Speaker, this past week, parts of our country could gaze proudly upon the stars and see the outlines of space shuttle *Discovery's* historic 37-feet fly-by rendezvous with Russia's MIR space station. This shuttle mission, which was completed on Saturday, was historic not just because it was a dress rehearsal for the shuttle-MIR docking in June but also because it contained a number of firsts.

Discovery's mission not only paved the way for the first of seven shuttle flights to dock with MIR, but its crew of six included Air Force Lt. Col. Eileen Collins, the first woman ever assigned to pilot a shuttle, and Dr. Bernard Harris, the first African-American astronaut ever assigned to a spacewalk.

Ever since Sally Ride lifted off and became the first American woman in space, our space shuttles routinely have carried female crew members to perform research, spacewalks, repairs, and other functions. Nineteen other women, before Eileen Collins aboard *Discovery*, had flown on shuttles but none had ever piloted the spacecraft.

To commemorate this historic event, dozens of female pilots converged at Kennedy Space Center to watch Lieutenant Colonel Collins' launch. Inspired by the civilian women Air Force pilots who delivered planes to airfields during World War II, Lieutenant Colonel Collins made a point of inviting them as living examples of how far women and our Nation's aeronautics and space program have come.

To honor the role models who inspired her career, Lieutenant Colonel Collins carried with her a scarf worn by

Amelia Earhart and insignia wings worn by women pilots in World War II. To honor her efforts, her predecessors, and her colleagues aboard *Discovery*, we will all be carrying with us our country's pride for their job well done.

IN SUPPORT OF INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Florida [Ms. BROWN] is recognized during morning business for 3 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of an increase in the minimum wage—it is long overdue. If we really want to reward hard working families, this is the way to start.

Today, I have the honor of welcoming to Washington, my constituent, Annie Busby, who traveled all the way from Apopka, FL because she believes in raising the minimum wage. She was once a driver for Wells Fargo but lost that job when she was injured. Annie Busby supports three children and has held a number of temporary jobs. Raising the minimum wage will make a difference to Annie and her family.

Rev. Jesse Jackson says most Americans are working hard and working every day, but they are not making enough for that work to support their families.

A 90 cent increase in the minimum wage will help raise the standard of living for a family of four. The extension of earned income tax credit helped lift hundreds of thousands of working families. Yet, by 1996, even the EITC is not enough to lift a family of four above the poverty line if they are making the current minimum wage. A 90-cent minimum wage increase can make a real difference to a struggling family.

More than 70 percent of Americans want to see the minimum wage raised. Let us listen to working America and do the right thing.

INTRODUCTION OF LEGISLATION TO PREVENT FEMALE GENITAL MUTILATION AND THE DANGERS OF THE NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 3 minutes.

Mrs. SCHROEDER. Mr. Speaker, first of all, today I am going to be introducing legislation with the gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from Michigan [Miss COLLINS] on female genital mutilation.

Mr. Speaker, I ask unanimous consent to put my statement in the RECORD, and I think it is long overdue that this country prohibits such mutilation in this country, and let me do that at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Speaker, today I and Representatives COLLINS of Michigan and MORELLA of Maryland are reintroducing a bill that would make it illegal to mutilate women in the name of tradition.

The practice is called female genital mutilation, a painful ritual that involves cutting off all or part of a female's genitalia. Over 100 million girls and women in the world have undergone some form of FGM, and I have received anecdotal reports that it is happening here.

Our Federal Prohibition of Female Genital Mutilation Act of 1995 would make practitioners of FGM subject to criminal penalties. And it establishes penalties for physicians who discriminate against women who have been subjected to FGM.

It authorizes the Department of Health and Human Services to compile data on females living in this country who have been experienced FGM. HHS also would identify U.S. communities that practice FGM and educate them about its effects on physical and psychological health. Finally, the bill would instruct HHS to develop and disseminate recommendations for the education of students of schools of medicine and osteopathic medicine regarding FGM and its complications.

These provisions would give doctors and social workers the information they need to treat the health needs of women who have undergone FGM and begin education to eradicate it in this country.

FGM is not comparable to male circumcision, unless one considers circumcision amputation. FGM causes serious health problems—bleeding, chronic urinary tract and pelvic infections, build-up of scar tissue, and infertility. Women who have been genitally mutilated suffer severe trauma, painful intercourse, higher risk of AIDS, and childbirth complications.

The practice of FGM stems from an intricate mix of traditional African perceptions of gender roles, sex, health, local customs, superstition, and religion. The net result is total control over a woman's sexuality and reproductive system. While we welcome immigrants from countries that practice FGM, we do not welcome their practice of such mutilation here. FGM has no medical purpose and is contrary to our beliefs about women's equality and place in society.

Mr. Speaker, I would like to speak about one other thing because of last night. Many people wondered what it was that many of us were talking about when we came to the floor last night about this contract. As my colleagues know, I felt like road kill on this Gingrich revolution that is rolling along, but, when we get to this bill that we will be taking up tomorrow, H.R. 7, I have got some very serious questions about who is this omniscient soul that wrote this part.

What it will do, first of all, is allow political appointees to a commission to oversee the Defense Department. Now that is a very serious thing. When we dealt with this in the National Security Committee, no one knew where this came from, and read yesterday's New York Times. Let me just read for my colleagues that first paragraph. It says:

> This week Congress is going to consider legislation that would undermine this and every future President's ability to safeguard America's security and to command our armed forces.

Now that is a heavy sentence. It goes on to say:

> The measure is deeply flawed, and it is called the National Security Revitalization Act, but, if adopted, it would do just the opposite and endanger national security.

I ask, ''Why?'' Do you want political appointees on a commission that runs for nothing making these decisions? I do not think so. I mean most of us do not want a committee running anything. We all know the joke about a camel being a horse designed by a committee. Imagine what kind of defense could be designed by political commissions overseeing the Pentagon.

But this goes on to do other things. It mandates that we move forward with space-based defense. That could cost at least $40 billion. The question is where do we get it. Do we take it out of readiness? We are moving forward with theater missile defense, and there seems to be no one with the missile capability to shoot this far, so why are we doing that, and why are we doing it in such haste, and why when we decided not to do that in prior times, when there was a cold war, there is now such a rush to do it at this moment?

We are also announcing unilaterally we will not participate in further U.N. peacekeeping operations. Wow, there is something. I ask, ''Wouldn't we really rather see what those missions were?'' And we furthermore dictate to NATO who must be admitted and how they must be admitted. That is also wrong.

I hope everybody reads the New York Times yesterday and takes this very seriously because this could be very, very damaging to America's future.

CLARIFICATION OF H.R. 7

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 3 minutes.

Mr. HOKE. Mr. Speaker, I wanted to go over a couple of items that are in the National Security Revitalization Act. I say to my colleagues, ''Before you get concerned about and get whipped up to a level of hysteria about this, let's take a look at some of the things that it does.''

First of all, it states that it is our policy to prohibit the deployment of U.S. troops under the command of the United Nations. H.R. 7 would prohibit the placement of U.S. forces under foreign command or control during U.N. peacekeeping operations unless Congress specifically authorizes it or if the President certifies that it is in our U.S. national security interest. It does not prohibit it completely. What it does is it requires that there be congressional intervention with respect to this.

Second of all, it requires truth in U.N. accounting. Under H.R. 7, Mr.

Speaker, the United States is going to get credit for expenses which the military incurs supporting U.N. peacekeeping operations. Right now these costs are being double accounted for by the United Nations so that we are paying more than we ought to be paying.

It also requires that there be a genuine analysis, there be a genuine complete analysis and review of our Armed Forces situation, and not that we are going to rule the Armed Forces by committee, but that we're going to actually do the kind of analysis that President Clinton wanted to have but did not get.

Mr. Speaker, I had to address that because of the gentlewoman from Colorado's distortion of what is going on with this bill.

The other thing that I wanted to point out is that we are going to be dealing with block grants on the floor today in the crime bill, and I wanted to bring to the Speaker's attention the fact that the Washington Post this morning, in a rare moment of clarity, wisdom, and intelligence, has editorialized on the fact that this program ought to be supported, that the 100,000 cops program of the President's was a fraud. They said, quote, almost immediately that program was challenged by law enforcement experts and some local officials. In fact, the law created a 5-year matching program during which the Federal Government's share diminished and disappeared, leaving localities with the full cost of maintaining the new officers, close quote.

□ 1010

I know that absolutely to be a fact, because I, like most Members in this body, were very much aware that they had mayors telling them, and police chiefs telling them, that they would not even apply for cops grants because they simply could not afford to pay for them.

We will be voting on that today. I appreciate the Washington Post's support.

SUPPORT THE JACKSON-LEE AMENDMENT TO THE LAW ENFORCEMENT BLOCK GRANTS ACT

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

Mr. MEEHAN. Mr. Speaker, last September the President signed the most comprehensive, toughest, smartest crime bill in the history of this institution. It is a crime bill that put better than $10 billion to build new prisons and combined community policing, 100,000 new police officers with prevention programs that work. It has bipartisan support at that time, Republicans and Democrats signing on, Members of the other body, prominent Republicans signing on. It was a bipartisan bill.

But, unfortunately for some people in this institution, the President apparently got too much credit for that bill. So now we have a new bill. This bill has a Republican label on it. It attempts to throw all the money from community policing into block grants and hope that county commissioners and school committee members and hope that city councils and local officials somehow become law enforcement professionals and spend the money the right way.

Even though we have a history from 1968 where 33 percent of that money went to administrative costs, we are going to tinker and change this crime bill to take away the label of a Democratic bill or a President Clinton bill.

Before I got to Congress, I was the first assistant district attorney in Middlesex County. Our office managed 13,000 criminal cases a year. I want to tell my colleagues, fighting crime is serious business. You do not fight crime by taking a political poll. You do not fight crime by listening to a focus group. And you do not fight crime by signing on to a document that is put together by political strategists. It is very serious business.

The 100,000 new police officers on the streets, and the previous speaker talker about local governments having to match the money. Ladies and gentlemen, 95 percent of the crimes in this country are prosecuted and enforced by local government. In spite of any rhetoric or any spin you want to put on it, the Congress does not fight the majority of crimes in this country. Ninety-five percent of them are local district attorneys, local States attorneys offices and local police departments. They have that responsibility.

This bill seeks to take some funds and get them focused on community policing, because, guess what? Community policing works. There have been studies over a period of 6 years, and I know from my own experiences as a former prosecutor, community policing works. Community policing is the most effective cutting edge law enforcement tool that we have. Yet because of politics, partisan politics, it appears we want to tinker with that process.

It is working in my home city of Lowell, MA, where we have seen in 1 year 13 additional community police officers opening up a precinct station in the city which has resulted in reducing crime dramatically, 20 to 40 percent.

Now, the new Republican majority has ignored facts about prevention programs, because they have found political profit in labeling them ''pork.'' Apparently if you have the right sound bite, you can label prevention programs pork and it works politically. And after considering all of the information available, like studies, for example, law enforcement studies, I have a hard time figuring out why the new majority is so insistent on pushing this bill. It is bad for efforts to fight crime, it is a bad bill.

I suspect the Republicans are feeling boxed in by the promises they made in the Contract With America. Their crime bill, like much of the contract's agenda, was drafted based on polls and focus groups. But, friends, what sounds good during a campaign and what makes sense in fighting crime for America, are two very different things.

I know from experience. Republicans, like Gov. Bill Weld from Massachusetts, a former prosecutor, strongly supported this crime bill. The Republican DA in Suffolk County, Ralph Martin, strongly supports the Democratic crime bill, the Clinton crime bill. And I believe that a majority of Republican Members know it as well.

A major test of the Republican Party's ability to govern will be their willingness to admit that many of their campaign promises are unworkable. And to forge a consensus on what to do about it, judging from their work on crime offer the last couple of days, reality has yet to sink in.

I urge my colleagues to take the data that is available from law enforcement professionals all across the country and not to tinker with this crime bill, to put in the prevention programs that work.

What we face this week is serious business. Let us not tinker with this bill and hope the President is going to veto it. Let us take care of the business right here.

CLINTON ADMINISTRATION/MEXICAN PESO CRISIS: THEY SHOULD HAVE KNOWN

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

Mr. STEARNS. Mr. Speaker, perhaps the most amazing aspect of the Clinton administration's $53 billion loan bailout of Mexico—$20 billion of which comes straight out of the pockets of the U.S. taxpayers—is that it's a bailout that should not have happened.

As the Washington Post recently reported, there were signs as early as February of last year that Mexico's economy was in serious trouble. At that time the International Monetary Fund issued a report stating that Mexico's consumption of foreign goods and services was outpacing the ability of its economy to pay for them. In other words, it was living on borrowed time—and money.

Clinton administration officials expressed no alarm, not even when foreign investors began shifting money to dollar-denominated investments that would make it easier to pull funds out of Mexico. As a former analyst for Mexico's Banca Serfin Banking group said, ''That's a clear sign something was wrong * * * if the American Government didn't see that, they're blind.''

But that did not stop then-Treasury Secretary Lloyd Bentsen from claiming in mid-February that Mexico ''has become an example for all of Latin America.'' He said this one year ago.

Then in March, the Mexican financial markets suffered another shock when the ruling political party's Presidential candidate was assassinated. This prompted the Clinton administration to extend a $6 billion credit line to Mexico, even as Mexico was using up its reserve of U.S. dollars to prop up the peso. This occurred less than 1 year ago.

Last summer, the Mexican economy had deteriorated to the point that Clinton administration officials finally recommended economic reforms. But as the Washington Post put it, ''those efforts lacked urgency and never went beyond exhortations.'' And the administration never made a big push for Mexico to devalue its overinflated currency.

And although administration officials deny it, one has to wonder what role their desire to see Ernesto Zedillo win the upcoming Presidential election played in the decision to abandon calls for real reform. As the Washington Post quoted one official, the CIA accurately predicted Zedillo's victory, but ''it didn't tell you that if he kept driving straight he would fall off a cliff.''

With Zedillo safely elected, Mexico's then-President Salinas finally admitted on October 1 that his country's central bank reserves had fallen to $17 billion from $28 billion at the end of 1993. It became clear a devaluation was coming.

But Mexico tried to hide its financial predicament from the world. Not until mid-December did we find out Mexico's reserves had sunk to $7 billion. Even then, Mexico's finance minister said his country would ''absolutely not'' devalue its currency.

We all know what happened next. On December 20 the Mexican Government reversed its policy and devalued the peso by 13 percent.

There is no good reason the Clinton administration should not have seen this coming. The signs were there a year ago. Now the U.S. taxpayers are the line for $20 billion to rescue the economy of a country that bungled its own economy and hid the facts from us. Congress should not let his bailout deal go through unquestioned.

CRIME BILL SHOULD PREVENT CRIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. FLAKE] is recognized during morning business for 3 minutes.

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

Mr. FLAKE. Mr. Speaker, last year we in this Congress, working with a wide array of groups, joined together and drafted a realistic and humanitarian approach to the problem of solving crime in America. In the past, crime bills have simply increased various ways by which we execute people. They have limited the constitutional rights of individuals and they have established mandatory minimum sentences which allowed us to build more prisons, which merely supports an ever growing penal institutional industrial complexion.

As we move forward in this crime bill, most of us are already aware that the bills of the past have not in any way decreased significantly enough the results of crime in this Nation. I doubt, moreover, that crime can ever be totally eradicated in America as a result of this or any other legislation.

I am, however, resolute in my belief that the radically different approaches that are being taken this year in this year's crime bill will not in any way solve our crime problem. Furthermore, in some ways they abridge the ability to protect the rights of our citizens by virtue of our constitutional rights.

We must do all in our power to protect those constitutional rights that are guaranteed automatically to those who are citizens of this Nation, and that means all of our citizens. I am not certain, nor do I see any way that this bill guards against the continued repeat offenders, the recidivists that go back to prison time and time again. They do not assure safe neighborhoods. They do not save this generation of mostly minorities who drown in oceans of despair, of hopelessness, and of pessimism.

Beyond creating new crimes and harsher crimes, last year's crime bill gave us true preventative measures. The $7 billion crime preventative package represented a groundbreaking attempt to create new measures by which we would create opportunities and alternatives which invested in our cities and our youth.

This money was intended for 15 model programs, for intensive community services in high crime areas and grants to local governments for speedy access to flexible funds for anticrime activities.

Money had been allocated for drug courts and drug testing for first-time offenders. This is important. This package represented an important shift in resources and attention to front-end solving of the problem, the neglect of our cities and children that produced the apparent conditions in which crime and violence is allowed to thrive.

Yet today, Mr. Speaker, this Congress will begin abandonment of preventative measures to prevent crime. Instead of guaranteeing preventative measures, we are telling our citizens that we want to return to the good old days of wasteful spending by fiscally irresponsible governments and politicians who do not have the best interests of the people at heart.

In essence, we are sending them a blank check. We are failing to live up to our responsibility, and we are offering no innovative crime measures.

SUPPORT CRIME BILL

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

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

Mr. DREIER. Mr. Speaker, I have taken this time this morning to focus attention on the issue which will be debated later this morning when we actually convene, and that is the crime bill. We have spent time talking about five different crime measures which have been designed to redress the problems of the 1994 crime bill. Yesterday and today we were working on the sixth measure.

When I was working on the rule down here yesterday, Mr. Speaker, I was talking about the fact that I am hard-pressed to understand why this sixth measure is the most controversial of all. This morning on NPR they talked about the fact that it was controversial. I know Chairman HYDE said it was controversial based on the fact that in the Committee on the Judiciary a wide range of members of the minority raised serious questions about it.

The reason I say it is difficult to understand why it is controversial is very simply that we in making that statement are questioning the ability of State and local elected officials, people who are elected by the same constituents who elect us, were questioning their ability to make the very tough decisions that each community faces as it relates to crime.

I have the privilege of representing a portion of Los Angeles County, and we have very serious crime problems in Southern California stemming from illegal immigration and a wide range of other problems that frankly are unique to southern California.

In the 1994 crime bill, Mr. Speaker, we were promised 100,000 new police officers, and virtually everyone has said that we would be very fortunate if we were in that period of time to possibly get 20,000 police officers. Yet the President continues to refer to 100,000 police officers.

It seems to me that we need to allow State and local officials the opportunity to make the tough decisions as to how they can best deal with the crime problems in their communities, and it is my hope that we will listen to those State and local elected officials, just as we listened to them when we dealt with the unfunded mandates legislation.

Yesterday I quoted one of my city managers, a Democrat who strongly supported the 1994 crime bill. He urged me to vote for it back last fall, and I did not. Now he has come forward and said I was correct in not supporting that, and he hoped very much that we will be able to pass this measure which will provide the block grants allowing

State and local officials the opportunity to make the tough decisions that are before them.

I hope we can pass this bill out today, Mr. Speaker, and finally begin to turn the corner on this very serious public policy problem.

RECESS

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

Accordingly (at 10 o'clock and 27 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

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

PRAYER

The Reverend Ruth Ward Heflin, Mount Zion Fellowship, Jerusalem, Israel, offered the following prayer:

Holy are You, O Lord; just and righteous in all Your ways. You are awakening and healing our Nation by Your Presence in this crucial hour, in this strategic day, for Your Presence heals, creates and effects change, not only in our Nation but in all the nations of the world.

We declare the hastening and fulfillment of Your plans and purposes for our great Nation through these yielded men and women who have been given authority by You and the people of this country. Be unto us wisdom, knowledge and understanding, and establish peace, justice and righteousness in all our dealings. Let Your love be shared among us. Thine is the kingdom and the power and the glory. May Your glory fill these chambers. Hallelujah! In Your name I pray. 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 Nebraska [Mr. CHRISTENSEN] come forward and lead the House in the Pledge of Allegiance.

Mr. CHRISTENSEN 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 an justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members this morning for 10 1-minute speeches per side.

The Chair recognizes the gentleman from Georgia [Mr. KINGSTON].

REPUBLICAN 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, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We have done this.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this; a new crime package to stop violent criminals—we are doing this now; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and 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 regulatory reform; commonsense legal reform to end frivolous—lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

SUPPORT OUR NATION'S LAW ENFORCEMENT OFFICERS

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

Mr. MANTON. Mr. Speaker, New York City Police Officer Anthony R. Ottoman, captain of the 100th Precinct in Queens, recently wrote an article for New York Newsday about his upcoming visit to the National Law Enforcement Officers' Memorial in Washington. In his moving and reflective article about police officers who have been killed in the line of duty, Captain Ottoman says, ''There is no adequate compensation for their sacrifice * * *. The living can do no less than pay them homage and ensure that their memories are etched forever * * * in our hearts.''

As we continue to consider legislation to amend last year's crime bill, we can pay homage to those fallen heros by heeding the calls of their families and their brave colleagues who remain on the front line in the war on crime.

Mr. Speaker, our law enforcement officers support tough and enforceable penalties for convicted criminals, they strongly support funding to put 100,000 more cops on the street, and they overwhelmingly favor a ban on the sale and production of semiautomatic assault weapons.

Mr. Speaker, as a former New York City Police Officer, when I vote on crime legislation, I will be guided by the wisdom, experience and knowledge of these police officers.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

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

Mrs. MORELLA. Mr. Speaker, today we mark the 75th anniversary of the League of Women Voters. Each of us has undoubtedly had some personal connection with the league, whether it is taking part in a candidates forum, or interacting with local League members who have reached consensus in a study group.

Historically the league grew out of the women's suffrage movement. In 1920 the founding of the League of Women Voters coincided with the ratification of the 19th amendment which gave women the right to vote.

Although only 26 percent of the women voted in that first election, the league immediately tackled this problem with measures such as initiating ''Know Your Government Studies,'' and with an active role on issues that are important to women and all people. In those early years this meant issues such as the welfare of mothers and children, equal compensation for women which culminated in the Civil Service Reclassification Act of 1923, as well as child labor law. The passage of the motor-voter bill last year is a tribute to their historical position of increasing voting participation.

Mr. Speaker, I am proud of my membership in the League, and I hope others will join in celebrating the 75th anniversary of the League of Women Voters.

MORE POLICE FOR WEST VIRGINIA UNDER LAST YEAR'S CRIME BILL

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

Mr. WISE. Mr. Speaker, I rise today in opposition to the bill that is on the floor that calls itself a crime bill because it undoes the real crime bill that was passed last year.

One of the good parts of that crime bill came true last week in West Virginia which we saved 118 new police officers for communities across our State, bringing to a total of 170 police officers that have already come to our State and with hundreds more scheduled to come. Our own State police received 13 police officers. Yet under this bill they would not be eligible for additional officers.

Some say this bill on the floor today makes it more flexible because you can buy equipment, but we already have programs to buy equipment for police departments. Indeed what the police departments need most right now are more police.

Somerset Maugham once wrote that he ''conducted his actions in regard to the police officer standing on the corner.'' These officers are getting on our streets and our corners now. One hundred and seventy new officers in West Virginia alone testified to the fact that we want to keep that intact and not vote for this bill today.

GEORGIA POLICE WELCOME BLOCK GRANT FUNDS TO FIGHT CRIME

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

Mr. NORWOOD. Mr. Speaker, I rise today in support of giving local law enforcement the power to do what they think is best. That is what my sheriff, Charlie Webster of Richmond County, GA, wants.

The bill we are debating gives State and local governments the funds to fight crime as they see fit. That is what all 19 of my sheriffs want. The other side will argue for strings to be attached. They will argue that we here in Washington truly know best how to fight crime. What a laugh. Look at the District of Columbia.

I ask the people back home to listen closely to these arguments. One side wants to give you the power to fight crime; one side will tell you that they know what is best for you. It is as if they did not hear you at all last November. Local law enforcement officers know what they need to do to fight crime, and they absolutely do not need bureaucrats here in Washington telling them how to do their jobs.

Mr. Speaker, I urge my colleagues to support local law enforcement by supporting our crime bill.

IN AMERICA THE PEOPLE RULE, NOT THE IRS

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

Mr. TRAFICANT. Mr. Speaker, after hard knocks on their door, a Chicago woman really smelled the coffee. Three IRS agents demanded—yes, demanded to see her daughter. She said, ''My daughter is not home.''

They demanded to see her daughter. She was frightened, she called her husband, her husband called the accountant, and the accountant called the IRS. They said she did not report her interest on her savings. The IRS said it was a gift. They said, ''We don't believe you. Prove it.'' They said, ''I want to see your daughter.''

Their daughter was in second grade at the local elementary school.

The IRS demanded: They did not ask. They said, ''Prove it. We don't believe you.'' They demanded.

Mr. Speaker, I ask the Members to cosponsor H.R. 390. The taxpayer is innocent until proven guilty, and it is time that Congress started making some demands on the IRS. The people are boss in America, not the IRS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). The Chair wishes to admonish the people watching our proceedings from the gallery that no demonstration is appropriate.

ACADEMY AWARD NOMINATIONS FOR CRIME LEGISLATION

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

Mr. GUTIERREZ. Mr. Speaker, this morning, Academy Award nominations were announced.

And it made me think, we need a new category for the so-called anticrime proposals we're debating.

We could call it, best performance by Members of Congress in pretending to make our communities safer.

Sure, nominees would be hard to choose.

It could be trampling on the fourth amendment to make illegal searches easier.

Or greatly increasing the chances of executing an innocent person.

Or talking of repealing the Brady bill and assault weapons ban.

And finally, this week, passing legislation that will very likely take police officers off the streets of America.

In fact, too many of our colleagues could win an award for saying yes to the gun lobby, but saying no to our Constitution.

So, we might have to wait until March 27 to see who wins an Oscar.

But we know today who loses because of these fake, ineffective crime proposals.

Our children lose. Our families lose. Our constituents lose. Every American who wants a safer neighborhood loses—in a category that is far more important than favorite movies.

CRIME LEGISLATION IS FOR THE PEOPLE, NOT FOR CRIMINALS

(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, last year the guardians of the old order rammed through the criminal's crime bill. It was a piece of legislation more concerned about the rights of violent criminals than the rights of law-abiding Americans. It was a bill that offered violent criminals and repeat offenders endless appeals and technical loopholes. It was a bill full of phony prevention programs and wasteful pork. It was a bill that said violent criminals are not bad people; instead they are really just misunderstood, and if we all give them a group hug, maybe they will mend their evil ways.

Mr. Speaker, criminals do not need a crime bill. The American people do. Crime has taken over America's streets, and Americans want to take those streets back. So we in the new majority offer a citizens crime bill, a bill that actually makes criminals pay for their crimes. We want to put a stop to endless appeals for death row inmates. We have had enough of repeat criminals going free due to legal technicalities.

Mr. Speaker, the American people demand a real crime bill, and in this Contract With America they will get it.

□ 1115

THE REPUBLICAN CRIME PACKAGE

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

Mr. DEFAZIO. Crime and punishment, it is all the rage here in Washington. But if we are going to build a strong foundation to defeat crime in America and turn back this tide, it is going to take a little site prep like any other building of a foundation.

This grand new monument to the Republican crime control effort will be a tower of concrete on a foundation of sand if we pass this section of the crime bill. It is a single-minded rush. It ignores other needs.

Drugs in the schools? Build prisons. At-risk and abused kids? Build prisons. Slow response time? Not enough cops? Build prisons.

Let us not rush to build symbolic monuments. It will take more to turn back the tide of crime in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). The Chair advises Members that the leadership has indicated we will have 10 Members on each side for 1-minute speeches this morning.

MORE ON THE CRIME PACKAGE

(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, today we are continuing debate on the crime control package, one of the items in our Contract With America. This package is unique because it actively will work to prevent, catch, and convict violent criminals that roam our neighborhoods. No more hug-a-thug bills or phony prevention programs like midnight basketball. No more endless appeals or technical loopholes in the courtroom.

This crime package is anticrime and fat free. Not propork.

Mr. Speaker, after the crime package is complete, we will move on to welfare reform and regulatory reform and one of the passions of mine, legal reform, that we will also be pursuing. We will not stop until our Contract With America is complete.

The 104th Congress is all about change and returning this place back to the people and to the States where it rightfully belongs.

PARTY POLITICS

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

Mr. RICHARDSON. Mr. Speaker, the debate on the crime bill is a choice between the President's 100,000 cops program and the Republican's pork ''do whatever you want with the money'' program for the States. Republicans are putting politics over public safety. They want to dismantle the community police program that our cities and small towns and our police officers need to fight crime.

They want to deny the President the credit he deserves for a program that has great support among America's police officers, has already provided 17,000 new police officers in 4 months, has benefited small towns. Just last week the Justice Department announced that 6,500 small towns have gotten 7,100 new police officers, no matter how small the town.

Mr. Speaker, it takes one page to fill out an application for a police officer and a decision can be made in less than 4 weeks.

Mr. Speaker, let us put cops over pork.

BLOCK GRANTS

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

Mr. DAVIS. Mr. Speaker, today we will continue to consider the most critical element in the contract's anticrime bill regarding block grants. The choice before us is a simple one. Who are the most effective crime fighters? The Washington politicians or our local police officers?

Some House Democrats believe they are the best crime fighters. That is why in last year's alleged crime bill, they mandated that billions of dollars go to social welfare programs under the guise of prevention. House Republicans have a different view. We believe that local police officials know their own communities better than we do and they know how to fight crime better in these communities and in the most effective manner. That is why we have designed a block grant proposal that gives these police officers the best chance to fight crime.

Our friends on the other side of the aisle will claim that our proposal will mean fewer cops on the beat. Nothing could be further from the truth. I believe that our program will probably mean more funds go for more police officers on the front lines fighting crime.

I urge my colleagues to vote in support of our local police forces by voting for the crime bill on the floor today.

COMMUNITY POLICING

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

Ms. SLAUGHTER. Mr. Speaker, I am sure everybody is confused. They have to be. Who is the best crime fighter in America today? None of us know. But there are a couple things that I know from experience that I had in chairing a public safety committee in the county legislature.

One of the things that happened when the pressure really got on the local budgets, they cut back on the police force and decided to patrol neighborhoods in police cars with windows up driving down the streets. We know that that has not worked. And one of the things that the crime bill that we passed here last year is trying to do is to readdress that.

There is one way to fight crime. It requires the people who live in the neighborhood to be involved. It requires that there be police in the neighborhood, on the street, in their shops, a policeman that they know, a person they go to, someone who pays attention, looks after heir children, the kind of community policing we used to do in this country.

If we revert all the money and put it into prisons, it is not going to make us one wit safer on the street. We have been in an absolute orgy of jail and prison building which has not helped. Someone has got to be on the street to police it, to prevent the crime and to catch the perpetrators. I hope that we will maintain the 100,000 policemen on the street.

TRIBUTE AND THANK YOU TO VETERANS

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

Mr. COBLE. Mr. Speaker, last week the Paralyzed Veterans of America were in town, and I attended the reception they hosted. I hope many of my colleagues did as well. The reception room was filled with paralyzed veterans confined to wheelchairs. But as I spoke with North Carolinian Cater Cornwell and the other paralyzed vets, I heard not one veteran who was griping, not one who was complaining. All were smiling and pleasantly welcoming us to their reception.

As I was leaving the reception, a veteran said to me from his wheelchair, ''You Congressmen deserve praise for what you do.''

I looked around the reception room and the paralyzed veterans therein and with a tear in my eye, I replied, ''No, sir, it is you and your fellow members of the PVA who are most deserving of praise.''

Let us not casually dismiss the sacrifices made for us by the Paralyzed Veterans of America.

MORE PRISONS

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

Mr. HILLIARD. Mr. Speaker, today I rise and ask the American people to take a look at what has been done today in Congress. We want to make sure that we will continue to put cops on the street where they belong, where they can be of use.

Our dear friends on the Republican side have decided to change the bill that we passed last year. For some reason they do not like the idea of 100,000 cops on the street, patrolling, being where they are supposed to be.

They intend to warehouse people for the next 100 years. So what they are going to do? They are going to build prisons. They are going to build prisons and build prisons. In fact, they are going to create a new industry just to build prisons. Building prisons, building prisons.

And what is going to happen? We are going to have to have guards. In Alabama, we built three prisons in 5 years. It took us 7 years to get enough money to open the last two, because we did not have the money for the guards and for the food.

I submit to my colleagues that the Republican bill is off track. It will cost more money than the bill we passed last year, and it is bad.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). The Chair announces that under the order of the day, only two more Members will be recognized on each side of the aisle.

HONORING THE U.S.S. ''SANTA FE''

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

Mr. FLANAGAN. Mr. Speaker, I rise today to pay tribute to the captain of the ship, Comdr. James Fordice, and the officers and crew of the U.S.S. *Santa Fe* a *Los Angeles*-class, fast attack submarine. Ten days ago I had the opportunity to develop an understanding and respect for this Nation's ''silent service'' by spending time aboard

the U.S.S. *Santa Fe* as it cruised off the coast of our eastern shore.

Mr. Speaker, the role of submarines has become an essential asset to the national security of the United States. In today's world of regional conflicts and crises, the presence of forward deployed U.S. submarines has given us the leading edge in deterrence and quick response.

The crew of the U.S.S. *Santa Fe* knows how important their role is in service to our free country. I was truly impressed by their patriotism, skill and professionalism. The display of unparalleled excellence which I observed aboard the U.S.S. *Santa Fe* is a model for others to aspire to.

I wish to specifically recognize for their leadership the ship's executive officer, Lt. Comdr. Douglas Smith and Command Master Chief Robert Brown, the chief of the boat. Furthermore, I would like to recognize those officers and crew who briefed me on their areas of the ship concerning their duties and responsibilities.

To all of the officers and crew of the U.S.S. *Santa Fe*, I say ''thank you''—not only for your hospitality, but for your service as ever-watchful guardians of the United States of America.

HUMANITARIAN AND CORRIDOR ACT

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

Mr. TORRES. Mr. Speaker, today, I join my colleagues, Representatives JOSEPH KENNEDY and CHRISTOPHER SMITH in introducing the Humanitarian Aid Corridor Act.

This bill would withhold U.S. assistance to any country which blocks the delivery of congressional approved U.S. humanitarian assistance to another country.

The need for this legislation, Mr. Speaker, is clear. It is a serious threat to the integrity of American foreign policy when any nation—especially one that is also a recipient of U.S. aid—forces our Government to waste taxpayers' money on transportation costs instead of putting that money toward the humanitarian goods specified for delivery.

Let me site a specific case: Since April 1993, our ally, Turkey, has closed its border to all cargo, including United States humanitarian assistance, going to the land-locked Republic of Armenia.

Because of this blockade, America is forced to ship its aid around Turkey, through the Black Sea, to ports in war-torn Georgia.

The closing of the Turkish border to United States assistance meant for Armenia has slowed delivery of this aid, skyrocketed transportation costs, and in some case caused the loss of aid to thieves and saboteurs.

Allowing our allies to deny U.S. humanitarian assistance to people in need discredits our Nation's foreign aid program, results in inefficient use of U.S. taxpayers' money, and ultimately sets a precedent for abuse by other nations.

I ask my colleagues to support the Humanitarian Aid Corridor Act, and to ensure that U.S. humanitarian assistance will not be exploited for political purposes.

THE 75TH ANNIVERSARY OF LEAGUE OF WOMEN VOTERS

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. MEYERS of Kansas. Mr. Speaker, today is the 75th anniversary of League of Women Voters. Created in 1920, in anticipation of passage of the 19th amendment, the league was created as a nonpartisan organization to promote political responsibility through informed and active participation of citizens, both men and women, in government.

I am proud to have been a member and president of my local League of Women Voters in Johnson County, KS, before I served on the Overland Park City Council, the Kansas Legislature or the U.S. Congress. It was an education.

The league gave me a grounding in a wide variety of issues, encouraging me and women like me to become more than silent bystanders. The league has a proud legacy which I am honored to acknowledge from the floor of this people's House.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentlewoman for yielding to me.

The Kellogg Foundation in Battle Creek, MI, the director is leaving, Russ Mauby. I would like to acknowledge him. There are Kellogg farmers in the gallery today, and I would just like to say we appreciate them being there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). Members should not refer to people in the gallery. That is inappropriate.

LEAGUE OF WOMEN VOTERS

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, on this day 75 years ago, the League of Women Voters was formally established. The League of Women Voters of Rhode Island grew out of the Rhode Island Equal Suffrage Association and was organized on October 8, 1920. The first year was spent uniting all suffrage groups in Rhode Island and recruiting new members.

In the league's second year, units were set up in most Rhode Island communities in order for women to conduct study meetings and take local action. Some of the issues the league got involved in at the time were the child labor Law, equal pay for equal work, and equalization of educational and economic opportunities.

In 1945, a move was begun to make units into independent local leagues and with that leagues were born all over the State of Rhode Island, including in Providence, Newport, South Kingston, Narragansett, Barrington, East Providence, and Bristol.

Mr. Speaker, in Rhode Island the league has worked along with other groups, and it is important that today we recognize their efforts.

□ 1130

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to House Resolution 79 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 728.

□ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, February 13, 1995, the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] had been disposed of, and the bill was open for amendment at any point.

Five hours and twenty minutes remain for consideration of amendments under the 5-minute rule.

Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Is the amendment printed in the RECORD?

Mr. MCCOLLUM. The amendment is not printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: On page 10, line 20, strike ''45'' and insert ''20''.

Mr. MCCOLLUM. Mr. Chairman, this is a simple and pretty much technical amendment. Under the bill as written, the chief executive officer of every State has not less than 45 days to review and comment on an application for a grant submitted to the director. We would like to change that. This amendment changes that to 20 days.

We have no basis for wanting the States to have any more time than necessary to delay the possible getting

the money by any city or county that is supposed to get the funds. In fact, I am not even sure 20 days is a magic number of days, but the objective here, since we have a complicated formula, is to let there be at least a certain amount of time out there for the situation to be observed and acted upon in cases where we have to have cooperation between the local unit of government and maybe a sublocal unit, such as the city and county situation, where the formula has to be adjusted to take into account some diverse interests in some parts of the country.

There needs to be some time here. The thinking is that 45 days is too long, and 20 days is more reasonable, for the Governors to have this sitting before the director to disburse the money, to comment on it or to have some reaction to it.

I would urge my colleagues to adopt the amendment. I do not think it is controversial in any way.

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

Mr. Chairman, we have seen this amendment on our side. We have no problems with it, and I urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHUMER

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

The CHAIRMAN. Is the amendment printed in the RECORD?

Mr. SCHUMER. The amendment is not printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER: Page 2, line 6, insert after ''amended'' the following:

''by redesignating that title as title XXXIV and a new title I is inserted in that Act''

Page 8, strike line 23 and all that follows through page 9, line 2, and insert the following:

''(1) $150,000,000 for fiscal year 1996;

''(2) $50,000,000 for fiscal year 1997;

''(3) $300,000,000 for fiscal year 1998;

''(4) $300,000,000 for fiscal year 1999; and

''(5) $1,732,000,000 for fiscal year 2000.''

Page 21, strike line 17 and all that follows through page 22, line 7.

Page 26, strike line 9 and all that follows through line 11.

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SCHUMER. Mr. Chairman, I offer this amendment on behalf of myself, the gentleman from Michigan [Mr. CONYERS], and the gentleman from Texas [Mr. CHAPMAN].

Mr. Chairman, Speaker GINGRICH has been talking about his Contract With America. We made a contract with the American people last year, as well, a contract to put 100,000 new police officers on our streets. We cannot and must not break our promise so that Speaker GINGRICH can pass a bill written by pollsters and pundits who said it would be popular. Under the crime law we passed last year 100,000 new community police officers will be put on the streets of America. Under Speaker, GINGRICH's bill, not one new police officer must be hired.

Speaker GINGRICH said last year, Mr. Chairman, that sending a blank check to cities would result in a pork barrel boondoggle. Today Speaker GINGRICH is not only defending this blank check approach to crime-fighting, he is, unfortunately, championing it.

Last year's crime bill, Mr. Chairman, guaranteed 100,000 new police for our streets. Speaker GINGRICH's bill guarantees billions of dollars of pork, like tanks, useless studies, or this airplane, bought by the Governor of Indiana in the 1970's.

It is a simple, simple choice, Mr. Chairman: Do we want police, or do we want pork? That is the choice of the Schumer-Conyers-Chapman amendment. It cuts clearly to the difference between the super pork barrel block grant program, and the bipartisan commitment this Congress made last year to the American people.

Mr. Chairman, this amendment unequivocally preserves, protects, and defends the promise we made to America less than a year ago. Passing this amendment will show the American people that this House is not a Chamber that lightly throws away such solemn promises, particularly when that promise is to put 100,000 new cops on America's streets. Passing this amendment will show that Members of this House on both sides of the aisle can think for themselves, that they are not mindless puppets who march in lockstep simply to fulfill the promises of a poorly drafted political document, hastily written in the heat of a political campaign, because that is what H.R. 728 is.

Passing this amendment, Mr. Chairman, will keep faith with the hundreds of thousands of men and women who are police officers, who, at this very moment, are walking America's streets and need our help.

Every major police organization in this country has had the courage to go on record. They want the cops on the beat program saved exactly as it was passed last year, and that is what this amendment does. It fully restores the cops on the beat program, and leaves a net balance of $2.5 billion for the block grant purposes already outlined in H.R. 728.

Mr. Chairman, we should not let anyone tell us that the cops on the beat program is not working. It clearly is. As of last week grants have been awarded that will put over 16,000 new police officers on the streets. Think about that, Mr. Chairman, 16,000 new police officers provided in less than a year, in a day when government bureaucracy seems to overwhelm us. This is almost a modern miracle. Why are we pulling it back?

This fact alone, Mr. Chairman, disproves the repeated misstatement we have heard in this Chamber that the cops program will not provide 100,000 cops. Furthermore, Mr. Chairman, this program is being implemented without a lot of red tape or complicated applications.

Here is the application for this program, Mr. Chairman. Look at it, I would ask the Members. It is simple, straightforward, no nonsense, that anyone worthy of leading the smallest police department of a sheriff's office can fill out in a few minutes.

Finally, Mr. Chairman, this program is flexible, and being administered in a sensible way. It is true that the law requires the local community to put up a 25 percent match. We all know from our experience if we just give free money with no strings attached, it is much more likely to be wasted.

However, the law also recognizes that sometimes there should be waivers when communities cannot afford it. It allows the Attorney General to waive the match, as she has done for communities all over the country. I have here a list of the Attorney General waivers of the 25 percent match. It includes police departments in California, Florida, New Mexico, Iowa, Michigan, Montana, Oklahoma, Rhode Island, Oregon, South Dakota, Washington, and West Virginia.

Mr. Chairman, the plain fact is that any community with a good cause and the determination can help solve its own problems by qualifying for these funds.

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

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

Mr. SCHUMER. What has H.R. 728 to offer in place of this proven working program that America's cops and America's people want? The biggest pork-laden boondoggle in the history of this Congress since the Law Enforcement Assistance Administration disaster upon which it is modeled.

Mr. Chairman, I urge my colleagues to keep faith with the American people, keep faith with America's cops, and show their thoughtful independence on both sides of the aisle. Vote for the Schumer-Conyers-Chapman amendment.

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

Mr. Chairman, what we have just heard is an explanation of the pivotal amendment on this entire bill.

□ 1140

It is an amendment which would restore to its full funding the entire presidential cops-on-the-street program from last year's Congress, a program that thousands of communities have found is not of any benefit to them, a program that is not working but a program that is a pet project of the President, upon which he threw down the gauntlet, the veto threat this past Saturday during his radio address if we are to disturb it in any way.

I would suggest that what the gentleman from New York is stating, while I know his sincerity is there, is simply not representative of the reality that America finds itself today, nor the reality of this bill.

The primary concern of Americans today is to fight crime on the streets in their local communities and to stop the onslaught of violent crime. There are myriads of programs out there that are important to them to do this. What is good for one community in one corner of the country is not necessarily good for another. Some communities need new police officers, some do not. Some would take advantage of this money that is now on the table in the old bill. Some cannot afford to.

The simple fact is that the cost of hiring a new police officer is nowhere near the base figure being used for the grants match or otherwise that are in the current law. The cost of a new police officer instead of being $20,000 to $25,000 a year which is what the base figure is for taking the 75–25 match moneys that are involved in that bill, that is simply the hiring cost for the average new police officer for his salary for the first year. Instead of it being that figure, it is closer to $60,000 or $70,000 a year to put a new police officer on the street when you consider training, equipping him, et cetera.

This bill, in addition to not getting anywhere near that for 1 year, expires at the end of 3 years with any Federal money. Consequently, local communities are often finding this a pig-in-the-poke and a very bad program.

I would like to call attention to my colleagues to the editorial in today's Washington Post that has not always been known for its endorsement of Republican initiatives.

''The President,'' it says here in the editorial, ''wants at least to preserve the mandatory funding of what he says will be 100,000 new cops on the street.''

''When last year's bill was enacted, that 100,000 figure was cited as the most important feature of the law. Almost immediately, though, it was challenged by law enforcement experts and some local officials. In fact,'' the Post says, ''the law created a 5-year matching program during which the Federal Government's share diminished and eventually disappeared, leaving localities with the full cost of maintaining the new officers. Since the maximum Federal contribution could not have exceeded $15,000 a year per new hire, the program would never have supplied enough to pay salary, benefits, pensions and other costs, so the cities would have had to come up with a lot of up-front money many say they don't have.''

''So put aside,'' the Post says, ''the 100,000 figure and the issue boils down to whether decisions about the expenditure of law enforcement dollars are best made locally or nationally.''

Skipping a little bit down in the editorial, the Post goes on to say, ''Our sense is that the world won't end if local authorities are given more flexibility. In some cities, like this one, the greatest need may not be additional police on the roster, but better equipment, specialized training or even midnight basketball. What's wrong with letting them use Federal funds for less expensive but still effective programs rather than for costly hiring? But if cities already have a drug court, as Washington does, and a fully staffed police force, what's wrong with using Federal funds for social workers in juvenile detention facilities, or for improving computer systems to track parolees? One hundred thousand cops sounds good, but congressional failure to include that mandate is not worth a presidential veto.''

The long and the short of it is that the Washington Post recognizes as we do on this side of the aisle that flexibility is the key to this. We do not want to hamstring the local communities around the country with the type of program that is in existence today. We need to give them maximum flexibility.

I also have a copy of a letter from the U.S. Conference of Mayors dated February 10 signed by Victor Ashe, the mayor of Knoxville, the President, and Norman Rice, the mayor of Seattle, its Vice President, addressed to the Honorable RICHARD GEPHARDT, the Democratic leader, expressing concern. I will quote only part of the letter, and I will later submit the whole letter for the RECORD:

''As President and Vice President of the U.S. Conference of Mayors, the 63-year-old bipartisan organization which represents mayors and local governments throughout the Nation, we are writing to express our concern about your recent comments on the ability of local governments to manage block grants. At your February 7 press conference, you said:

'These crime bills want to just turn the money over to the local governments without any strings, and we are likely to wind up where we were back in the 1970's when we had some local jurisdictions using the money for tanks and fixed-wing airplanes and all kinds of wild things that didn't have much to do with really fighting crime.'

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

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

Mr. MCCOLLUM. ''First of all, this comment is factually incorrect. The LEAA program to which you were referring provided funds to the States, not to the Cities.''

They go on then, and I will skip some of this.

''Second, we are distressed that you seem to have so little confidence in the integrity and administrative ability of local government officials. Your statement of February 7 is in direct contrast to what you told the mayors on January 27 at our Winter Meeting at the Capital Hilton in Washington:

'If we're going to block-grant money for prevention and for police, I want that money to go to you, the cities of this country, and not somewhere else. You're the ones on the front lines. You're the people that have got to show results, and I think you're well-equipped to try to figure out what to do with the money.'

''We prefer to believe that this is really your assessment of local government officials today. With all due respect, we believe that because of the leadership position you hold, it is important that you clarify the trust you have in the mayors, city council members and county officials throughout our Nation.''

I would suggest that the comments of minority leader GEPHARDT clearly indicate from what he said to the mayors and their quoting of him on their winter meeting date of January 27 that there is no question that he recognizes that local communities do act responsibly and they are the best ones to make these decisions. It should be a bipartisan effort today to mold a flexible local community block grant program here that takes care of both the cops on the street and the prevention and lets the local communities decide for themselves. We should not be holding back and trying to preserve an old and clearly debunked program for cops on the street simply because the President wants to hold up the political image of having completed the hiring or providing for 100,000 new cops. It sounds great, but there will never be 100,000 new cops provided under his program. Many communities will not apply, cannot accept if they are given the grants, do not have the money to do that, and would not want the police even if they did because there are other alternatives they would prefer.

It was an interesting idea. It is not the best idea. The best idea is in this bill for local block grants.

I urge the defeat of the Schumer amendment as a result of that. I think it is an ill-conceived amendment.

Mr. Chairman, the letter referred to is as follows:

THE U.S. CONFERENCE OF MAYORS,
Washington, DC, February 10, 1995.

Hon. RICHARD GEPHARDT,
Democratic Leader, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEPHARDT: As President and Vice President of The U.S. Conference of Mayors, the 63-year-old bi-partisan organization which represents mayors

and local governments throughout the nation, we are writing to express our concern about your recent comments on the ability of local governments to manage block grants. At your February 7 press conference you said:

''These crime bills . . . want to just turn the money over to the local governments without any strings, and we are likely to wind up where we were back in the '70s when we had some local jurisdictions using the money for tanks and fixed-wing airplanes and all kinds of wild things that didn't have much to do with really fighting crime.''

First of all, this comment is factually incorrect. The LEAA program to which you were referring provided funds to the states; cities received only a small portion of those funds and generally their purposes were dictated by the state government. It was state governments, not cities, which would have purchased tanks and fixed-wing airplanes. Such purchases are specifically prohibited by HR 728.

Secondly, we are distressed that you seem to have so little confidence in the integrity and administrative ability of local government officials. Your statement of February 7 is in direct contrast to what you told the mayors on January 27 at our Winter Meeting at the Capitol Hilton in Washington: ''. . . if we're going to block grant money for prevention and for police, I want that money to go to you, the cities of this country, and not somewhere else . . . You're the ones on the front lines. You're the people that have got to show results, and I think you're well equipped to try to figure out what to do with the money.''

We prefer to believe that this is really your assessment of local government officials today. With all due respect, we believe that because of the leadership position you hold, it is important that you clarify the trust you have in the mayors, city council members and county officials throughout our nation.

Sincerely yours,

VICTOR ASHE,
Mayor of Knoxville, President.

NORMAN B. RICE,
Mayor of Seattle, Vice President.

Mr. CONYERS. Mr. Chairman, I rise in support of my amendment.

Mr. Chairman, on yesterday we attempted to restore the prevention part of this crime bill the way that it was written in 1994 and approved in a bipartisan fashion.

Today our attempt is to restore the community police program and restore that in the original form in which it was passed only several months ago.

Nothing has more symbolized the Federal Government's commitment to fighting crime than the President's program of putting 100,000 policemen on the streets. If there is anything that most people dislike about Washington, it is the breaking of commitments. That is exactly what the Republican block grant program deliberately does. It breaks a commitment to put 100,000 policemen on the street, folding it into a block grant program, knowing that thereby they will dilute or destroy both the prevention program and the police program.

So we should not break this promise. This amendment, Schumer-Conyers-Chapman, is an attempt to fulfill that commitment by restoring the funding for the cops on the beat program by reserving $7.5 billion for the block grant for the program.

When we want to fight crime on Capitol Hill, we should listen to those who work in this field, work on the front lines. The Fraternal Order of Police, the National Association of Police Organizations, the Sheriffs Association, the Black Police Association, the Police Executive Research Forum, the California Police Chiefs have all endorsed this amendment. We have met with their leaders. They are still on board and they are still hopeful that common sense will prevail in the Congress today with reference to our efforts to have a community-based police program of 100,000 police officers emanating from the Federal Government.

They support it because they understand the Republican block grant. They realize that the Republican proponents say it may increase the overall number of cops on the beat, but they will not put any guarantee in writing.

There is no guarantee, as a matter of fact, that a single police officer would be put on the beat, despite the wide consensus in city after city and State after State for more community police. There is no guarantee that the funds will result in any crime reduction whatsoever. There are no performance measures written so that we can measure the effectiveness of the bill in later years. Its formula does not take into account the adequacy or inadequacy of existing police staffing levels in particular areas, or the ability or inability of such areas to effectively utilize additional police resources.

The proposal could deny needed funds to hard-pressed areas that would otherwise receive funding under the existing program. Simply put, it is a total abdication of responsible legislation and thoughtfulness.

In fact, the program of theirs is nearly identical to the Law Enforcement Assistance Administration grants that we are reminded of merely by the similarity in programs. We know what happened, the inefficiencies, the waste, the abuse, and worse.

We are replacing an existing, proven police program and an existing prevention program which is widely popular at local levels with failed programs. Is that what the contract of America is about?

Mr. Chairman, the program of cops on the beat has already been successful. Seventeen thousand have already been put in place. The President announced 7,000 for small communities just last week. Over half of all police districts nationwide have received or will shortly receive new police.

In this body, we can write all the tough laws we want, all the death penalties, all the mandatory minimums, but this is the test of whether we really want to have community policing at the national level. Support this amendment.

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

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

Mr. WYNN. Mr. Chairman, I rise this morning to strongly support the Schumer-Conyers-Chapman amendment.

I recall last year when we had a really good crime bill that we had a proper balance, somewhat like a 3-legged stool. We reflected the 3 P's of crime fighting: crime prevention grants at the beginning of the process to prevent crime, police to both prevent crime and apprehend criminals, and prisons to house prisoners and to keep violent offenders off the street.

Unfortunately, that delicate and, I think, very sensible balance has been disrupted in the Republican-sponsored bill we have before us today. What they have done is disrupted this balance by being too heavy on prisons, the part of the process at the very end, and creating a very heavily funded dysfunctional leg for prisons, then trying to merge prevention and police into one also dysfunctional leg. It is very unfortunate.

I want to commend all of those who tried unsuccessfully yesterday to restore prevention funds. But today I want to talk specifically about the ground troops in the war on crime, and that is police.

We say it is a war on crime, and in any other national defense circumstance it seems to me we would advocate national decisionmaking and national priority setting. This is the only one in which we say the most important thing is local decisionmaking.

We need to assure that the ground troops necessary to fight the war on crime are in place and that means we need more police.

Every single law enforcement entity has said community policing works. Every local neighborhood, neighborhoods who never before had positive relationships with their police departments said, ''Yes, if you bring a law enforcement official into our community not as a storm trooper but as someone who can work with the community, work with young people, identify local problems, this works.''

''Yes, if you have consistent patrols that can walk the beat and get to know the community, we can solve crime.''

□ 1155

The Republicans, unfortunately, do not believe that this makes quite as much sense, and that is why they have taken away our opportunity to guarantee these police forces.

I believe we do need national priority setting on this issue. We do need to ensure that we here in the Congress provide the ground troops in the war on crime.

We have an interesting situation here: We have the Republican judgment that we do not need these police or to let the locals make the decision, but we have the law enforcement community saying across the board—major

city police chiefs, International Brotherhood of Police Officers, Law Enforcement Officers Association, Fraternal Order of Police, Black Police Officers, Black Police Executives, National Troopers Association, the Police Executive Research Forum, and the Police Foundation—all say they support the police program. They support the current COPS program to guarantee 100,000 police. They say that it is essential in our efforts to taking back our streets.

So we have in this corner the Republican judgment, ''Let the locals decide.'' You have in this corner the judgment of our law enforcement community, the people that we ask to defend our streets, who say the top priority should be the retention of the COPS program.

Now, I am not here to object to local decisionmaking. As a former State official, I believe in it. But the fact remains that if we send these grants down to the local level, they will be caught up in competing interests.

One gentleman got up yesterday and suggested, ''Well, we are going to need a road to connect one prison to another.'' Another one wants lights. Another group may want sports. Another may want other activities. These are all legitimate activities and all contribute to fighting crime.

But the issue before us today is whether we in the U.S. Congress take a stand with law enforcement officials across this land and say that police ought to be our top priority.

I can tell you in the State of Maryland we have already received 284 officers. My district has received 55 more police officers. You know what, Mr. Chairman? It is working.

My small town mayors, my county executives are all saying this is what we need, additional police.

So I want to say emphatically that local decisionmaking has its place, but if we are in a war in this country on crime, it seems to me we need to make some national decisions, and that national decision ought to be to strongly support the cops on the beat.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a vote for the Schumer-Conyers-Chapman amendment is a vote of no confidence in the local public officials. Your mayors, your township officials, your municipal officers elected by the voters to make decisions at their level on what is best for their streets, for their neighborhoods, for their public safety contingents, this constitutes no confidence in them and, as a matter of fact, a condemnation of their abilities to govern their own municipalities.

That is the difference that we are trying to determine over on this side when we offer this elastic, flexible program which will allow these local officials to respond to their local voters and taxpayers.

Now, what is the difference between what we are attempting to do here and what occurred under LEAA? That was a bipartisan measure, as I remember, and that served its purpose at that time. If there was any difference between that and this which you now decry, you on the other side of the aisle, it might be this: that today we have the expanded coverage of C–SPAN, we have total communications from individual Members of Congress to their constituents and vice versa. And the likelihood of the local public officials taking this money and using it for automobiles or some of the other wild stories that we have heard about, misuse of the LEAA funds, simply cannot happen except at the risk of the people involved back home.

This program of flexibility on the part of local government is no more subject to corruption or waywardness of funds than is the 100,000 police officer part that is in the former crime bill. What is to prevent special favoritism on the part of anyone making the selection of the communities that are to receive this largess?

So it is confidence that we have in the local officials that drives us in this direction. Your program signals no confidence at all in local public officials.

Ms. JACKSON-LEE. Mr Chairman, I move to strike the requisite number of words.

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

Ms. JACKSON-LEE. Mr. Chairman, this clearly is not a partisan issue. I am wearing a badge today, a badge that talks about 100,000 cops and reminds Americans that we should not go back. The hiring of 100,000 new police officers should not be a partisan issue. It is very interesting, as I listened to the gentleman who just spoke, the gentleman from Pennsylvania, Mr. GEKAS' district liked this program enough to apply for and get some 23 new officers on the street.

Again, this is not a partisan issue. Hiring officers is not an issue that should divide us; it should be one that brings us together.

What we are doing with H.R. 728 is throwing money, with no specific direction, in the name of flexibility.

Mr. Chairman, I come from local government, I respect their decisionmaking powers. I know they work. But there is no guarantee that these dollars will get down to the local police jurisdictions and municipalities. These dollars may ultimately go to our States and then have to have the continued massaging at to where these dollars might end up.

The COPS program, in particular, responds to the public's demand that we use tax dollars to make our streets safer. The COPS program requires a commitment to increasing their force size by requiring them to come up with at least 25 percent of the cost of hiring new officers.

It establishes a working relationship, a partnership. The COPS program's local matching program with the declining Federal share over the course of the grant encourages and prepares local jurisdictions to pick up the tab in 3 years or so.

H.R. 728, on the other hand, does nothing to prepare them. It drops the ball. You go off the side of the Earth. There is no commitment. There is no planning.

And most of all, this program helps the needy jurisdictions. It helps our communities who need cops the most. People are looking for safer streets. They are asking us not to be partisan in this. It is interesting that we would put such extreme restrictions on requiring our jurisdictions to get prison dollars, some 85 percent requirement under truth-in-sentencing, which requires the different jurisdictions to have prisoners incarcerated up to 85 percent of time given, and yet when we talk about police officers—where you stop the criminal activity along with prevention, where you allow for community policing—then we throw all reasoning to the winds.

This is not a partisan issue. We are required, if you will, to look at this from the perspective of the American people. The American people who embraced this wholeheartedly in the 103d Congress, in that bill, the omnibus crime bill of 1994, the American people supported this and stood up for it.

Mr. Chairman, today is Valentine's Day, and I simply ask that we, the U.S. Congress, send a valentine to the American people. That valentine is safer streets; that valentine is embracing the idea of 100,000 police officers. That valentine is recognizing that the American people want tax dollars to be used to provide the opportunity for police officers in their communities.

Mr. Chairman, I rise to support the Schumer-Conyers-Chapman amendment making our streets safer and supporting 100,000 police.

Mr. HEINEMAN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. HEINEMAN. Mr. Chairman, I have been in committee, the Committee on the Judiciary, with my colleagues here, and I have come to respect the gentlewoman from Texas [Ms. JACKSON-LEE] and her positions on law enforcement.

I think what we are talking about here is we are talking about just what I mentioned last night, a philosophical difference of where we want to go, whether we want to dictate to local law enforcement and the States as to how much money should be spent and where it should go. We on this side of the aisle seek flexibility at the local level in that regard. And I say that there is nobody in this Congress—not even myself, who has been a police chief for 15 years; in fact last year at this time I was in that position—that know better how to use money at the

local level. I can say I knew for years exactly how to use grant money at the local level, because I was there. I cannot tell you now that I know better than the police chief of Raleigh, NC, at this point how best to use that money under a block grant. They know. One size does not fit all, I can tell you that.

Rudy Giuliani, Mayor Giuliani's name was mentioned here several times as not being in favor of more cops but of equipment. He knows better, his police chief knows better. Nobody in this Congress knows better how to use that block grant money than the people at the local level.

LEAA has been brought up several times as a Dunkirk when it came to funding at the local level. I cannot argue with that. I was in law enforcement at that time, big-time law enforcement. I know there was waste. But this bill, hopefully, provides a framework under which Dunkirk will not reoccur.

But there is a raging fire on the streets in this country today, right now. As a matter of fact, since last Thursday, at 1:21 p.m., when we started debating prison grants, up to now, the FBI will tell us that 357 Americans were murdered in that time up to now. We are chasing the clock as it relates to this. I think our intentions are all in the right direction. It is just how are we going to get there. We had hearings in the Committee on the Judiciary, where people pleaded from the local level, pleaded with us for help, pleaded with us to send help to the local level, where prisons are concerned, and law enforcement as well.

I do not want to hear LEAA being brought up again. We did bring into this bill safeguards; that is, accountability at the local level. It does set up an advisory board. It does provide for the chief executive within 45 days to respond. Three percent of the moneys is provided for oversight, oversight hopefully, not to repeat the LEAA boondoggles.

I tell you, when I gave testimony today that the best knowledge of how to use that money will come from the local level and the local level will provide law enforcement officers; it is built into the bill.

So if you know best, if you know better than local police officers at the local level how to use the money and how to dispense it, then do not vote for this bill. But as far as the Schumer amendment, I rise to defeat that amendment on the basis of the fact of what I have said, and also stressing, as best I can, that let the local level determine where the money should go.

Ms. JACKSON-LEE. Mr. Chairman, will the gentleman yield?

Mr. HEINEMAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. I thank the gentleman for yielding to me.

Mr. Chairman, I too appreciate very much the very clear insightfulness that the gentleman brought to the deliberation in the Committee on the Judiciary. I think all of us have made every effort to be as effective for the broad views of Americans.

I only raise a concern. I appreciate the gentleman coming from the police perspective, and in a discussion that we had on the floor yesterday when, I think, in another bipartisan effort we suggested a very small modification that would not allow these dollars to be used for road and highways. Again, we thought that that was fair, if you will, a striking of a balance of how those funds may ultimately be used. We did not win that. The Republicans voted against that.

That is the concern I raise, coming from local government, respecting local government, local police chiefs, that because of the lack of clarity, in the name of flexibility, that we would have the occasion to use very precious dollars that should be used for our police officers and to use them for things like roads and highways. I have that great concern. That is why I raise this issue.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. HEINEMAN] has expired.

(By unanimous consent, Mr. HEINEMAN was allowed to proceed for 3 additional minutes.)

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

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

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I just wish to bring to the gentleman's attention, because the major of New York City, Mr. Giuliani was mentioned: The major, when the original bill was drafted would only allow cops on the beat, and the mayors in New York and Los Angeles, and some others have said, ''What if we want to put in a computer? What if we want to put in overtime? What if we want to put in civilians?''

□ 1210

A compromise that was worked out, which is now in the law, says very simply that, as long as it will increase the net number of cops on the beat, they can do that. So, our bill has a great deal, the present law does have a great deal of flexibility which would be restored by the Schumer-Conyers-Chapman amendment; not in my judgment too much flexibility that they could do anything, but it would certainly allow police departments to pay for other types of things provided, as a result, there were new cops on the beat. I would argue to the gentleman that is preferable to that proposal. I would not want to see them put in a computer and not have new cops on the beat, but, if they want to use it to put in a computer, free up people with desk jobs and have them start walking the beats, great.

Mr. HEINEMAN. Mr. Chairman, I thank the gentleman, and let me at this point say this is a bipartisan effort, as I see it, and I thank my colleagues from law enforcement on both sides of the aisle for going to bat and swinging the bat at the ball to get him the help they needed. We heard it in committee. We heard the mayor, Mayor Ash, we heard the DA's, we heard the judges asking for help, and I think we are really moving in the right direction. It is just a matter of how are we going to get there and who knows best.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. RICHARDSON. Mr. Chairman, there is an implication here that the Members of Congress, and there are many on both sides of the aisle, that are the most grass roots representatives matching any local officials in their communities, and let me just say that I will match my access and knowledge of what my constituents want over 2,000 town meetings in 12 years, and I think this is matched by many here. The implication being: that it is local officials that know what is best.

Let me say that what worries me about the Republican plan is that there are no guarantees that even one police officer is going to be hired. We already have a plan underway. Let us not mess with it. We have grants for over 17,000 new officers in cities and small towns across the country. Half of all the police departments in the country have applied for a cops grant.

Law enforcement and the American people want more police, and my colleagues are trying to dismantle it. The only thing that this bill guarantees is fewer new police on the streets of America. There will be fewer police to build partnerships with communities, fewer police to work with residents to reduce and control crime, and fewer police to keep our streets safe for law-abiding citizens.

What we are also doing is taking a walk on accountability to the American taxpayer. This is super pork of the highest order. No strings attached. Do whatever you want with this money. That is basically what we are saying. While we have banned tanks and airplanes, how many thousands of ridiculous uses have not been explicitly prohibited? How much money is going to be spent of thousands on wasteful purposes rather than on police officers? There is no accountability for the $10 billion. What we have is a choice between police versus pork.

What we did was in the crime act, we paid for this program. We paid for it by reducing the size of the Federal Government, and the President rightfully has said that under no circumstances, he did not fight 100,000 bureaucrats so we can trade them in for an old-fashioned pork barrel program. What we have is a bunch of hoops, hurdles, and fits for local governments rather than forging a partnership with them.

What we are doing is building roadblocks to crime fighting, creation of local advisory boards, new layers of bureaucracy, new applications. Under the present plan we have a one-page application. Mayors would have to defer to Governors on crime fighting strategies even though mayors, police chiefs, and community leaders already know best what works for their community, and, rather than receiving grants directly to meet the particular needs, small towns and rural communities would have to seek their portion of Federal dollars from a pool distributed by the Governors of their State. What we have is replacing crime fighters with administration. The court program under the crime act is efficient, and it is centralized in distributing grants for 17,000 police officers. In just 4 months Mr. Chairman, the cops office is under budget and ahead of schedule. Yet the proposed block grant would move slowly. It would delay crime fighting and would shave off more of the taxpayers' money to pay for its administrative costs.

Mr. Chairman, let us put police over pork. Let us deal with a program that has enormous public support. Let us deal with a program that already is underway, community policing, grass roots police.

I have small towns in New Mexico that have received one cop. We have had grants awarded to 6,500 small communities, 7,100 cops. Why are we going to mess with a program that is working for reasons of politics?

Let us give the President credit for a program that is working. Let us not mess with this program, and if it passes the Congress, rightfully the President should veto it.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. HYDE. Mr. Chairman, I mean no disrespect, but there is an incredible arrogance; I suppose it is an unconscious arrogance; in the position that Washington knows best. Yes, there is a police program in place. That is the problem. It is their program instead of local government's program.

This bill that we are advancing provides for local advisory boards.

Now the gentleman from New Mexico [Mr. RICHARDSON] said he has held 1,000 town meetings and he knows best. Well, I am not sure that I would have the, I do not know another word, arrogance, to say that I know more about every nook and cranny of my district and its needs for public safety and fighting crime than the local police, and the sheriff's office, the local prosecutor, representatives from the local court system, representatives from the local school board system, representatives from community groups. I mean, a little humility. These are the people fighting the problem in their front yard.

Ms. FURSE. Mr. Chairman, will the gentlewoman yield?

Mr. HYDE. I yield to the gentlewoman from Oregon.

Ms FURSE. Mr. Chairman, I would just like to point out that I think the gentleman's point is right, that we should not in Washington be making these decisions, but in fact we are saying we are listening to the order of police, the sheriffs, the black police officers. They are the ones who are saying that they want to keep this program, not people in Washington who are not on the front line.

Mr. HYDE. Mr. Chairman, I am terribly sorry, but I just do not agree. I do not think they understand that their program is seed money and, after a few years, it evaporates, it disappears, and the local unit of government is left to absorb all of the coats. I do not think they are thinking in those terms, but it is a fact that it is virtually illusory.

We are talking 20,000 policemen, fully paid for, not 100,000. Those figures have been worked out, and they are not too obscure. The fact is we have a program that is animated by the philosophy that local government knows its problems and how to deal with them. All wisdom does not reside in Washington.

Now to call it super pork is really to insult thousands of local officials who must face the same taxpayers we face only in a more immediate fashion. They come out to the meetings and eyeball these people. There is going to be supervision over how its spent through the U.S. Attorney General's office having a program of oversight, and so it just seems to me a little trust, a little faith, a little humility, that we do not know it all, that the people in the front lines do know it all, and let us give them the resources.

□ 1220

Now some say, no more policemen, that they do not need policemen. Maybe they want technical help; maybe computers are what they need; maybe prosecutors; maybe jails; maybe policemen. But let them make the call, not from here hundreds or thousands of miles away in Washington.

Ms. FURSE. Mr. Chairman, will the gentleman yield again?

Mr. HYDE. With pleasure, I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, it is my local police chiefs and my local sheriffs who have called me to say they like the crime bill of last year, that it is working, and they are getting new police officers. It is the local law enforcement people who call me, the Oregon State Patrol. They have called and said they do not like the changes; they want the bill that was there last year. I think they do not know what is going on. I think we should trust them.

Mr. HYDE. Well, the city council in Cincinnati thinks just the opposite. There are plenty of municipalities that understand that this is illusory, that in the first year, 25 percent of the cost is going to have to be assumed by the local units of government; by the second year 50 percent; by the third year 75 percent; and by the fourth year it is gone.

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

Mr. HYDE. Of course, I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

I make two points. First, the argument that our program expires and the block grant does not, that is totally false. Both are based on the trust fund. Ours goes 6 years.

Mr. HYDE. I did not say the block grant program expires. These are the gentleman's words.

Mr. SCHUMER. The program expires, so local communities would be on their own under either bill; is that not correct?

Mr. HYDE. Yes, but we are not promising them 100,000 policemen, which are not in the cards by anybody's computer. The gentleman knows that. Will you concede that?

Mr. SCHUMER. If the gentleman will yield, there are already 17,000 police officers. If you take the prorated amounts spent and look at how much more is left in the pot, we are easily in reach of the 100,000 police officers. Last year the gentleman may have had an argument, but seeing what has happened this year, it is obviously clear that there will be 100,000 police. This is a well-administered program.

Mr. HYDE. This gentleman knows they are rushing out the police now before we vote on this, but that is not going to last long.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

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

Mr. HYDE. Mr. Chairman, the gentleman is overly generous in getting more time for me, and I continue to yield to him.

Mr. SCHUMER. I thank the gentleman for his generosity as well.

Mr. Chairman, the other point I make is that the gentleman is saying, let us leave it to the locals. I think ask the American people, ''Who do you want to leave it to, your local police chief or your local politician,'' they would say——

Mr. HYDE. Not the local police chief.

Mr. SCHUMER. If I could, I would just like to finish my point.

Mr. HYDE. Yes, but do not misstate.

Mr. SCHUMER. That is why I gave the gentleman 2 minutes more, so I could finish my point. That is more generosity.

Mr. HYDE. The gentleman anticipates interruption; is that it?

Mr. SCHUMER. I always do.

The local police are for our proposal, although the mayors have not taken a position and the counties have not taken a position.

Mr. HYDE. The Governors have.

Mr. SCHUMER. The Governors have, but we know them.

I would make one other point: It is not just we Democrats who say we should not be trusting the local politicians.

Mr. HYDE. The gentleman is saying that, though. Will the gentleman concede he is saying that we cannot trust the local politicians?

Mr. SCHUMER. We cannot trust all the local politicians, agreed. Let me tell the gentleman who agrees with us.

Mr. HYDE. How many percentagewise? How many would you say can be trusted?

Mr. SCHUMER. Mr. Chairman, let me read a quote.

What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it.

That was said by your Speaker, then minority whip NEWT GINGRICH, on this floor on June 23, 1994.

So will the gentleman concede that there must be some grain of truth to what we are saying if someone as exalted as your own Speaker, who seems to state things in unequivocal terms, said that?

Mr. HYDE. I would accept that as gospel if you would accept the other things he says as gospel.

Mr. SCHUMER. That is not a fair deal.

Mr. HYDE. But you pick and choose, I say to you, the gentleman from New York [Mr. SCHUMER].

Mr. BARR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a great deal of talk this morning, very understandably, about this issue of H.R. 728 and the broader issue of how we are going to provide the support to law enforcement that they need, whether it is through the approach reflected in the 1994 crime bill or the approach in H.R. 728. The issue is whether this is a partisan issue or not, and distinguished Members on both sides of the aisle within the last several minutes have said, very properly so, that it is not a partisan issue.

However, Mr. Chairman, it is an issue of credibility, and it is an issue of honesty and an issue of forthrightness in how this matter is presented to the people of the United States of America. I think, as the distinguished chairman of the Committee on the Judiciary just noted, any way you slice it, any way you cut it, any way you dissect it, there is not sufficient funds in the crime bill that was passed last year to come anywhere near 100,000 police officers on the street. If you add up the figures just cited by the distinguished gentleman from New York, you reach a figure that is much beyond the $8.8 billion, and one might ask him, ''Where are those funds going to be coming from?''

What I think, Mr. Chairman, is that we have to get away from the use of some of these statistics, some of the figures here, and remember that, as I think former Secretary of the Treasury William Simon said, ''Statistics are used like drunks use lamp posts, for support rather than illumination.''

Let us get away from these figures and focus on what the issue really is here.

Mr. Chairman, it is a philosophical approach to governing. It is an approach that is reflected on one hand, as reflected in the proposals and the opposition to H.R. 728 by Members on the other side of the aisle that say we in Washington know best, we in Washington know what strings to attach, that we in Washington know how to micromanage. On the other side of the aisle, the aisle from which I am speaking at the moment, Mr. Chairman, Is the philosophy that says to the greatest extent possible, keeping in mind sound physical principles which are contained in H.R. 728 in terms of the accountability and the reporting requirements for communities that received money under H.R. 728 is a principle that says to the greatest extent possible those members of the community, and in this instance we are talking about the municipalities and the counties all across this great land of ours, and the officials who are on the front line fighting the battle against crime, your police chiefs and your county commissioners making those allocations and having to answer to the citizens who are the victims of those crimes every single day. They are the ones who should be making those decisions. They are the ones under H.R. 728 who would be making those decisions.

So I think the time has come, Mr. Chairman, to get away from a lot of partisan rhetoric, to get away from the smoke and mirrors that we have seen coming out of the White House by rekindling the mantra of 100,000 police officers, 100,000 more police officers, et cetra, et cetera, and talk about the philosophical approach, the very real approach, the very honest approach to law enforcement and funding the law enforcement needs in communities that is embodied in H.R. 728. It is the right thing to do, it is the right time to do it, and now is the time to take that right vote.

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

Mr. BARR. I am happy to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I appreciate the comments of the gentleman. I wanted to bring to his attention a letter that I think was written to the Department of Justice in support of policing grants, and I want to quote from that letter because I think it is particularly appropriate in the context of what the gentleman has said. The letter reads in this way:

I know, as do you, how important to the overall enforcement effort effective community policing programs can be.

I am familiar with the LaGrange Police Department Community Policing Program, and with the desperate need for more law enforcement officers in the City. The time and effort designing and implementing its Community Policing Program, and the initial results have been outstanding.

This letter was written by the gentleman from Georgia in support of community policing community grants, and I would just ask the gentleman, in the context of the statements he has made while he was supporting these community policing grants in the past, now it seems that he is taking a different position, but at one point the gentleman from Georgia was certainly supportive of the crime bill and its effort in the community grants that are providing police all over this country, at least as it applied to the LaGrange Police Department.

Mr. Chairman, I thank the gentleman, and let me reclaim my time.

When the crime bill was passed in 1994, I think all of us as supporters of the local law enforcement units would have been remiss if we had said that simply because we do not like the President's approach we should not be supportive of local law enforcement agencies who view in that the only avenue with which to obtain very desperately needed Federal funds, that we would support them in those efforts. That does not, and I hope the gentleman is not suggesting that simply because there is one program available at one point in time, that if a better program comes along, as H.R. 748 is and would do, that we would be forever barred from saying this is a better approach and this is an approach that now we ought to move into to provide even stronger support for law enforcement.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BARR] has expired.

(By unanimous consent, Mr. BARR was allowed to proceed for 30 additional seconds.)

Mr. BARR. Mr. Chairman, I thank the gentleman for not objecting to the additional time.

Mr. Chairman, I think we would be remiss if we did not seize our opportunity to provide even better and stronger and more consistent relief for law enforcement, and I will look forward to writing an even stronger, more aggressive letter in support of my community down in LaGrange, in Troup County, GA, as soon as H.R. 728 is passed and those funds become available.

□ 1230

Mr. CHAPMAN. Mr. Chairman, if the gentleman will yield further, the gentleman would acknowledge the current law, the COPS Program, has put 40 new police officers into his congressional district. That is what the Department of Justice statistics show. The gentleman wants to throw that program out and buy something in the form of a block grant that may or may not furnish police officers.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BARR] has expired.

(At the request of Mr. RIGGS and by unanimous consent, Mr. BARR was allowed to proceed for 1 additional minute.)

Mr. BARR. Mr. Chairman, I think what we are witnessing is some degree of sophistry, to say that again one program is good, but we cannot support a program that is even better, I think really obfuscates the real issue here. Whether the Department of Justice says that 40 new officers have been available or 30 or 41 really is not the issue. The issue is we have before us now a bill, H.R. 728, that would provide the greatest amount of flexibility, limited by sound accounting principles embodied in the requirements of H.R. 728 to provide the maximum, not the minimum as under the last bill, but the maximum amount of support and flexibility for those local communities, not only across the district in Georgia but across the districts in New York, New Mexico, Texas, and all the other States from which we have heard very eloquently speakers this morning.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the last week I have spent a lot of time on this Floor either during special orders, morning session, or, as we have brought this bill forward, to fight for certain aspects of the bills. As a member of the Democratic crime task force and having been a police officer myself for some 12 years where I have worked the road, and I would still be there but for some injuries I received in the line of duty, I have a very strong interest in what we are doing here, and this program in particular of allowing 100,000 more police officers.

When the crime bill came for the final conference report, I did not support it. I could not support all those programs in the final analysis of the crime bill last fall. But this was one I did support. Much like the so-called Contract on America, where you have six crime bills or six parts to your crime bill, I will vote for some of them, and I am going to vote against other parts of it.

Your H.R. 728, I am going to vote against it because I think it is wrong to gut a program. You say you want flexibility. Or do you want police officers, is really the question.

You say you are not against local control, but that we, because we oppose this bill, somehow we are against local control; we are afraid to let local people make decisions. We are not. We are afraid to allow you to make decisions on our program.

Yesterday the gentleman from North Carolina [Mr. WATT] offered an amendment which said we will not use money in this bill, this block grant, to build roads, and most of our friends on that side of the aisle voted to allow them to build roads with crime fighting money.

Where is the crime fighting element in building a road? A police car will go up and down the road? I mean, that is where we have our problems. That is where we have differences of philosophy.

The gentleman from Illinois talked about arrogance on this side. I think the arrogance comes in when you take a crime bill and allow it to be used to build roads, when we have the highway trust fund, we have local funds, we have state funds to build roads in your community.

Mr. Chairman, local control, who applies for these police officers underneath the President's program? Who applies? Local officials. Do we force them to apply for this program? No. But across this Nation, every community that is less than 50,000 people, more than half have already applied for this program. No one forced them, no one said they had to. We said here is a program, apply if you would like. That is flexibility. That is local control. We did not make them apply.

Look, you are going to have an opportunity later today if you want other things. It is called the Byrne grants. If you look at the current crime bill, one of the problems I had is you take Byrne grants, 282 programs, which everybody has said is a fantastic program: 1995, we have $580 million; 1996, it drops to $130 million; 1997, $100 million; 1998, $75 million; all the way down to $45 million. So later today we are going to have an opportunity to give you all the money you want for local people to apply for these programs in the Byrne grant. We will authorize $450 million for the next 5 years.

Now, your leadership on that side tells us we cannot do that. Why not? Why can we not provide stable funding for 5 years in the way local people would like it? That is flexibility. We are putting forth the money for communications, wherever you want to use it for. But, no, you say we are going to oppose that program.

So there is flexibility there. There is plenty of flexibility there. We made a promise 4 months ago that we would put 100,000 police officers on the street. We are trying to achieve that. Suddenly now, because there is a change in the election, you do not want that program. You are destroying the program. So where is the flexibility now? What happened in 4 months that suddenly a program that was supported in a bipartisan manner, somehow we have lost that?

It is just strictly politics. And having been a police officer, I know the gentleman from North Carolina and some of the others, police officers, quite honestly are sick and tired of being played with in politics. It is a great issue to run a campaign on, but it is not fair to the police officers or the local communities to say here is the program, here is 100,000 cops over 5 years, but because of a philosophical change, we will now play politics and take the program away. Take it away. And, by the way, you can go ahead and build roads with it, as you voted to do yesterday, instead of fighting crime.

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

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

Mr. SCHUMER. I think the gentleman makes an excellent point here, and that is that we have had a dramatic reversal. A program last year supported by so many of you, a program that you wrote in favor of, a program that is bringing hundreds and hundreds of cops to each State, is now no good and the blank check to local politicians across the country decried by Speaker GINGRICH 6 months ago is now the right thing, the best thing to do.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. STUPAK] has expired.

(At the request of Mr. SCHUMER and by unanimous consent, Mr. STUPAK was allowed to proceed for an additional 30 seconds.)

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

Mr. SCHUMER. Let us admit what is going on here, and that is you just want to say there is a different bill. And let us admit another thing, that your bill is not as good as this one.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. STUPAK] has expired.

(By unanimous consent, Mr. STUPAK was allowed to proceed for an additional 30 seconds.)

Mr. STUPAK. Mr. Chairman, in summation, H.R. 728, your bill right here, you want flexibility. There is not one program in there to guarantee one police officer. Not one police officer. You are going to take away the local control to apply for the Clinton COPS Program. We want cops, we want cops. We do not need politics, we do not need the so-called flexibility. You have the Byrne grants for your local control.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the appropriate time I will enter into the RECORD an editorial from the Fall River Herald News, a city which I represent in part. They are a very independent paper, and they make an excellent point in the editorial.

In my district, as in districts all across the country, police officers have already been hired by local governments which took the word of the Federal Government that funds would be available for hiring police officers. What this bill would do would be to disrupt a process of hiring police officers that is already underway.

I think the approach that we have in the current bill is better than this one, but that is not even the issue we are talking about. We are not here deciding between two variants of how to approach this. We have a program underway. It was passed last year. The Republican Party tried very hard to stop it, but it passed. President Clinton and the Justice Department have been

doing an excellent job of getting these funds out there.

Communities came to plea and said this bill says we can have the police officers in 3 years. We are worried about that. Is that good? I said I cannot believe Congress will disrupt that. Well, I underestimated the extent to which my colleagues on the other side were prepared to put partisanship ahead of sensible law enforcement.

□ 1240

Because their bill will undeniably disrupt that process. There is no logical match between the distribution formula in this bill and the one under which police are being hired. There is no way at all to guarantee that the communities which in good faith have already hired police officers will be able to maintain those commitments.

Now, if we were starting from scratch, if this were a new bill, I would understand their preference, although we ought to be very clear, the Republican Party in this House is for States rights on Tuesday and Thursday. But they are for Federal dictation on Monday, Wednesday, and Friday. Because when it comes to telling the States what product liability law should be, they are eager to preempt hundreds of years of State jurisprudence. When it comes to telling States how to sentence criminals, members in the Committee on the Judiciary said, the States do not have the courage to do the right things. We better tell them.

So I am not pretending one way or the other to be motivated by a general preference for the State or a general preference for the Federal Government. It is my colleagues on the other side who have decided that States rights is a water faucet, and they can turn it on sometimes and they can turn it off the other.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from Illinois to turn it on.

Mr. HYDE. Mr. Chairman, I thank my friend. I am going to try to turn it on. I am willing to accept the thoughts and the pronouncements of the gentleman's leader, the gentleman from Missouri [Mr. GEPHARDT]. I am willing to accept what he says, every jot and tittle.

I quote from the gentleman from Missouri [Mr. GEPHARDT] on January 27, at the Capital Hilton, to the U.S. Conference of Mayors, no little group. Here is the gentleman from Missouri [Mr. GEPHARDT]:

> If we are going to block grant money for prevention and for police, I want that money to go to you, the cities in this country, not somewhere else. You are the ones on the front lines. You are the people that have got to show results. And I think you are well equipped to try to figure out what to do with the money.

I rest my case.

Mr. FRANK of Massachusetts. The gentleman rests his case because it is Tuesday. But last week, he was dictating to the States. And tomorrow he will be dictating to the States. In fact, he has a quote of the gentleman from Missouri [Mr. GEPHARDT], although he does say, ''if'' we are going to block grant it.

I am going to finish my response to the gentleman. He said, ''if'' we block grant it. If means maybe we will and maybe we will not.

First let me say, I also have a quotation, though, which is much more to the point, from the gentleman from Georgia [Mr. GINGRICH], which takes exactly the opposite position. We have Mr. GINGRICH saying:

> If we have to choose between paying for directed purposes, such as building prisons, I can defend that. What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it.

So you have a conditional statement from the gentleman from Missouri [Mr. GEPHARDT]. I have a flat statement from the gentleman from Georgia [Mr. GINGRICH]. I think in the trade the gentleman owes me an inconsistency to be named later.

The point is that the Republican position on this is wholly inconsistent. It was one thing on prisons. It is another with regard to liability and tort law. And the gentleman will be bringing to this floor a bill which flatly says it preempts State law with regard to punitive damages. It preempts State law with regard to joint and several liability. It preempts State law with regard to statutes of repose, because the busiest community wants them to preempt State law. That is a reasonable position.

But when they are about to preempt 200 years of State commercial law involving product liability, please do not put on your Thomas Jefferson outfit and say ''Oh, but I am great believer in States' rights.'' Say what you want to say, which is, you do not want to see the program that we adopted last year go forward and so you will take a very inconsistent position from what you are doing on the rest of your program in this regard.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, the gentleman does not recognize an Abe Lincoln outfit when he sees one. I just want to suggest to the gentleman that product liability crosses State lines and is an entirely different breed of animal than what we are talking about.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, I continue to yield to Abe Lincoln.

Mr. HYDE. We are in the anomalous situation, Mr. Booth——

Mr. FRANK of Massachusetts. The gentleman would have to turn around to make that analogy better.

Mr. HYDE. All sorts of things occurred to me.

Mr. FRANK of Massachusetts. None of them occurred to me, I would assure the gentleman.

Mr. HYDE. I hope not. I certainly hope not.

I just suggest to the gentleman that we are in the anomalous situation of the gentleman espousing what the gentleman from Georgia [Mr. GINGRICH] says and we espousing the gentleman from Missouri [Mr. GEPHARDT]. And this time, and this time alone, I think the gentleman from Missouri [Mr. GEPHARDT] has the better of them.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

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

Mr. FRANK of Massachusetts. I am espousing neither as a philosophical principle. The inconsistency is wholly on the gentleman's side. Members on our side have not claimed to be all for States' rights. And I appreciate the gentleman's acknowledging the inconsistency here.

We have said we will make policy according to what we think is the best public policy. And we do believe, and this is the key point, when police officers have been authorized and have been hired and when this program is at work and going forward to come in now and disrupt this process and to say to communities, I know you have hired police officers, but too bad, because there has been a partisan change and we are going to disrupt that ongoing process, we are not content to do a new program and then we will call it States rights to make ourselves feel better.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, the gentleman is really misstating what the gentleman from Missouri [Mr. GEPHARDT] said. He said, ''if'' there is going to be a block grant, he would rather it go to the mayors than the Governors. But he did not say he supports a block grant, the way Speaker GINGRICH said he unalterably opposes——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

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

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, the very language, the gentleman from Missouri [Mr. GEPHARDT] says, and he is a man of honor and integrity, ''you are the people that have got to show results and I think you are well equipped to try to figure out what to do with the money.''

Mr. FRANK of Massachusetts. Now the gentleman from Illinois has added——

Mr. HYDE. Words to live by.

Mr. FRANK of Massachusetts. The words to live by include the one the gentleman from Illinois so conveniently forgot to mention, ''if'', as the gentleman first read it. It said, if we are going to block grant it, I want to do it for you. Saying ''if we block grant it, I want to do it his way'' is not saying ''I want to block grant it.'' The gentleman has, of course, testified to the importance of that ''if'' by quite consciously and deliberately leaving it out. So what we have is the gentleman from Missouri [Mr. GEPHARDT] saying if we block grant it, we give it to the mayors.

And what we still have is a partisan effort to disrupt an ongoing program with a transparently inconsistent obeisance to States rights which the Republicans will be violating tomorrow.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we ought to make clear at this point in the debate that really the debate is illustrating the fundamental differences, the ideological and philosophical differences between the two parties in the House of Representatives. First of all, we think a better approach is a streamlined, simplified approach to providing Federal resources to local communities in fighting crime. Therefore, we decided that we wanted to take a block grant approach.

Second, we believe that the best way to combat local crime problems is to emphasize a bottom-up, rather than a top-down process. That is what our bill attempts to do.

I do not think any of us can question that local approaches to local problems is the best way to get at local solutions.

Now, we have, it is nice to sort of have a law enforcement fraternity reunion here on the floor with my colleague, the gentleman from North Carolina, the gentleman from Michigan, myself, all of whom have served time working on the streets. In fact, I recalled the other day, as I had the extraordinary privilege and honor of presiding over the first portion of the crime bill debate, that in a relatively short time span in my life, I had gone from graveyard shift patrol to being able to preside over the House of Representatives.

My point is, I have harkened back to my law enforcement experience. In fact, after working the street for a number of years, I was finally talked into taking an administrative position in crime prevention and community relations. And it used to be my job to travel around to all the different neighborhoods within the jurisdiction of the law enforcement act agency I worked for, the Sonoma County Sheriff's office in Sonoma County, CA and conduct neighborhood watch type of meetings.

The whole emphasis behind neighborhood watch was to promote the idea of citizen involvement and neighborhood participation in combating crime problems. The first step of which was to identify what those particular crime problems are related to the neighborhood, the demographic markup of the neighborhood and the nature of local crime problems in those neighborhoods. That is what we are attempting to do with this bill. We are attempting to make sure that this legislation, by putting in one block grant for police and/or prevention programs for local communities, becomes a bottom-up process, not a top-down, federally mandated process.

□ 1250

I do not think there is any doubt, again speaking directly to my colleagues with former law enforcement experience, there is no doubt what the chief law enforcement administrators of law enforcement agencies around this country would prefer. They would prefer to get, if we are going to go ahead and provide Federal taxpayer resources to combat crime in America, they would prefer to get that money in the form of a block grant so that they, in consultation with local citizens and local elected officials, and through the advisory boards, through the legislation, can determine the best approach in fighting crime locally. That is what we are attempting to do here.

This process, this debate, has become far too politicized as it becomes apparent that the minority is going to try to protect a program that, frankly, I think we can all expect to see in the President's reelection platform.

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

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

Mr. CONYERS. Mr. Chairman, I thank my colleague for yielding to me.

That is exactly what police representatives, one of them from seven organizations, said yesterday: ''It is time to stop the politics and continue the program'' that they are getting.

Second, the gentleman has gotten 36 policemen to date, in 4 months. Could I ask the gentleman why he would want to cut off the rest of them?

Third, the Neighborhood Watch Program is included in the amendment we bring back restoring the 1994 crime bill cops on the beat program.

Mr. RIGGS. Reclaiming my time, let me first of all, Mr. Chairman, speak to the fact that, having reentered the body, I think some of the applications for the local law enforcement funds under the gentleman's version of the crime bill the last session were already well underway by the time that I returned to the House, although we hasten to point out that it is not our intent here to jeopardize funds that have been committed. Our intent here, though, is to maximize flexibility and local decisionmaking on the part of those individuals who are closest to the problems in their local communities. That is the thrust of this legislation.

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

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

Mr. SCHUMER. I do not understand the point, Mr. Chairman. The gentleman from Michigan [Mr. CONYERS] said there are 36 police officers in the district of the gentleman from California. The riposte of the gentleman from California [Mr. RIGGS] said ''Those were probably applied for when I was not yet in the Congress.'' What is the difference who applied for them and when? They are walking the streets, they are in the cars, they are protecting the people, as they are through all the other districts in America. We are not trying to play politics with them and say ''You did, you did not.'' We are trying to keep cops on the beat. I want to know what the difference is.

The CHAIRMAN. The time of the gentleman from California [Mr. RIGGS] has expired.

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

Mr. RIGGS. Mr. Chairman, the idea again here is by creating block grants for local law enforcement, and I do not know how many times we can say it on this side of the aisle, to maximize discretion and decision-making on the part of local elected officials. Really, they are the ones who ultimately have to be responsible to local citizenry. Those local elected officials in almost every community across the country, with the exception of elected chairs, appoint the chief law enforcement officer of the community.

It is our desire, again, Mr. Chairman, to empower local governments and their individual communities and to return decisionmaking to the most effective, that is, the local citizenry, and to return that decisionmaking back to the people who most directly represent local citizens. That is local elected officials. That is exactly what our legislation will do.

Ms. ESHOO. Mr. Chairman, I move to strike the requisite number of words.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield to me?

Ms. ESHOO. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just want the former speaker to realize that the block grant program is a copy of the Local Partnership Act that I introduced into the crime bill that was so widely lambasted by Speaker GINGRICH, the majority leader, the gentleman from Texas [Mr. ARMEY], and the subcommittee chairman, the gentleman from Florida [Mr. BILL MCCOLLUM].

Therefore, to keep referring to the block grant program, that is a small part, with total flexibility, that was in the previous bill and is in the amendment that is now before us.

Mr. Chairman, I thank the gentlewoman for yielding to me.

Ms. ESHOO. Mr. Chairman, I rise to urge Members to support the Schumer-Conyers-Chapman amendment, and to oppose any legislation which would cut last year's funding for community policing. In my view, Congress should listen to local officials.

There is, I think, some confusion here when we talk about ''local.'' The bill that became law, that was signed into law last year, came about as a result of the Congress listening to local officials when it came to fighting crime on our streets.

I think that there is a blind march going forward to fulfill an ideological agenda dictated from Washington, and I do not think that is what people in our local communities want or need.

Mr. Chairman, according to a recent National League of Cities survey, municipal officials, those people closest in our communities, the ones that are elected and serve closest to the crime problem, believe that last year's crime bill is better than the alternative that is being offered.

Their executive director, Donald Borut, summed up the survey results by saying ''Municipal officials believe that last year's Crime Bill struck the right balance. There is serious concern about the current efforts at revision under consideration in Congress.''

I am continuing this quote: ''Last summer's bill has been in effect barely four months, and we believe it should be given a chance before attempts are made to tamper with it.''

Mr. Chairman, instead of listening to local officials who have first-hand experience with community policing and crime prevention programs, some or our colleagues are busy essentially telling them what they think is best. It is on its head. It is turned the wrong way.

As a result, Mr. Chairman, Jerry Abramson, the mayor of Louisville, KY, and the former chairman of the U.S. Conference of Mayors, recently said:

> What many in Congress refuse to understand is that the police chiefs and their departments are even more vehement for prevention programs. Again and again, I have heard police chiefs tell Congressmen that the police would infinitely prefer to work with 6-year-olds in a gym or a church rather than wait 10 years and have to fight them in an alley.

Mr. Chairman, the Republican mayor of Fort Wayne, IN, Paul Helmke, agrees, He stated that

> During the fighting over last year's bill, you heard a lot of talk from the opponents about how when they call 911, they don't want the phone answered by a social worker. In my city, folks would prefer a situation where they didn't have to call 911 in the first place.

Not only is it a critical mistake to restructure the crime bill, as is being proposed, but I believe it would be disastrous to reduce the amount of money that is targeted for community policing and is already working. These funds mean more cops on the street, police, not pork.

The math is strikingly simple: more cops means less crime. I believe the administration has moved aggressively to get these funds to our communities, and it is already working. It is working in the communities that I represent.

I recently received a letter from the county sheriff in San Mateo County, CA, talking about the additional deputy sheriffs that have been hired as a result of this, and looking forward to placing more local money, which is accountability, in my view, and I come from the board of supervisors, local government, with the Federal dollars.

Just last week we received word that there are more small communities in my district that are willing to put up this money and to make use of this for community policing. Why? Because they know it works, and it is what people in the community want.

One of those small communities, Mr. Chairman, is East Palo Alto, CA. It is a town that bore the distinction, unhappily, of being labeled the murder capital of America in 1993, because it had the highest per capita homicide rate of any city in our country.

However, thanks to the efforts of community policing, more cops were put on the beat and the math worked. It worked. It worked. It is still working. East Palo Alto's homicide rate dropped from 42 murders.

The CHAIRMAN. The time of the gentlewoman from California [Ms. ESHOO] has expired.

(At the request of Mr. BERMAN and by unanimous consent, Ms. ESHOO was allowed to proceed for 2 additional minutes.)

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

Ms. ESHOO. I am glad to yield to the gentleman from California.

Mr. BERMAN. I thank the gentlewoman for yielding.

Mr. Chairman, I just want to add a point to what the gentlewoman said. Before we get too crazy about worshipping at the alter of local government, I just want to tell the story of Los Angeles, the most under policed major urban area anywhere in the United States by far, an area with twice the geography and one-half the population of New York City, that has less than one-quarter of the uniformed personnel on the streets.

In the area of the San Fernando Valley that several of us represent, an area of over 1.2 million people, there are less than 100 uniformed police officers on patrol at any given time. How did this situation come about? Somehow over the last 20 or 30 years the mayor and the city council of that city over the years allowed that situation to develop.

□ 1300

We are talking here about wiping out the most important anticrime measure that could possibly be offered to the city of Los Angeles, a chance for them to receive a substantial amount of Federal funds if they start prioritizing and making tough decisions in order to get a local match which will put hundreds and hundreds, I would say thousands in the end, of more police officers on that street.

This is a city that has suffered riots, where the drive-by shootings and the gang killings, stories of them have been carried all over the United States. This is a city where people live in palpable fear, where more and more people are thinking of carrying a gun on the street as the only protection they have. This is a city that desperately needs to increase its uniformed personnel to have any chance at the economic recovery that it has not enjoyed, as the rest of the Nation has rebounded from the recession of the early 1990's.

As sure as I stand here, without the cops on the street program as passed and signed by the President last year, without the local match required in that program with the Republican substitute that they are offering here to wipe out that program, there will be less police, substantially less police on the street than there would have been with this program.

The mayor and the city council may not prefer this. They would love the block grant.

The CHAIRMAN. The time of the gentlewoman from California [Ms. ESHOO] has again expired.

(At the request of Mr. BERMAN and by unanimous consent, Ms. ESHOO was allowed to proceed for 1 additional minute.)

Mr. BERMAN. If the gentlewoman would continue to yield, I would appreciate it.

The mayor and the city council may love the local block grants. I know what is going to happen. Each council member is going to want to take part of that money for programs they think are worthwhile in their own districts. The mayor will have his own ideas. We will eliminate the impetus for them to make the cutting decisions to provide the local match. At the end of the day there will be substantially less police on the streets. The efforts of Los Angeles to recover will be set back.

I think the gentlewoman is absolutely right in her case. I thank her for yielding.

The CHAIRMAN. The time of the gentlewoman from California [Ms. ESHOO] has again expired.

(By unanimous consent, Ms. ESHOO was allowed to proceed for 1 additional minute.)

Ms. ESHOO. Mr. Chairman, I would just like to summarize by saying this is not an issue that should be fought on the backs of those that are elected to serve in local government. But there have been sins of the past, the LEAA program. I think it is important to point out how those dollars were misused.

I would like to show this. I would rather have community police than this. This is what Federal dollars were spent for in the past.

I would like to show this. I think the people in my community would rather have police in their automobiles, community policing and working with the community. This did not work. This was pork.

We have a decision to make today by supporting the Schumer-Conyers-Chapman amendment and saying that we want police and not pork, we want to retain what works, and we want to listen to law enforcement, schoolboard members, those that serve in local government to make optimum use of our Federal dollars for community policing.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Would the ranking member answer a question for me, please?

Mr. CONYERS. I would be delighted.

Mr. WILLIAMS. I say to the gentleman from Michigan [Mr. CONYERS], like a lot of Members, I have been back and forth between committee hearings, meeting with constituents and having other meetings. I want to be sure where we are in this bill.

Are we now discussing the diminution of the number of police that would have been made eligible under the crime bill that passed last year?

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

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

Mr. CONYERS. We now have 17,000 policemen on the job or are in the process of being hired throughout our large cities, and then around through the smaller cities, and there are more on the way.

Mr. WILLIAMS. This would reduce the overall number of police?

If the bill that the Republicans are proposing here was accepted without this amendment, it would reduce the number of police in our cities and towns?

Mr. CONYERS. It would do more than that. It would destroy this program. It would end the current crime bill law which is the law of the land as we speak.

Mr. WILLIAMS. If I may ask the distinguished Member from Michigan one additional question: Is this the portion of the bill that President Clinton has said would raise a veto by him?

Mr. CONYERS. The reason the President has said that he is going to veto anything that disturbs his community policing program is that he made the commitment 2 years ago. He got the bill through on the bipartisan basis last year. It was enjoyed 5 months' worth of great success. We had eight police organizations that represent four-fifths, or certainly two-thirds of all the police in America all supporting strongly the program.

He feels that he has no other alternative but to resist any attempts by the new majority to destroy a program that is eminently successful, as we speak here today.

Mr. WILLIAMS. I thank the ranking member.

Let me say to my colleagues on both sides, but most particularly to our colleagues on the right that may be resisting this amendment.

This President, it is clear, is determined to not only cooperate, as Speaker GINGRICH has said he is willing to do, but this President is willing to compromise, which is something as you recall Speaker GINGRICH said we will not catch him doing.

This President, I believe, is going to use his veto pen very sparingly, but I would say to my Republican colleagues, if you are serious about getting this bill passed, then you ought to listen to this President's determination about vetoing this bill unless the current amendment is accepted.

In other words, my colleagues, if you do not accept this amendment, I think you are wasting your time. President Bill Clinton intends to keep his word and the word of this Congress to the people of this country, to the city officials of this country, that they are going to have more cops on the beat. Anything that creates a diminution of that promise will be vetoed by this President. This amendment is to save this bill. If you do not accept this amendment, I think you will have no bill, because I believe Bill Clinton intends to keep his and the congressional promise about more cops on the beat.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and at this time yield to the gentleman from Georgia [Mr. BARR].

Mr. BARR. I thank the gentleman for yielding.

Mr. Chairman, there has been some discussion over the course of listening to the last several speakers about funds that have already been made available through grant programs, and I think focusing on that really misses the mark to some extent, that those funds will continue that have already been appropriated, for example, those under the cops program and under the prevention programs under the bill last year. So raising the specter of all of these programs all of a sudden being defunded, I think, is somewhat of a red herring.

Also, Mr. Chairman, I am reminded of something that occurred during the campaign last year in my district down in Georgia just a few days before the fall election. We had received word that one of our county governments had been approved for a grant under the 1994 just-then-passed crime bill, and the county officials came to me somewhat mystified because they had not applied for any money under that 1994 bill.

What had happened is, they had applied for some money, Mr. Chairman, under a previous program and insofar as the Clinton administration wished to move forward, for whatever reason, not impugning their motives as political at all, they had wished to move forward under the new 1994 bill, they had on their own considered the previous grant application under the 1994 bill and passed it.

I have every confidence, Mr. Chairman, that the Department of Justice will continue to exhibit that sort of flexibility when this new bill is passed.

Mr. BOEHNER. Mr. Chairman, I yield to my good friend the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to emphasize once again, that our bill, H.R. 728, does not, I repeat, does not strip funding already awarded under last year's cops on the beat program. These local communities will continue to receive every cent already granted to them, including payments for years 2 and 3. That defeats the argument made a few moments ago by the gentleman from California [Mr. BERMAN] that somehow our bill might jeopardize funds going to hire additional police officers. That is not the case at all. If the local elected decisionmakers in those communities deem it worthwhile to hire additional police officers, they will have maximum authority and latitude to do so under our bill.

□ 1310

It is hard to understand that convoluted logic coming from the other side of the the aisle during this debate. Here we have Members of the minority suggesting that the Federal Government, the model of fiscal propriety for the rest of the country can best determine how to spend these monies and in fact ought to dictate to State and local officials how these monies be spent.

Well, far be it from me and my colleagues on this side of the aisle to impugn the motives of State and local officials. We truly believe they are closer to the crime problems in their communities and far better able to determine the proper community-wide or State wide response to those crime problems. So we can either stand with our colleagues in State and local government or we can stand against them.

I thank the gentleman from Ohio for yielding.

Mr. BOEHNER. Mr. Chairman I yield back the balance of my time.

Mr. CHAPMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York [Mr. SCHUMER], if the gentleman has a point.

Mr. SCHUMER. Mr. Chairman, I was just going to ask the gentleman from California which local officials he means. Does he mean the local police chief who supports our proposal or the local politicians, the elected officials who seem to support that approach, although I must say neither the mayors or counties or Governors have taken sides on which approach they prefer?

But I would ask the gentleman which local officials?

Mr. RIGGS. Mr. Chairman, will the gentleman from Texas yield?

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

Mr. RIGGS. I mean both, Mr. Chairman. I do not know of too many police chiefs who are in their own right local officials. They are normally appointed. In fact I do not know of a single elected police chief in the country. They are appointed by the local elected officials.

Mr. SCHUMER. If the gentleman will yield, I am aware of that. All he is saying is send it back to the local officials. Our bill has the support of all of the local police officials because they know if they just leave it up to the politicians they will not get the same amount of money for cops on the beat that our bill provides.

Mr. RIGGS. If the gentleman from Texas will yield, let me say this: I want to stop just short of suggesting that perhaps scare tactics have been used in this debate. Local officials need help we all admit from the Federal Government in fighting local crime problems, and the burden in hand is, of course, the funding under last year's crimes bill. All we are saying is we think we can take a better approach and actually maximize discretion and decision-making in our bill. I thank the gentleman for yielding.

Mr. CHAPMAN. Reclaiming my time, what just absolutely screams and jumps in this debate out of the debate itself is the inconsistency of the point the gentleman makes, and I understand the gentleman's point, but the inconsistency of the point the gentleman from California makes in the context of the position of the majority on the prison portion of the bill last week in which the majority was perfectly willing, in fact did pass legislation which imposed strict plan dates, strict rules, strict requirements, truth in sentencing, 85 percent hurdles for local and State officials to qualify for prison funding.

It is mind-boggling to me that what was good a week ago is no longer good, and I cannot understand. I opposed and offered an amendment in fact to moderate the community position on prison funding, but no, the majority insisted that we have strict truth in sentencing guidelines even though the Department of Justice told us not a single State could qualify under the law, that only three States potentially could qualify. Yet we set the bar so high we have effectively denied prison funds to the States, because we seat specific rules, we dictated, the majority dictated in that legislation what the States would have to do to qualify for the funds, and now we have done a total 180-degree turn 1 week later in which we are wanting to send a blank check to the cities and the States.

It is inconceivable to me when every major police organization in America supports current law, when every major police organization says the current law is working, when the gentleman's district, my district, districts all across America are receiving policing, cops on the beat, it is working and the gentleman made a point in debate a few minutes ago, and a good point I might add, about streamlining the process. My goodness, cops on the beat, the cops program is an one page application. There is nothing more streamlined than the Federal Government to acquire access to funds that will fight crime than this program.

I just sit and listen as a ex-district attorney and this district attorney had a 99-percent conviction rate over 8 years and prosecuted death penalty cases. I do not believe anyone in this Chamber is tougher on crime than this Member and has a history of being tougher on crime than this Member, and to sit with a program that is working, to have every major police organization in the country supporting it, to sit and know that cops are going on the beat in communities across this country, it is making a difference, and listen to the position of the majority, the politics scream at you, the politics scream at you.

If you are for block grants why did you oppose the Local Partnership Act in the last crime bill? The Republican majority last year, when we had a block grant program, offered by the gentleman from Michigan as a part of last years crime bill, the Republican now majority violently opposed that program, said it did not belong in the crime bill, made all of these statements that we have seen quoted on the floor here today from now Speaker GINGRICH to other Members, a block grant program last year was an evil, it was a sin, it was the devil reincarnated and yet today it is the answer to crime you tell us.

I cannot imagine the inconsistency of the majority position on this. We ought to keep a program that is working. That is why this amendment ought to be passed and that is why it is important.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to call to the Members' attention, members of the Judiciary Committee on both sides of the aisle, that we have gone on at some length on this amendment, this debate, primarily, perhaps exclusively, between Members of the Judiciary Committee. I assume this matter has been debated in committee as well. The result of all of this may be that Members of the House, not members of the committee, will have no opportunity to offer their amendments.

I understand that on the minority side there are at least three or four members of the committee who have amendments, and since we have approximately 3 hours left, that will mean a Member of the House, not a member of the committee, will never have an opportunity to offer an amendment.

So I would hope that as we proceed here, this debate has exhausted the arguments, pro and con, in short order, and we might have an opportunity to proceed. Otherwise, I would ask for a little discretion on the part of the members of the committee who have amendments to permit those of us who do have amendments that are perhaps noncontroversial to have a chance to offer them.

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

Mr. BEREUTER. I am pleased to yield to the gentleman from Michigan.

Mr. CONYERS. The gentleman has read our mind on this side because we realize the hour is growing late. I am now constrained to offer a unanimous consent request that all debate ends at about 1:55 on this amendment, because there will be at least an hour on the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER], there are probably four to six other amendments remaining, and I think the best way we can accommodate that is to make such a restriction.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, I would ask the distinguished ranking member this question: For those amendments that may well be noncontroversial from nonmembers of the committee, could some discretion be given for us to stand up, offer an amendment, dispose of it quickly, and proceed back to the more controversial amendments that some of the members of the committee have to offer?

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

Mr. BEREUTER. I am pleased to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I believe what the ranking member was suggesting is a unanimous consent request that debate on this amendment close at 1:55, that there be 1 hour of debate on the Schroeder amendment, and that would leave us more than one and one-half hours for all of the other amendments that might exist, and I think that would meet the problems.

We still have a good number of Members.

Mr. BEREUTER. Could I ask the gentleman from New York or Michigan, in fact are there other amendments from members of the committee beyond those he has just mentioned that would also eat into that hour and one-half?

Mr. SCHUMER. There might be. There are a few I think from Members who are not here. I know that there are.

Mr. BEREUTER. This Member's patience is not inexhaustible, and I want to be cooperative, but eventually I think we ought to have some time for nonmembers of the committee.

Mr. SCHUMER. I would say to the gentleman, since we go back and forth on minority and majority amendments, the gentleman would have a chance to offer his noncontroversial amendments before those extra amendments would come.

The CHAIRMAN. The Chair wishes to point out that, among Members who have caused their amendments to be printed in the RECORD, the Chair would, in accordance with precedents in the Committee of the Whole, recognize members of the committee, regardless of party, before he would recognize Members not a part of the committee.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, you understand the difficulty, I would say to the gentleman from New York. I can stand here all day, and even though we are rotating back and forth, as long as there are amendments from members of the committee I will not have an opportunity to offer mine.

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

Mr. BEREUTER. I am pleased to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are prepared to have a unanimous-consent request that would incorporate en bloc all of the amendments to which there is agreement on both sides. I am going to very shortly propose, and will do so now if the gentleman will continue to yield, that all debate on this amendment, the Schumer-Conyers-Chapman ends at 1:55.

□ 1320

We think that that will facilitate the gentleman's request. Does that accommodate the gentleman?

Mr. BEREUTER. I understand what the gentleman is offering. It is not objectionable to this Member. I hope the gentleman will examine the amendment that I have pending.

The CHAIRMAN. Will the gentleman suspend? Did the distinguished ranking Member, Mr. CONYERS, make a unanimous-consent request?

Mr. CONYERS. I will make a unanimous-consent request. I ask unanimous consent that at 1:55 all debate on this amendment end, and that unanimous-consent request includes that all motions to which there is agreement be offered.

The CHAIRMAN. May the Chair suggest he make one unanimous-consent request at a time?

The gentleman has asked unanimous consent that all debate on this amendment and all amendments thereto cease at 1:55 p.m. Is there objection to the request of the gentleman from Michigan?

Mr. BARR. Mr. Chairman, reserving the right to object, might I inquire of the other side if they do in fact have an additional 30 minutes of debate on this amendment now pending?

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

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

Mr. CONYERS. I thank the gentleman for yielding.

The answer is ''yes.''

Mr. BARR. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for a further unanimous-consent request.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the amendment of the gentlewoman from Colorado that will be offered directly after this one be limited to 1 hour of debate, with the time being equally divided and controlled.

The CHAIRMAN. The gentleman has asked unanimous consent that debate on the Schroeder amendment, if offered following the amendment presently before the committee, be limited to 1 hour of debate time thereon and on all amendments thereto equally divided between the proponent and an opponent of the amendment?

Mr. CONYERS. Yes, Mr. Chairman.

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

Mr. BEREUTER. Mr. Chairman, reserving the right to object, I do so only to ask the gentleman to make his motion to include all amendments thereto.

Mr. CONYERS. Yes.

The CHAIRMAN. I believe the Chair stated that.

Mr. BEREUTER. I thank the Chair, and I withdraw my reservation of objection.

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

There was no objection.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that all amendments that are agreed to by proponents and opponents be able to be offered en bloc.

The CHAIRMAN. The Chair would suggest to the gentleman that he withhold that request until there is agreement as to which amendments are or are not included in that request.

Mr. CONYERS. Mr. Chairman, we will do that.

I withdraw that unanimous-consent request, Mr. Chairman.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we really should not be here having this debate. We have to work out the time here and the time there. Frankly, just last September Congress settled a 6-year debate over crime policy by passing legislation that combined the best elements of punishment and prevention.

The package President Clinton signed into law will put 100,000 more cops on the streets, build more prisons, fund educational and recreational programs, and provide alternatives to crime for young people, demand tougher sentences for violent offenders.

And a bipartisan majority of the House and the other body concluded, after so much time of arguing, that the time was at hand for action. As Senator ARLEN SPECTER of Pennsylvania, Republican and member of the Senate Committee on the Judiciary, said, ''If the President deserves the credit, so be it, let us put aside politics and take a stand against violent crime.'' That is exactly what Congress did.

Now this new Republican Congress wants to radically change this bill, driven by focus groups, political polls.

Ladies and gentlemen, my colleagues, as a former first deputy assistant district attorney in Middlesex County, who managed a caseload of 13,000 criminal cases a year, fighting crime is serious business. You do not fight crime by reading political polls or looking at focus groups or getting elected to political office. That does not make one law enforcement professional.

In order to fight crime you have to study and know what works and what does not work. I had 54 cities and towns in Middlesex County, where I was the first assistant. I worked with every police department and local officials all over that county. You know what? Some of them knew something about what the cutting edge of fighting crime was, and others did not.

What do we do in this crime bill, the Attorney General, the President, and Congress got the experts on how to fight law enforcement together. And all the evidence is overwhelming that community policing works if community policing is done correctly, by forging the partnerships required to be formed. It works.

In my home city of Lowell, MA, the police chief there instituted a community policing program. And after 1 year of community policing, they issued a report that is very specific about what the effect of community policing is in that community.

Now, this is not a political poll, it is not a focus group. This police chief did not stick his finger in the wind and say what is going to work in the next election. These are facts, what works and what does not. The facts show that in 1 year of community policing, burglaries are down by 34 percent. The facts show that residential burglaries are down 32 percent. The facts say that business burglaries are down by 41 percent. The facts show that larcenies are down by 23 percent. And the facts show that car thefts in that community are down by 20 percent.

You want to know what a police chief said who instituted community policing? That police chief said that what we accomplished in Lowell, MA, should serve as a model for the rest of the country because it works.

So what we ought to be doing is taking a program that works and making it a national model by instituting this program all over the country.

I hear debate on the floor over the last couple of days about what a county commissioner might want, is what the city council might want, someone elected to this or to that. Fighting

crime is serious business. You take the data you have to institute programs that work, and community policing works. And to go backward to another era of providing block grants to local communities to use however they decide, when we know the evidence is clear that 33 percent of those moneys are likely to be used for administrative costs. We know the evidence is clear that a high percentage of that money will be used for pork and waste in programs that do not work. This is what works: community policing. It will work all over America.

In just a very short time ago, all of us agreed in a bipartisan way. But now, because of quick sound bites and a political campaign and focus groups and political maneuvering, we are going to step backward rather than forward.

We should not be debating this bill at all today. We are debating a bill tomorrow on national security that is, frankly, something we ought to have more time on.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MEEHAN] has expired.

(By unanimous consent, Mr. MEEHAN was allowed to proceed for an additional 30 seconds.)

Mr. MEEHAN. Mr. Chairman, we should not have to have this debate, because fighting crime is a bipartisan issue; it is not an issue that should be pitting Democrats against Republicans or having Republicans concerned because President Clinton got too much credit in the last campaign.

Let us take this program that works and let it be implemented all over America, and let Republicans and Democrats alike stand up and say we created a program that worked, that reduced crime. This is what we ought to be looking at, hard cold facts, not sticking our fingers into the political wind to determine what people might think.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I believe it preserves the preventive focus of these dollars, and I think it preserves also the best thinking of members of both parties. It preserves for example, the block granting of prevention dollars. It adopts the block grant structure in the Republican bill to govern all those dollars that are going to fund community-oriented prevention programs, things that communities will plan that they will tailor to their particular needs and that will realize our vision of a Federal/local partnership that truly will be more prevention-oriented.

□ 1330

However, it separates out the cop dollars. I think that is important for reasons of accountability, but it does several other things in regard to those cop dollars. It allows them to go directly to the police, and I think that is important, I think that size a grant for police particularly ought to go directly to the department. It continues to require a local match. I think that is better policy.

In my own hometown, one that is very strapped financially, we went through a very rigorous, very public debate when we decided to come up with a match dollar for the cops program, and through that debate we were able to demonstrate to all the people in town that at the end of 5 years this grant would not increase our local property taxes, but would enable us to restructure our police force so that it would have more cops and fewer administrators. In fact, these Federal dollars leveraged change in the healthiest kind of way, and by keeping them separate, and by making those grants go directly to the police, we maintain a level of accountability that simply is not possible by simply block granting a merged fund of cops dollars and other preventive program dollars.

So, I think separating the cops dollars is better law, better policy.

Last, the formula through which these funds are distributed is a formula that I think is healthier because it allows communities to prevent crime. It does not distribute the moneys simply on the basis of what are your crime statistics. It allows small cities like I represent that are, frankly, on the verge of a real explosion of crime to get the critical dollars they need to prevent that explosion.

I know we are turning the corner on prevention. We are getting control in the small cities of this terrible gang problem, and we are doing it by increasing resources, dedicating cops, increasing community focus. But we do need resources to maintain this effort and to get us through to where this is a controllable and affordable problem for a force based on local property taxes, and I think the distribution formula that segregates and guarantees a certain amount of money to towns under 150,000 where the problems are just developing and where we can prevent an increase in crime statistics is terribly important. It is the only way that the small cities that I represent are going to get the kind of significant dollars they need, and it is a key reason why I think this amendment is in the interests of my people and good policy.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I appreciate the granting of time.

Mr. Chairman, we should be a bit consistent in our positions in this organization, and I would like to quote from last year's debate on the crime bill:

> If they say to me in the name of fighting crime ''Will I stand a $2 billion check to cities, many of which have destructive bureaucracies, to let the local politicians build a bigger machine with more patronage?'' My answer is no.

That was then the gentleman from Georgia [Mr. GINGRICH], now Speaker GINGRICH, on the issue of broad grants of authority without effective controls from the Federal Government.

The point is, Mr. Chairman, we need more police, and, if we do not specify that the money will be spent on police, it will be spent as it was under LEAA, on armored tank carriers, on dual-engine planes for local bureaucrats.

I trust my communities, and they have done darn well under the President's plan. Twenty-four police officers are coming to work in my district that would not have been there without President Clinton's plan.

I did not support the crime bill last year, but I said the 100,000 police I do, and I say to my colleagues, If you want to preserve that promise, if we want to enhance that promise, we have to defeat this move by the Republicans to gut the 100,000 new police officers for America.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, last year the 103d Congress passed perhaps the most forward-looking and comprehensive crime bill in the history of the country. Among its most important provisions were those that focused on the need to prevent crime, and among those were provisions to ensure that we placed community police officers on the streets of communities across this country, large and small.

Now there were Members, who are now the majority party, inexplicably who were opposed to those crime prevention measures, and they are trying now in this bill to defeat those crime prevention measures, and that is why it is so important for us to pass this amendment which adheres more closely to the original bill.

In my district alone in the last several months we have 35 new police officers in rural communities and cities stretching across a district that runs 250 miles across New York State. This program is supported by mayors, by town supervisors, and by police chiefs, and they support it because they know it is effective, it works.

Now we are asked to harken back to a program that was thrown out in the early 1980's, during the Reagan administration, because at that time it was recognized that that program was replete with fraud, and abuse and waste of taxpayers' money. That is what we are asked to do in the bill before us. That is why it is so important to pass this amendment.

Mr. Chairman, we want to turn our backs on wasting the taxpayers' money, we want to turn our backs on fraud and abuse, and we want to turn toward a program that we know is going to be successful because it is going to place community policemen, and already has, in communities all across this country.

That is why this amendment is so important. That is why it needs to be passed.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, the choice on fighting crime is clear. We need to send a valentine to our cops by supporting cops on the beat. I have checked with my local officials, and cops come first.

I voted for last year's crime bill with full support from local law enforcement. Funding for cops on the beat is working in my district, and we need to keep it working.

The Schumer-Conyers-Chapman amendment would also leave intact $2.5 billion in block grants to localities. I am for these block grants because they give the localities flexibility. I am against prescriptive amendments to tell localities how to spend money to fight crime.

Last year's crime bill carefully balanced funding for cops, punishment, and prevention. We are too hasty to undo the cops on the beat program. We have made a commitment to local law enforcement. Let us not go back on it now.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, Let us not have a St. Valentine's Day massacre on the crime bill.

Last July I stood on this floor to urge Members to resolve their differences on the crime bill and to fulfill their promise to the American people to wage a war on crime and to put more cops on the streets of their communities. Yet today we are further away from attaining that goal. The Republican law enforcement block grant does not guarantee that even one more cop will be policing America's streets. Today we must move beyond partisan squabbling.

□ 1350

We must put on a badge of courage like police officers who patrol the streets of our communities every day and vote for what we know will be a more effective measure in fighting street crime, which is more police officers through community policing. That is exactly what we seek to do in this amendment.

Mr. Chairman, let me close by saying to the Members, You can't go home and say you passed the toughest, smartest crime bill possible if you walk away from your responsibility to make certain that this money will put real cops on real streets.

Mr. Chairman, let's not have a St. Valentine's Day massacre on the crime bill. Last July I stood on this floor to urge Members to resolve their differences in the conference on the crime bill and to fulfill their promise to the American people: to wage a war on crime and to put more cops on the streets of their communities. Yet today we are farther from attaining that goal then we were last July. The Republican law enforcement block grant does not guarantee that even one more cop will be policing America's streets.

Earlier I heard a Washington Post editorial be quoted in support of the Republican position on the crime bill; however, that same editorial also noted the hypocrisy of the Republicans who put all sorts of restrictions on the use of prison construction money, while simultaneously handing out funds with unlimited restrictions for law enforcement. Today, we must move beyond partisan squabbling. We must put on a badge of courage, like police officers who patrol the streets of our communities every day, and vote for what we know will be the most effective measure in fighting street crime, more cops.

Since the passage of the Violent Crime Control and Law Enforcement Act of 1994, the Federal Government has helped localities put nearly 15,000 police officers on the streets in 8,000 communities nationwide, thanks to the Community Oriented Policing Services, or COPS, grant program.

My home State of New Jersey has received funding for 546 new officers, and the 13th district which I represent has received funding for 95 new officers under this program.

Let me repeat that: thanks to the COPS program, local governments have gotten grants that will put 95 new cops on the beat in my district.

That's a program that works, and if you have any doubts, just talk to some of the residents of my district about what a difference it makes to see an officer patrolling their neighborhood on foot, where they once used to roll by in a squad car.

The bill before us seeks to change all that. While we recognize the validity of the theory that says that localities know best what their law enforcement needs are, let us not lose sight of the fact that the 103d Congress created a program which works. The drive for change was never intended to dismantle what works, only to rethink what does not. The Democratic crime bill put cops on the street, to be there when we need them, to come to know the residents, and to make them feel more secure in their homes.

Tell me, Mr. Chairman, where the Republican agenda differs from that goal. It is fair to say that it does not. Street crime is combated in only one of two ways: by preventing it from happening in the first place, or by arresting criminals and putting them in jail. It's simple mathematics. If you want to stem the tide, you need more cops on the beat.

Mr. Chairman, there has been a lot of tough talk on crime lately, but when you strip away all the rhetoric, only one reality remains: combating crime requires both cops and cooperation. Nobody wins the war on crime when the door remains open to cut corners, shave edges, and shift funding. Every Member has been perfectly clear about his or her intent to stem the tide, and bring crime under control.

The desire of local governments for flexibility is admirable. But we on the Federal level would fail to hold up our end of the bargain if we did not require localities to pursue policies that work. You can't go home and say you passed the toughest, smartest crime bill possible if you walk away from your responsibility to make certain that this money will put real cops on real streets.

Sleep well tonight knowing that you did the smart thing. The amendment is a reasonable compromise that is tough on two key points—it puts more cops where we need them, and still allows local governments the flexibility they need to support them.

Mr. SERRANO. Mr. Chairman, I yield to the gentleman from Texas, Mr. GENE GREEN.

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

Mr. GENE GREEN. Mr. Chairman, I thank my colleague, the gentleman from New York, for yielding me this 1 minute.

Mr. Chairman, I rise in support of the amendment.

Community policing works. It works in Houston, TX. It works first in my State house district, my State senate district, and now in my congressional district. We have at least two substations. One is not too far away from my district office on West 19th Street, and there is one on Nordling, where people meet every month. We get 100 people to meet with our law enforcement officers every month. We are getting these citizens concerned with professional law enforcement officers to lower the crime rate, and it works.

The crime bill we passed last year helped us in our local effort. There was opposition to the crime bill last year, and I was part of it, but I ended up voting for it. The opposition was because of the gun issue.

Let us be honest with our constituents and say, sure, the gun issue was controversial, but let us not take cops off the street. This is prevention for our young people, more border patrol, and prison construction. Let us stop this smoke screen and get back to what the issue is. If it is guns, let us fight it out, but let us not hurt our crime fighting that is working in Harris County, in Houston, and in Pasadena, TX.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I feel that this is one issue that is going to be very hard for the other side to cover up. They can be tough on crime all they want, they can say all they wish to say on all the talk shows, but it is going to be hard for them to explain why they are turning their backs on local communities and turning their backs on cops.

This is the simplest issue to understand. If you believe that we have to do something about crime, then we have to help the people on the front lines, and that is the police officers in our communities.

They continue to say that they are for fighting crime, but now they have the opportunity, and what do they do? They turn against a good program, a program that can only be restored through this amendment. That is why I rise in support of this amendment for

police officers, against this decision to turn our backs on them, and to say that this is an amendment we can vote for. They may control a lot of talk shows, but they will not control public opinion when they turn their backs on the police departments in our communities. And lastly, they will gain a Presidential veto, and on cops the communities will stay with us on that issue.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard an awful lot of talk on the House floor about violent crime. I know something about violent crime. The fact of the matter is that if we want to see violent crime controlled in this country, we are not going to do it by just asking people at the local level what it is that a particular police chief might want. It would be one thing if the Democratic Party came out here with some approach that said that every police chief is going to have to go out and buy a particular type of police car or they are going to have to buy a particular kind of computer system or they are going to have to buy infrared glasses or they are going to have to buy a certain type of rifle.

That is not what this bill says. This bill says we are going to put more police officers on the streets in this country. It says that plain and simple. That is the cutting edge. That is where we need to invest in the fight against crime in America.

I believe very strongly that if we are going to take back the streets of this country, we have got to empower the people of the communities, of the neighborhoods of America. We have to give them the sense that there is going to be a police officer out there if they are willing to come forward and name names, if they are willing to establish neighborhood crime watches, if they are willing to put themselves on the line and say that they want a country whose future they can help determine. That is what this bill is all about. It is to give the very resources that our country needs so desperately on the front lines of the fight against crime.

So, Mr. Chairman, I ask the people of this country to support the crime bill that has been offered by the distinguished gentleman from New York [Mr. SCHUMER] and by the gentleman from Michigan [Mr. CONYERS] and support the Democratic position.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this very important amendment to a very bad bill.

Earlier today I heard my colleague, the gentleman from Florida, criticize the President's support for more police officers, calling it a pet project. Legislators and Presidents have had a lot of pet projects through the years, and my colleague is right. Many times what pet project means in plain English is simply more pork.

But today the pork is not in the President's frying pan. It is sizzling on the other side of the aisle, and it is called H.R. 728, a terrible bill that represents a huge step backward from making our communities safer.

The argument in favor of this amendment is very simple. Will we put 100,000 new police officers on the streets, or will we not? If we pass H.R. 728, we side with chance, we side with luck, and we side with crossing our fingers and worrying about whether these block grants will make our communities safer.

If we pass this amendment, we side with confidence, we side with safety, and we side with knowing that $7.5 billion is headed toward our communities for the single, specific purpose of putting more police officers on our streets.

We do not need hope or luck or worry. We need police officers walking our streets. All across our cities, all across our country, more police officers are making a difference. Community policing has meant that finally a connection has been made between neighborhoods that are living in fear and police officers who are pledged to protect them.

Instead of impersonal, infrequent visits by patrol cars, people now see and talk to real police officers.

The passage of President Clinton's crime bill meant that neighborhoods like the ones I represent knew that more help was on the way, that the kids who worry about walking to school and the senior citizens who worry about riding the bus could count on more police officers. It meant that people who tell me again and again to bring back more help and resources from Washington in their fight against crime were finally getting another weapon in that battle.

Finally, instead of more promises, Congress was sending more police, but thanks to H.R. 728, we are retreating again. Unless we pass this amendment, the seniors and the young families and working people in American are getting another big batch of rhetoric out of Washington, DC. Here is some money. Maybe it will help, but maybe it will not. But whatever you do, I say, don't look out your front window for the cop on the beat. Don't look to the corner store for an extra police officer, because the Contract With America has called them home.

H.R. 728 says that you do not really need those police officers after all. But if you are concerned about crime, stay on the lookout for some money that might help you sometime, somewhere, for something. That is our choice. Do we want a real contract for more police officers on our streets, where we need them, helping to keep our communities safe, or a fake contract of more empty promises out of Washington?

Mr. Chairman, we can fulfill that contract by passing this amendment. Support safety. Support real crime control. Support more police officers. Support this critical amendment.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the last couple of days I have been spending quite a bit of time talking to folks on the front line, folks in Kalamazoo, MI, and all across southwestern Michigan, in terms of what they think would be the best choice as we fight the tough issue of the crime problem. As I have talked to every one of my folks, prosecutors, judges, police chiefs, and community activists, they have all said, ''FRED, we want flexibility. We want to be able to decide in our community what is best. We don't want all these strings coming from Washington,'' and the way this bill has been crafted is exactly the way they would support it on the front line.

This is the right bill. We should allow the flexibility at the local level so that they can decide what is best for their communities.

□ 1350

I would urge that we vote ''no'' on this particular amendment, and vote in favor of it when it comes on final passage later this evening.

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

Mr. UPTON. I yield to he gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I very much am pleased with what the gentleman has to say. I have been listening to the other side of the aisle have a long litany of things that they have been making comments about and so forth.

My judgment on this is like yours. This is maximum flexibility. There is no way anybody loses. Everybody gains by this. Local communities get to decide this themselves, rather than our making those decisions for them. Yes, as I heard one of the gentleman over there say, I did say earlier that the 100,000 cops on the streets appears to be the President's pet project. If there is any politics in this, it is trying on his part and on some of the Democrats' part trying to keep that 100,000 cops on the street image out there.

In reality, there never were going 100,000 cops anyway, because most communities in this country cannot afford to pay the additional cost it takes to get that kind of police officer on the streets. They do not have the money to do that. And in the end, the net result is what we are proposing today, to let every community share in this, if they are a high-crime-rate community, particularly, to do it if they want to do, they can get a cop if they want, they can get a police car if they want, or they can use it for prevention if they have a desire to do that, instead of getting a policeman, which is a much preferable way, and that is the way the Washington Post editorialized that way this morning, saying let us not hang up on this, on politics, on veto, et cetera. The commonsense thing to do is

to let the flexibility reign, which is what we do in our proposal.

Mr. UPTON. Mr. Chairman, reclaiming my time, I would like to make two points in terms of flexibility here. First, I am a very strong supporter of the drug courts. In my district we have two drug courts acting very properly and very well organized, and I was delighted that the subcommittee under the gentleman from Florida's initiative has allowed drug courts in fact to be an eligible activity for the funds that are used.

Second, I must say I have a community, Benton Harbor, MI, which has been designated as a weed-and-seed community, yet they did not receive any funds from the Department of Justice when they applied with other communities across the country. It is my understanding in fact the procedure they have undergone over the last couple of years, that this would in fact be an eligible community function with a board that has been established with members from both the law enforcement community as well as those very active in terms of prevention and community activists, that even though they were denied by the Justice Department to receive funding, in fact that this would be an eligible activity under the $10 billion fund.

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

Mr. UPTON. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the gentleman is 100 percent right. The local community would make this decision itself. The county and city commissions that get these moneys would make this decision. They would have advisory groups that we set up that would have to advise them, which would include local prosecutors, local police, local school system representative, somebody from the courts, so the drug courts can be protected, and so on. I think you would find the community would much prefer it, because you are right, they could get the weed-and-seed money they would want.

Mr. UPTON. Mr. Chairman, reclaiming my time, so whereas we have been denied in the past, this would be an avenue of actually receiving funding to go on the frontline for prevention and deal with the problem of crime that we have in communities both large and small.

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

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

Mr. HOYER. I thank the gentleman for yielding. I understand the points the gentlemen are making, but I believe the cops on the beat are critically important total law enforcement. My chief of police in Prince Georges County strongly supports it, my police in Maryland support, and I rise in strong support of the Conyers-Schumer amendment.

Mr. UPTON. Mr. Chairman, I would ask the gentleman from Maryland a quick question: I saw in one of the papers yesterday the police chief in Washington, DC, close to Maryland, has in fact supported the underlying bill and therefore would be opposed to this amendment. Does the gentleman know why?

Mr. HOYER. If the gentleman will yield further, I think I do know why. You heard frequently of Speaker GINGRICH's quote of June 23, 1994, in which he says he does not want to send blank checks to local officials. Some officials want blank checks. Now he wants to send it.

The CHAIRMAN. The Chair would point out that under the unanimous-consent request, there are 2 minutes remaining in debate on this amendment.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that we have 5 minutes each additional under this amendment on each side.

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

Mr. MCCOLLUM. Reserving the right to object, Mr. Chairman, I do not intend to object, but I would just like to make sure I understand what the request is. It is for a total of 10 additional minutes the gentleman is requesting, in addition to the 1:55 drop-dead date we had earlier, 5 minutes to your side and 5 minutes over here to our side.

Mr. CONYERS. That is correct.

PARLIAMENTARY INQUIRY

Mr. MCCOLLUM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MCCOLLUM. Mr. Chairman, if this unanimous-consent request is granted, would it still be true that this side would have the right to close?

The CHAIRMAN. There is no right to close under the 5-minute rule, but if time is controlled under the unanimous-consent request of the gentleman from Michigan, then the gentleman from Florida would have the right to close.

Mr. MCCOLLUM. Mr. Chairman, with that understanding, I withdraw my reservation of objection.

The CHAIRMAN. In order to clarify it, this will supersede the previous agreement. Is that the intent of the distinguished gentleman from Michigan?

Mr. CONYERS. Mr. Chairman, continuing the time that is left under the original agreement.

The CHAIRMAN. It will apply to all amendments thereto.

The gentleman from Michigan [Mr. CONYERS] asks unanimous consent that at the conclusion of the scheduled debate, there will be 5 minutes allocated to each side for further debate on this amendment and all amendments thereto.

Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The time on the previous agreement has now expired.

Mr. SCHUMER. I ask unanimous consent that the gentleman from Georgia [Mr. BISHOP] who has been waiting patiently, be allowed to proceed for 2 minutes, in addition to the 10 minutes just agreed to.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. BISHOP. Mr. Chairman, when Sheriff Carlton Powell of Thomas County in rural south Georgia called our Washington office yesterday to inquire about the cops fast program, he commended Congress for helping to fight the war against crime in a very effective way. He said there is nothing Congress can do that is more effective in the fight against crime than to increase the number of law officers available at the local level.

Congress, he said, is finally helping to concentrate more of the country's limited anticrime resources where they are needed most, on the front lines. Sheriff Powell also expressed a concern. He is concerned that Congress is about to take a tremendous step backward. If Congress junks the program designed to expand police forces throughout our communities, then we are sending a blank check block grant program back which will, in his words, kick police off the porch.

When are we going to learn? When are we going to have enough good sense to listen to community law officers, who have been leading the charge against crime every day?

State, city, and county crime officers like Sheriff Powell have been telling us for years more police over on the street should be the top priority. But until the last term of Congress little has been done at the Federal level to assure that critical need. Expanding prisons and the judicial system is good. However, spending for the number of police officers per 10,000 citizens has not kept up. We have got to do what is necessary to put our police officers on the street.

Mr. Chairman, let us listen to what local law enforcement communities have been telling us, and to continue to move forward, rather than backwards, at this critical, critical need. Let us have enough good sense to preserve the one program that is working effectively and efficiently. Let us stay on target. Let us pass the Conyers-Schumer-Chapman amendment and continue putting more police officers on the streets to guarantee that our communities will be safer tomorrow than they are today.

The fact is, our area of Georgia has been at the very cutting edge of the Cops-on-the-Beat Program. In Columbus, Police Chief Jim Wetherington was one of the first to receive funding, local funding, and now he has nine new federally funded officers now in the police academy and soon to be deployed on the streets of his city. In Albany, Chief Joseph Lumpkin has already deployed new officers in

his neighborhoods—and he reports that in less than a year it has already measurably reduced Albany's crime rate. In Valdosta, Chief Charlie Spray says there is a new rapport between the community and his police officers because of the additional police on the streets. In the town of Vienna, Chief Bobby Reed says the program has already helped deter crime, and he, too, is seeing an immediate impact on his community's crime rate. Some of our law officers say they like the idea of more flexibility. But, overwhelmingly, they do not want the Cops-on-the-Beat Program dismantled.

During the 1980's, the emphasis was primarily on expanding prisons and the judicial system, and spending at the Federal and State levels climbed rapidly in these areas. At the same time, however, spending for the number of police per 10,000 citizens barely increased at all. While the number of violent crimes leaped by an enormous 37 percent over the last half of the 1980's, the total number of police increased by a relatively meager 16 percent.

When the administration and Congress enacted the bill that created the cops fast and cops ahead programs this past term, we were finally paying attention.

These programs have already deployed 17,000 additional police officers in cities and towns across the country and will add 83,000 more over the next few years.

We are doing this efficiently, making sure the money goes for crime fighters and not bureaucrats by spending less than 1 percent of the funding for administration.

We are targeting our limited resources for a purpose that is certain to produce positive results.

We are doing what an overwhelming number of our community law officers tell us we ought to be doing.

Mr. Chairman, the war against crime is just that—a war. And to fight a war we must have soldiers. Like any way, it is impossible to fully calculate the costs in terms of human misery. But it is possible to figure out how much it costs in dollars. Economists say the cost of crime to our society totals about $674 billion a year—more than twice the amount the Federal Government spends annually on defense. Many things need to be done to fight this war. We need more prisons, tougher and longer sentences for violent criminals. We also need closer monitoring of criminals on probation. We need to attack drug and alcohol abuse. We need to help people become employed and remain employed. We need to keep young people in school and out of youth gangs.

We most certainly need more—not fewer—police officers on our streets.

The CHAIRMAN. Under the previous unanimous consent agreement, a Member in support of the amendment will control 5 minutes, and a Member in opposition to the amendment will control 5 minutes. Who will control the time in support?

Mr. CONYERS. Mr. Chairman, I will control the time, Mr. Chairman.

The CHAIRMAN. Who will control the time in opposition?

Mr. MCCOLLUM. Mr. Chairman, I will.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I am delighted to yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Chairman, this is the most important amendment in this whole block of crime bills that we are considering. As you consider it, I want to take you back in time a few months to the period when we were working on the crime bill, after we had lost the ability to bring it up in the House and we had a bipartisan agreement with Republicans and Democrats, negotiating to bring about a bill that we could pass last fall. Those negotiations went on between my office and now Speaker GINGRICH's office, and we arrived at a bipartisan agreement that ensured that we would get 100,000 new police, community police, on the streets of America.

We made that decision. In my district, 80 of those police are now on the street.

□ 1400

Seventeen thousand across the country are already out either being trained or already on the street preventing crime and cracking down on crime. One of the reasons Government gets a bad name today is that we make decisions often in a bipartisan way, as we did last fall. And then before we even have a chance to see if the action will work, we pull back, we change. We say, we did not want to do that. We want to do something else.

It would be a tragedy, after we have made this decision, to now back up and say, no, it is a no-strings block grant, you can do anything you want.

I was in my district over the weekend. I went out with the community police that had been hired. And all of them asked me, is this funding going to be taken away? Are new decisions going to be made?

The chief of police of St. Louis asked me,

> Are we going back to the way you did it in the 1970's, with LEAA, when a no-strings block grant built alley lights in St. Louis and a new promenade in front of the Mississippi River, rather than flesh and blood police who could walk through communities?

And there I stood on Sunday with Officer Vise, in front of the head of the neighborhood association. And she talked about what it meant to have on the streets on a daily and nightly basis this young man who was a newly trained policeman that all of the people of the neighborhood could relate to and talk to and give information to. And she said how wonderful it was to create the confidence of the people in that community to fight crime. And now, just 2 weeks after this young man is on the beat stopping crime in that community, are we going to take him away? How wrong that would be.

We have got a block grant for prevention. We put it into the bipartisan bill. We can keep that in. But let us not back up on this decision on police. The American people believe crime is the No. 1 problem in the country, and they want to stop crime from happening in their communities. And police are known, community police especially, as the best way to prevent crime.

Let us keep it moving. Let us keep going forward. Vote for this amendment. Vote again for the bipartisan bill we passed last year, and let us stop crime in America in the best way that we know to do it.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

We have just heard an impassioned speech from the minority leader about why we should keep the cops on the streets program alive. I would like to simply correct a couple of thoughts that were put out that I do not think are quite accurate.

No. 1, nothing in the bill that we have before us today would destroy a single police officer that has been designated that a community is going to get under the current year we are in, the current fiscal year we are in, by the Attorney General.

If a community gets a cop during the course of this fiscal year with the money that was appropriated already, then that cop is going to stay there, the money has been protected in this bill. So that the Attorney General may reserve money under this appropriation this year for the full three years so there is nobody going to lose any police officer anywhere in the Nation that has already been designated or will be designated, for that matter, during the remainder of this fiscal year until October 1.

Now, we are down to one simple issue. Do you believe that it is better for the Federal Government to tell you, communities, how you should proceed to fight crime in your community with the money that comes from Washington, or do you believe it is better that you, local communities, decide for yourselves how to spend that money? That is the sole question.

We have a chance to move forward from this year forward in the remaining years of our crime legislation and correct the deficiencies of the last few paragraphs of last year's crime bill by giving that flexibility to the cities and the counties, and that is all this bill does that we propose today.

We propose to take roughly $10 billion and say to every community that has a high crime rate throughout the Nation, city, or county, you decide how you want to spend it, whether that is for more cops or whether that is for police cars or whether that is for a prevention program. That is common sense.

The mayors like it. The mayors even quoted the minority leader in a letter dated February 10, I have a copy and I quoted it earlier today, as having said at that meeting on January 27,

> You are the ones on the front lines. You are people that have got to show results, and

I think you are well equipped to try to figure out what to do with the money.

Now, I also have today the editorial that I quoted earlier from the Washington Post. There is no question that it is pretty universally accepted that many communities cannot use the current cops on the streets program.

And they say here,

Almost immediately, though, it was challenged by law enforcement experts and some local officials. In fact, the law created a five-year matching program during which the Federal Government's share diminished and eventually disappeared, leaving localities with the full cost of maintaining the new officers. Since the maximum federal contribution could not have exceeded $15,000 a year per new hire, the program would never have supplied enough to pay salary, benefits, pensions and other costs, so the cities would have had to come up with a lot of upfront money many say they don't have. So put aside the 100,000 figure, and the issue boils down to whether decisions about the expenditure of law enforcement dollars are best made locally or nationally. In some cities, like this one—

Washington, DC, they are saying.

the greatest need may not be additional police on the roster but better equipment, specialized training or even midnight basketball. What is wrong with letting them use federal funds for less expensive but still effective programs rather than for costly hiring.

I say what is wrong with letting the local communities decide what to do with the money that we give them. They know best how to spend that money. They are at the front lines, as the minority leader said in his comments to the mayors just a few days ago. They are the ones that can best decide at the local level how to fight crime.

There are thousands of options that are out there, not just the ones Washington may dream up as to what is best for one city. It might be one thing that is good for Sacramento, CA and another good for New Brunswick, GA and another for Madison, WI. Who knows what is best for those communities?

That has been the problem with the Democrats over the past 40 years controlling this Congress. They believe that Washington knows best. We believe that the local communities know best in these cases and the money should go back to them to decide how to fight crime in their communities. Ninety percent of the crime in this country is local, local crime, not Federal crime, not under the Federal laws. It is State and local.

The decisions on how to spend that money to fight crime are clearly best made by the cities and the counties of this country, not by the Federal Government.

I urge a no vote on this amendment today, a no vote against a way of doing business that has long since been debunked in this country of the Federal Government saying Washington knows best. Let us let the citizens of this country at the local level of government make these decisions once and for all. Let us keep the underlying bill intact. Let us, under the circumstances today, go with the local grant programs in this bill and not go back to the same old business as usual, Washington knows best approach of the cops on the streets program, just for the sake of allowing this President to be able to claim a political victory.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Conyers-Schumer amendment to preserve the current community policing initiative that we instituted in the 1994 crime bill.

Last year, Congress passed the largest anticrime package in history, and it is working. Last year's crime bill demonstrated a balanced approach of police, punishment and prevention. While many of these programs have not yet gone into effect, the COPS Program has. Thousands of grants have been awarded to small towns, medium size towns and to our Nation's cities. With the recent announcement of grant awards under the COPS FAST Program nearly 17,000 new police officers are or will be hired. In my home State of Connecticut over 150 new COPS will be funded. This is needed relief for local law enforcement agencies across my State and for that matter across the country.

The Law Enforcement Grant Program that is included in the Contract With America does not continue the successful COPS Program that was instituted as part of last year's crime bill. In fact, it does not guarantee that one additional police officer will be placed on the street. We have all heard the horror stories of the wasteful and unaccountable spending of the Law Enforcement Assistance Administration, including the purchase of a tank, and a $140,000 aircraft. These type of block grant programs do not work. The Conyers-Schumer amendment is smart, it protects funding to put more COPS on the beat. And unlike the Law Enforcement Block Grant Program it guarantees that more COPS will be on the beat working to make our streets safe.

We can try criminals, we can put them in prison, but without additional police we do not have the resources to arrest them and start the judicial process. Let's continue to move forward with a program that works, I urge my colleagues to support this amendment that will protect the important funding for the COPS Program.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Conyers and Schumer amendment and in strong opposition to H.R. 728. Last year, Congress voted for an anticrime strategy that struck a much-needed balance between law enforcement and swift punishment, and innovative prevention programs. Now, we are in the midst of dismantling the crux of last year's crime bill by eliminating both the COPS on the Beat Program and crime prevention programs.

The COPS Program promises to place 100,000 more police on our streets. The COPS Program already has made an impact in my district of Dayton, OH. In the last several months, my district has been awarded 23 police officers. New officers have been placed not only in the urban areas of Montgomery County, but also in the rural areas which are often passed by for federal and State funding. The COPS initiative makes our communities safer through community policing efforts, but it also makes the job of police officers easier and safer because of the interaction between law enforcement officials and community leaders.

Unfortunately, the broad language contained in H.R. 728 does not guarantee that the funds obtained through block grants will be used to hire more police officers. In the past, many well-intentioned grant programs, such as the Law Enforcement Assistance Administration [LEAA], failed because the broad language allowed funds to be diverted for other purposes. The American people want accountability for how Federal money is going to be spent, and they expect results. This open-ended grant program will not bring the results the public wants, and it will not target areas which need the most attention, particularly youth violence and street crime.

Mr. Chairman, I do not believe the American people are asking for the elimination of the COPS Program or of the crime and drug prevention programs included in the 1994 crime bill. Instead, my constituents are calling for both more police officers and programs that increase youth employment and educational opportunities. Let us not dismantle these programs. We worked long and hard on them, and these programs need the chance to succeed. This is the least our young people deserve, who too often are neglected and witness the horror of violence at an early age.

I urge my colleagues to vote ''yes'' for the Conyers and Schumer amendment, and vote ''no'' on H.R. 728.

Mr. FAZIO. Mr. Chairman, the county sheriffs, chiefs of police, and prosecutors who deal with crime on a day-to-day basis told us that community policing would make their jobs easier because police officers who are visibly involved in their communities are one of the best deterrents to crime.

According to the National Association of Police Organizations, ''We need all the help we can get in our daily work, and putting more cops on the streets will help us do our job.''

And that is what the crime bill delivered. The COPS–FAST program, which targets small jurisdictions, had a one-page application that was due by December 31. No redtape. no bureaucracy. Just an announcement a little over month later that communities in my district would receive a total of 17 new police officers. These are officers who will not just walk a beat, but work closely with the citizens and communities they serve.

Community policing has proven to be effective. It is widely supported by law enforcement across the country. Why kill it in favor of block grants—funding which guarantees nothing and is likely to result in an overall reduction in dollars targeted for police and prevention?

When we asked for help in developing the crime bill, local law enforcement answered. We listened to them, and then responded with cops-on-the-beat. Why are we putting them through the wringer again? Support the Schumer, Conyers, Chapman amendment and perpetuate this fine crime law offered by President Clinton.

Ms. McCARTHY. Mr. Chairman I rise today to support the Schumer amendment to H.R. 728. The question of Federal involvement in the fight against crime at the local level is one of resources. We all want to do our utmost to help our constituents retake their streets and

neighborhoods from criminals. The preamble to the Constitution lists ''ensuring domestic tranquility'' as one of the defining goals of our Republic.

With the Federal budget mired in red ink, however, we need to prioritize who we can help, and how best to help them. Congress has already spoken against unfunded mandates, now we must stand against block grants that disperse our limited resources without a single word of advice or oversight on where the money goes. We need more genuine Federal-local partnerships like the Community Policy Program of the 1994 crime bill.

If a municipality provides a community policing plan that is innovative and reflects the crime-fighting needs of the community, the Federal Government will provide the bulk of the funds necessary to hire, train, and pay the law officers needed to carry out that plan. The application is 1 page long, and 16,000 officers have already been approved by the Justice Department. This program is working, and it has the support of the Fraternal Order of Police, the National Sheriffs Association, and the Major Cities Police Chiefs.

It has been argued that community policing is a result of Federal coercion. In fact, community policing is a priority because it helps communities that need Federal help fighting crime. We could approve block grants, and dispense funds to affluent towns that want helicopters, Tasers, new patrol cars, and fancy radios. But for every block grant we make to a town that can afford its own officer we take an officer away from a city or small town that is broke and desperately need our help.

Simply put, community policing is tough on crime. And we need to be tough on crime. We must also crack down on the causes of crime. We have already eliminated specific funding for Drug Court programs like the highly successful one operated by the prosecutor in my home of Jackson County. Other popular programs, like the Mayor's Night Hoops in Kansas City, will also be in danger.

The 1994 crime bill was the result of years of sometimes acrimonious debate. When finally passed, it was a program of police, prevention, and punishment. This bill has had neither the depth of consideration or the breadth of scope. Even if a community wants a portion of the block grants authorized in this bill, they must first convene an amorphous committee of law enforcement, social service agencies, elected officials, and other interested parties. This bureaucracy could turn the fast track to cops into the slow train to nowhere.

Most cities in my district have received community policing support. They need it because crime in our region is a serious problem. My constituents can attest to the crime that plagues too many of our neighborhoods. But these citizens want to work with their government and their police to create a safer environment to live, work, and raise their children. The 1994 crime bill gave them that opportunity.

While last year's crime bill was a solemn contract with citizens to lay the cornerstone for a safer society, this bill invites waste, fraud, and increased crime. Rarely has this House had a clearer choice in the fight against crime. Never has our duty to our constituents been so clear. Join me in opposing the wasteful, bureaucratic aspects of H.R. 728 by supporting the Schumer amendment.

Mr. FILNER. Mr. Chairman and colleagues, I rise today in strong support of the Schumer-Conyers-Chapman amendment to maintain the Cops on the Beat Program.

I have spoken several times now in support of the Cops Program, but it cannot be emphasized enough: Community policing works.

The COPS Program will put 100,000 police on our streets—police that are involved in their communities and committed to keeping our families safe. COPS responds to the demands by the American people that we in Congress must do something to fight crime and violence. COPS is supported by virtually every national law enforcement organization.

We must protect one of the strongest weapons we have in fighting crime: community oriented policing. If we truly want to take back our streets and improve the quality of life in our cities, police officers cannot do it alone. Local residents cannot do it alone—they must work together.

That is exactly what community policing does—it allows police officers to work together with local community residents to fight crime.

Now, certain Members of Congress want to eliminate this critical approach to crime prevention. I strongly oppose any efforts to cut community policing programs, and I ask my colleagues to take a good hard look at exactly what community policing does for our towns and cities.

Community policing works—and it works because it asks the experts to create crime-fighting strategies. When I say experts, I am not talking about bureaucrats in Washington offices. When I say experts, I am talking about the people who actually live in neighborhoods plagued with crime—and I am talking about the police officers who patrol those neighborhoods every day.

So when the crime bill says it will put 100,000 new community police officers on the beat, we must remember that those officers will know both the neighborhoods they patrol and the people in them.

I personally have seen community policing work. As a city councilman in San Diego, I have worked hand in hand with neighborhood residents and community policing teams—and I have personally seen the effect that this partnership has had on crime. The police officers become real human beings to the neighborhood residents—and the people who live in the neighborhoods become real human beings to the police officers there to protect the peace.

Mr. Chairman, these tactics work. The city of San Diego has established neighborhood policing teams in even the neighborhoods with the highest crime rates—and a recent study pointed out that overall crime has been reduced in the city by 10 percent.

Yes, we need to be tough on crime. We need stiffer penalties, and we need to make sure that criminals serve the full jail sentences they deserve. But we also need to work together as communities. And what the crime bill proved last year was that Congress was serious about fighting crime and that Congress had enough forethought to make it a comprehensive fight.

Let's not move backward this week. I ask my colleagues to understand the central role of community policing in fighting crime. And I ask my colleagues to join me in supporting this important amendment—and protecting this effective crime prevention program.

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Conyers-Schumer amendment. We did the right thing in last year's crime bill. We did the right thing when we created a balance between tough law enforcement measures, like a sensible version of three-strikes-you're-out—and crime prevention.

As part of that balance, we did the right thing when passed a law which wrote into law the goal of putting 100,000 new police officers on the street. But, as I said last week, this bill, called the ''Taking Back Our Streets Act,'' will hand the streets back over to violent crime.

We need to preserve the balance between punishment and prevention. This is not a Democratic concept. Republican President Bush knew that prevention is important when he gave one of his Points of Light Award to a midnight basketball program in Glenarden, MD.

This is what the Republican mayor of Fort Wayne, IN said: ''It's crucial we have money for prevention. It's a lot better to spend money on the front end instead of just building a prison cell for them.''

Mayor Helmke is right, and so are his fellow mayors who told a League of Cities survey what would help them fight their wars on crime. 48.4 percent say that jobs programs would help; 39 percent say that more cops would help; 30 percent say that recreation would help. Only 8.4 percent say that more prison money would help. But this bill turns its back on the mayors, and the cops, and the community groups who are fighting the war on crime.

The Conyers-Schumer amendment makes sense. It restores the money we voted to provide to States and local governments last year. It preserves the community-based COPS Program which is working so well in all of our districts. It maintains the balance between prevention and tough punishment. It retains flexibility for cities. And, by separating the grant into two separate funds, prevents police and prevention from cannibalizing each other.

Don't just listen to me. Before you make this vote, I urge you to call the police chiefs and mayors in your district. I urge you to support the Conyers-Schumer amendment.

Mr. HOYER. Mr. Chairman, I rise today in strong support of the Conyers-Schumer-Chapman amendment to restore the Cops on the Beat Program. Just a few short months ago, we were on this floor making a commitment to the American people to place 100,000 additional law enforcement officers on the streets of our communities, and to provide the means to our communities to support important prevention programs to help give our kids an alternative to drugs and crime.

But, here we are today with a proposal before us to undue our good efforts. Efforts which have already paid off in community after community. Four of the five counties within my congressional district have already benefited from the Cops on the Beat Program, some as recently as last week. What you are now telling these jurisdictions, is that they have no guarantee that the support guaranteed under the 1994 bill will continue, to pass unamended, that my communities may be forced to reduce their police.

Last year's crime bill was funded by a reduction in the Federal work force. That hits hard in my district. But, my constituents and I recognized and supported the need for additional police. We are not willing, however, to

support an effort which will not put cops on the streets in the towns in my district and in yours. As President Clinton said on Sunday, he fought to cut the Federal work force for 100,000 police officers, and nothing less.

Crime is a national problem, and we need a national commitment to the problem. That is why it is so essential that we do not break our commitment for police in our communities and on our streets.

Under this Republican proposal, my communities have no guarantee that while they are dedicating their resources to putting cops on the street and to effective prevention programs that the community next door or across the river will be holding to the same standard. In the Washington area, crime is a regional problem. We must have coordinated efforts to fight crime. The law we passed did that. The proposal before us today would replace a guaranteed initiative with a block grant program with no guarantees at all.

Many mayors around the country support the amendment before us today to keep intact the Cops on the Beat Program. The mayor of the largest city in my State, Mayor Kurt Schmoke, has written to me supporting today's amendment. Mayor Schmoke writes that "community policing is the keystone of our crime prevention strategies." And, that he is opposed to the effort before us today to abandon the goal of 100,000 new police officers.

Mayor Ed Rendell of Philadelphia wrote to the Speaker of the House in support of the Schumer-Conyers amendment. While he supports some of the improvements in H.R. 728, he states that the "block grant would be even more effective if the Congress adopted the concept contained in the Schumer-Conyers amendment."

Mr. Chairman, more than half of the police departments in America are now scheduled to receive police hiring grants. It makes no sense to stop this successful program in midstream and give the criminals even more chances to terrorize our neighborhoods and seduce our children into a life of hopelessness.

We are in a state of national emergency. On this floor today, it is time to void the contract and pass the Schumer-Conyers-Chapman amendment and keep the police on the streets.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

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

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 235, not voting 3, as follows:

[Roll No. 124]

AYES—196

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
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
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Davis
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)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
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
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

Becerra
Crapo
Matsui

☐ 1426

Mrs. CHENOWETH and Mr. HEFLEY changed their vote from "aye" to "no."

Mr. SKELTON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. Schroeder: Page 4, after line 5, insert the following:

"(D) Enhancing health care clinic security measures to protect against violence directed against the free exercise of constitutional rights, including—

"(i) overtime pay for law enforcement officers;

"(ii) security assessments by law enforcement officers;

"(iii) when recommended by law enforcement officials, purchases of materials to enhance the physical safety of clinics, including, bulletproof glass and security cameras."

The CHAIRMAN. Pursuant to the order of the committee earlier today, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 30 minutes in support of her amendment, and a Member opposed will be recognized for 30 minutes.

Mr. McCOLLUM. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will control the time in opposition.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

□ 1430

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

I am very sorry we have to do this. I had hoped this would be solved in my attempt to make this amendment in the committee; we were thwarted and it was the other side who wanted to make this an issue.

Ladies and gentleman, antichoice violence is on a rampage in this country, and this is a federally protected right, federally protected right. But we are asking local law enforcement to protect it, and local law enforcement has become overwhelmed.

Let me show Members this chart. All the red areas are States where reproductive clinics have decreased in the last 10 years. Decreased. And why would they not decrease when people who work in these clinics have been under siege, and when we have at the desk, and I hope every one of my colleagues comes to look at every incidence of violence we could find in each individual State that has been documented just in the last 2 years, just in the last 2 years. It goes on and on and on and I would take my full hour or more to read it all.

But this kind of violence is absolutely intolerable, and it seems to me if we are sending Federal money to localities, the one thing we should do is say to localities that they will be able to utilize this money to protect federally protected laws and federally protected rights.

Think about this. If in the civil rights debates during the 1960's we were sending block grant money to different cities, but we did not say to localities that they could use that money to help in civil rights demonstrations, what an omission. How terrible. And what if we said that about voting problems that we were so worried about federally? This is a federally protected right, this is Federal money. Last I looked, women Federal taxpayers were charged the same as men, and if we do not put this in here clearly, then I think localities that have been afraid to stand firm on this will continue to. If we send the money and we say this is allowed, I think we take those excuses away and hopefully we begin to turn around the numbers on this chart.

I know the other side is going to stand and say that the amendment they adopted yesterday by the gentleman from New Mexico takes care of this, and what is the gentlewoman from Colorado talking about.

Well, they showed their hand yesterday. If Members will look at the RECORD from yesterday and look at the distinguished chairman and what he said, he said that he was backing that amendment because he thought it would be okay that local officials could do this if they wanted to do this. And the amendment does not specify family planning clinics, it kind of says facilities, which is a very broad-based thing.

We must send a much clearer message if America's women think we are serious about protecting their rights. We have winked at this, we have ducked, but let me tell you what is happening. The rights that they have not been able to roll back since Roe versus Wade was adopted, those rights that they could not roll back they are rolling back in an entirely different way by tolerating violence, by allowing it to go unabated as we have in our list, by seeing what is happening across this country, and that is how they are taking these rights away from women.

Either we stand here and say this is a right and it is a real right, and if we are going to send Federal money out to localities they ought to be told to help, or we do not mean it. So it is choose-up-sides-time today and I think America's women are going to be listening very carefully.

What does my amendment do? It says it would allow localities to help pay overtime for police in guarding these facilities or guarding some of the doctors and the health-care workers who have been under siege. Many have been shot, some have died very unfortunately, as Members well know. It also will allow, if the police think it is necessary, other additional security measures that they think would help, and would help them in their job. That to me makes an incredible amount of sense.

This bill does that in re schools, it does that in re all sorts of other things. You will hear people say well, we should list some things but not all things. Why are we afraid to say this? Why are we afraid to say that we ought to be protecting these rights?

Let us grow up and let us stand up and let us say that these billions of dollars ought to go out there, they ought to be protecting the women that are sending them to Washington and we ought to get very, very serious.

I urge every Member to vote for this amendment. And I think that it is really time that we stop this reign of terror that we have been too casual about.

I also think it is very important to notice this amendment would monitor what we are seeing happening now with the Justice Department as they are meeting with local law enforcement officials trying to end this reign of terror. They are all telling them they need this kind of help.

Let us give it to them. Let us give it to them and let us stop the violence.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we all abhor and condemn the violence against these clinics. We do not favor anybody committing violence or the kind of crimes we have seen, including one in my home State where recently we had somebody convicted and sentenced to the death penalty in the State for killing somebody at one of these clinics.

But the fact of the matter is the gentlewoman's amendment today, not the issue, but the amendment is much ado about nothing. The truth of the matter is that nothing that she is suggesting nor has been debated on this issue in this bill has anything to do with a binding effect on the local community in deciding what it is going to do with its moneys. This is a provision that she would insert into the part of the bill that is where we have suggested here are possible things, examples of things you can use your money for, but the preceding language to the entire section says including but not limited to, allowing maximum flexibility to the city and county commissioners and local government units that are going to decide how to spend their money to fight crime in their communities.

In yesterday's amendment the gentleman from New Mexico made absolutely sure that law enforcement officials got the message that we were interested in their making protective statements and doing what they needed to enhance security measures in and around schools and in and around any facility or location which is considered by the unit of local government to have a special risk for incidence of crime.

What the gentlewoman is doing today is trying to modify that further by specifically saying that she wants us to encourage the local police, and that is what we would be doing, we are encouraging the local communities to enhance health care clinic security measures by specifically naming health care clinics in here to protect against violence directed against the free exercise of constitutional rights, including overtime pay for law enforcement officers, security assessments by law enforcement officers when recommended by law enforcement officials, purchases of materials to enhance the physical safety of clinics, including bulletproof glass and security cameras.

I might say there is nothing here lest it be the purchase of these items of bulletproof glass and security cameras, that are in any way an expansion of anything in the bill currently. I cannot see any reason for offering this because the right is there right now to do all of this, save for the fact that it is inflammatory and it gets a good debate going on the abortion, choice, life question, and that seems to be what is going to ensue here today, is a debate on that subject, and I think that is unfortunate because none of us are opposed to the prime objective of stopping violence and allowing local police to use whatever resources in their community, local cities, and counties to protect a clinic as much as they protect any other structure, buildings, or community interest that is there.

□ 1440

But it should be their decision. We should not be in there trying to specify this particular type of thing, health care clinic, name it, in the bill. I do not

see any reason to be inflammatory. I find great concern with the idea of law enforcement deciding they are going to purchase bulletproof glass and security cameras potentially for a privately owned building.

We worked with the gentlewoman in committee to make sure if it was a public clinic or publicly owned building, indeed, certain materials and equipment could be added and purchased with the moneys in this bill, but it is contrary to the intent of this bill to have moneys that are being spent being sent to the local communities to enhance the physical properties of any privately owned building. It makes no sense at all to do that. We do not generally do that. We certainly do not want to encourage that.

Am I to say you cannot do that? Well, obviously we have got a lot of latitude in the bill. I do not want to put my name on any proposal that encourages or gives encouragement to a local community to enhance physical characteristics for security for a private building, whether that is a health care clinic, whether that is a Wendy's restaurant.

I do not think that is the business of the local community doing that. I would encourage them not to do it. I do not prohibit them in the bill from doing it.

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

Mr. MCCOLLUM. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for his remarks, but I also want to remind the gentleman when I first offered this in committee the gentleman was receptive to it. It was after we went away for a vote and there appeared to be a caucus on that that they attempted to fight it.

The gentlewoman hoped that this could be adopted in the committee. I did not want to make this a big high-water mark, and I salute the gentleman from Florida, because I know he has been from a State where there has been incredible violence, and you were very sensitive at that time. There was a change of mind. I am sorry there was a change of mind, but I just want to point that out.

Mr. MCCOLLUM. Reclaiming my time, I must say I never agreed to this. You had initially come forward with an idea of putting ''public'' instead of ''private'' clinics in here.

This does not today say anything about public. In addition to that fact, I recall very distinctly having told you I had reconsidered this, having thought about it. I thought this was inflammatory and ensuing, and afterwards an unnecessary debate on abortion clinics that I do not think needs be addressed. We cover that anyway. We do cover them.

Mrs. SCHROEDER. If the gentleman will yield further, I really do not think it is inflammatory, and I think it is very, very important that we communicate to local officials who have been hesitant to stand up and be counted, and I think the gentleman knows that from Florida.

Mr. MCCOLLUM. I don't impugn the motives of the gentlewoman, but I definitely do believe that the debate that ensues around this by carving out all the language and doing things I suggested are not very acceptable to most of us and encouraging local governments to do it is in its own right inflammatory.

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

Mrs. SCHROEDER. I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, on the day the Nation was horrified by the death of two young women in Massachusetts and the wounding of five others, we in Connecticut were much more fortunate. The accused individual who carried out these murders, when he was arrested, was found to have the name of a Hartford, CT, clinic in his pocket. Hartford is in my district.

Were we going to be the next ones? We do not know. We have no idea. We do know we have come to the point now when someone trying to exercise a constitutional right, might just be by chance be murdered.

We do know also that any town or city that has a clinic in it is forced to spend additional tax dollars for protection of this clinic. The police chief in that town needs all the help he can get. The neighbors that live in an area, want dollars spent for public safety. The citizens going to that clinic certainly say they have a constitutional right to protection.

So today, I thank the gentlewoman from Colorado for putting in this amendment. I do not think these citizens, these neighbors, these police chiefs, these individuals exercising their constitutional right are asking whether it is a public clinic or a private clinic. They are only asking for protection.

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

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

Because my name has already come up in this debate, I wanted to speak as to my amendment yesterday and why I opposed the amendment from the gentlewoman from Colorado.

First of all, I do want to acknowledge that in some portions of the country we obviously have had a very serious problem with violence at reproductive clinics. Everybody knows that. That is not in dispute.

I would like to take it a step further in that I was persuaded last year that in some localities, in some localities there was a problem with local law enforcement which could not or did not act adequately to protect these clinics or to prosecute individuals after violence has occurred and, therefore, I supported the bill which became law in the last Congress which made it a Federal offense to have violence at a reproductive clinic.

I have to add though this is a subject again perhaps for another day.

Based upon what I know of the Justice Department's enforcement of that act, I have been very disappointed, because the cases that I am familiar with at least where they prosecuted under this act under Federal law, there was a simultaneous State prosecution. I do not understand why the Justice Department would prosecute and use Federal resources where there is already, in fact, a State prosecution. That is not the kind of situation we were told necessitated that Federal law.

Nevertheless, coming to this particular bill, H.R. 728, it is important to emphasize that the operative language is already there. This is a block grant. The locality can already use these funds to enhance security at reproductive clinics if that is what they want to do.

It was suggested in the Committee on the Judiciary that was not good enough, that we should provide more illustrations, and that is all these are in illustrations, to local law enforcement to show them what we are getting at, since we had mentioned schools by way of example to enhance security. I offered an amendment to H.R. 728 that was accepted by voice vote yesterday that is proposed as an illustration using the funds to enhance security measures in and around schools and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

So we have made the point in this amendment that local government can use these funds wherever they have a special risk of crimes. This can include a reproduction clinic, if that is, indeed, a problem in a particular area.

But here is what is wrong with the gentlewoman's amendment. These illustrations are trying to send a message, and the fact of the matter is, although there is a dreadful problem with violence at some reproductive clinics, not at all reproductive clinics, and to cite this as one, as an example, sends a message to local law enforcement that even if they have a greater threat to people's safety elsewhere in their community, the Congress thinks they should beef up security at one particular area even if their crime threat is elsewhere.

That is why the amendment should be defeated.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I want to congratulate the gentlewoman on this amendment, because she has made a splendid case on behalf of protection of a Federal right, a constitutional right, that women have.

But I would like to add to that my thought that this is also an issue that should concern men, not only because we should be concerned about protecting women's rights, but also because men are not safe from this violence. Many of these clinics offer services that are necessary for men. A man walking into one of these clinics to learn more about communicable diseases or about reproduction choices for people in the community or just to accompany someone is a target for this kind of violence, and so I think, while it is important for us to stand up today for the rights of women, it is also important and intelligent for us to admit to the fact that some of the men and women who stand outside of these clinics and are willing to deal in violence have directed that violence at men, not only at women.

And so today I stand up on behalf of this amendment, because I believe it is the right thing to do, because I believe that this amendment does not interfere with anything that the majority party is trying to do. On the contrary, it reinforces their rhetoric that they are concerned about local involvement and local control.

Local control should be aided by us, by allowing and sending this signal, this clear signal, that these rights must be protected.

This is a unique situation, and unique problems need unique solutions and approaches.

What the gentlewoman from Colorado has suggested today is an approach that says that we can all get together and send a signal that this is a behavior we will not tolerate, not only by law, but that we will also make the funds available to carry this out.

Support this amendment. It does not interfere with anything you have in mind.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

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

□ 1450

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

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

Mr. Chairman, I could not agree more with my friend from New York. The greatest boon to men is abortion. Boy, does that take it off of their back, does that solve a big problem for them.

I want to make it clear, I do not and I do not know anybody that condones the vicious murders that have occurred within the last 20 months, 5 of them; vicious, they ought to be prosecuted for murder to the fullest extent of the law.

They have done incalculable harm to the pro-life movement. There is nothing pro-life about killing people, even if they are participating in abortion clinics. So let us get that clear.

Let us also get clear the fact that the Schiff amendment covers this situation and more because it says enhancing security measures in and around schools and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime. So this is not about the legal question, this is about the moral question of abortion.

This is an abortion vote because the gentlewoman from Colorado wishes to elevate to a position of special status abortion clinics. We do not call them that. As a matter of fact, we call them health care clinics. That reminds me of an old Italian saying, though, that, ''You dress the shepherd in silk, he still smells of the goat.'' What we are talking about are places where unborn children are destroyed in their mothers' wombs. And a lot of people are very uncomfortable about that. Some people are driven to distraction for which the tragedy is compounded and for which I am sorry. And if protection is needed, they ought to have it.

But I am unwilling to take abortion mills and give them a special status over other places where more people are killed more frequently.

Now, I looked at the statistics for 1993, and they give you the statistics for 1992: 6 lawyers and judges were killed in that year, 7 teachers, elementary teachers, 86 cab drivers—86 cab drivers in this country. Also, 77 cashiers; fast-food employees, pizza delivery people—54. Should we have security cameras around convenience stores?

Twelve farmers, eight entertainers, fifty-eight cops. Fifty-eight cops. Now, bank robbery, let us talk about a Federal nexus; there is the Federal Deposit Insurance Corporation, Interstate Commerce. There were 18 deaths in that year, the year of 1992. So if we are looking for where these deaths occurred, single out these places, there are lots of places to single out more dangerous, more vulnerable than abortion mills.

Now, I do not understand why anybody would feel comfortable elevating abortion mills to a place of special status. But some people do. So that is exactly what this vote is. If you think abortion clinics deserve to be singled out and to be protected specially over banks, over cab drivers, over schools, over the police themselves, why, go ahead and vote for the gentlewoman's bill.

But if you share with me an abhorrence, a condemnation of violence anywhere and everywhere, it is wrong, it is dead wrong and ought to be prosecuted. But if your sense of moral imagination encompasses the violence that goes on in abortion mills, euphemistically called health care clinics, not too healthy for the unborn, I might say; safe, legal, and rare. It is not safe for the unborn; it is terminal. Legal, but not moral and rare, no, not rare, if we keep sanctifying these places.

Now, I suggest that when it comes to protecting rights, there are more rights that are ignored and left unprotected in the abortion tragedy than there are protected. I want everybody to be able to exercise their constitutional right and if indeed the police or the local authorities think there is going to be violence at an abortion clinic, send the police there, by all means. But do not, in this legislation, which is a block grant, which is not categorical, which says let the local people decide, do not elevate it to a position of a cathedral-of-compassion abortion mills, where in this country 1,500,000 abortions per year go on. Include them generically, but not specifically. It is your choice.

I know how I am going to vote.

Mrs. SCHROEDER. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentlewoman yielding to me, and I appreciate the honesty of the gentleman from Illinois [Mr. HYDE]. He has made it very clear that he thinks people should defeat this because he detests abortion, dislikes very much what happens in abortion clinics, disagrees that it should be legal, and therefore resists offering them this protection.

We are not singling out clinics in this bill, in the first place. The bill that the gentleman's committee brought forward singled out some places. Schools, he mentioned, they are already mentioned; drug courts are singled out; other places are singled out. We are not here doing anything differently than is already done in the bill.

Then the question is, if some things are going to be singled out, why should clinics where abortions are performed be singled out? The reason is not to elevate them above other places but to elevate them to the level that other places now occupy, because of all the places in our society that have been the victims of violence, abortion clinics have been the least protected because in many, many areas it is controversial to do it. The rhetoric of the gentleman from Illinois proves the point. You do not have people when they talk about protecting schools, protecting hospitals, protecting courtrooms, denouncing and vilifying the people to be protected. The gentleman concedes they should be protected, but he vilifies them and denounces them. In fact, in other places by people less sophisticated then the gentleman from Illinois, that becomes an argument against doing it.

The fact is if we follow the gentleman from Illinois and defeat this amendment because he says it is too pro-abortion, we then create a situation where we send an ambivalent message to local law enforcement, we will create a situation in which local people will find this controversial. We will create a situation in which there will be people arguing, ''Well, the Congress

voted it down. The chairman of the Judiciary Committee said terrible things happen in abortion clinics. Don't elevate them.'' Abortion clinics are singled out, not in this bill but by those who commit violence against them.

There is an organized interstate national campaign of some crazy and vicious people to go after the clinics. Many people oppose that, on both sides of the issue of abortion. But there is an undeniably consistent attack.

In my own home district, two people murdered, police officers under strain. What we are saying is we want no uncertainty. We do not want people who share the gentleman's detestation of abortion to say, unlike him because he makes distinctions as a distinguished lawyer, ''Well, maybe they shouldn't get it. Maybe Congress didn't want it.''

If you had come with a clean block grant bill, you would have a consistent argument.

But having done these exceptions yourselves, the only argument for not including the clinics now, which is the subject of violence, is the argument made by the gentleman from Illinois, which is a dislike of what happens.

The point is very clear: If you want to ensure maximum protection for innocent providers, then it is important to put this into the bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

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

Mr. BARR. I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding this 30 seconds to me.

I just want to respond to the gentleman who mentioned my name. I did not vilify anybody. If his attention span were not distracted today, he would find that I do not vilify anybody. I vilify the act of abortion, I vilify the fact that it occurs, bloodily occurs, against defenseless, unborn children, but I do not vilify people who engage in that—I pray for them.

□ 1500

Mr. BARR. Mr. Chairman, despite the protestations to the author of this amendment that it is not her intention to engage in hyperbole, her words, which are used frequently by those in favor of abortion, such as using reign of terror, clearly are designed to inflame. Rather than present a chart, as the gentlewoman could have, that listed whatever information it is that she would want to portray and depict in the form of a chart, what we have is a map of the United States of America splashed with red all across it. Red is a color designed deliberately to invoke passion.

This is not simply another amendment to a bill designed to enhance the measures that we desire. What is at stake here, and what is really at issue here, Mr. Chairman, is not an effort to fine tune a bill talking about block grants to the States to ensure that the local law enforcement communities have the tools that they need, but it is, as the gentleman from Illinois [Mr. HYDE] so eloquently has indicated, another not so thinly veiled effort to raise and interject into the debate on a crime bill the issue of abortion.

It is a shame; I say, Mr. Chairman, a shame that we have to engage in this debate over, and over, and over again. It has no place here. Clearly it has no place here in light of the fact that the gentleman from New Mexico [Mr. SCHIFF] offered an amendment last evening which was adopted, not on a recorded vote, but by voice, which I say clearly, Mr. Chairman, encompasses what the gentlewoman says she is trying to get at here, and that is to ensure that there are no impediments in the block grants that are contemplated by H.R. 728 to allow local law enforcement officials, if they believe, and they certainly have an interest in ensuring the protection of all citizens in their community, if they believe there is an imminent threat at any institution, at any facility. Then the amendment offered by the gentleman from New Mexico [Mr. SCHIFF] makes very clear, if it was not before and I believe it was before, but this amendment makes very clear that what the gentlewoman is after here is covered, is contemplated and would be addressed on the block grant program.

Therefore, Mr. Chairman, I am left with no other conclusion than that is not the desire of the gentlewoman from Colorado, but rather one in a series of efforts to raise the level of abortion beyond and over and above other legitimate issues.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out to the gentleman from Georgia [Mr. BARR], if red incites passion, he has on a red boutonniere.

Mr. Chairman, I yield 3 minutes to the gentlewoman, in red, from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, we are all aware of the escalating levels of violence directed at reproductive health facilities around the Nation. That is the shame. The violence has been elevated by the extremists, the radical right wing, not this debate.

The tragic murders in Brookline last December were just the latest and most horrible in a series of violent incidents that have left five Americans dead and nine wounded.

Every day reproductive health clinics and the doctors who staff them are subject to harassment and intimidation. In the last year alone over half of all reproductive health clinics in the United States experienced a violent incident. There have been literally hundreds of arson and chemical attacks and bomb threats against clinics around the Nation.

This nationwide terror campaign is clearly designed to undermine the constitutionally guaranteed right to choose. We must respond.

The Schroeder amendment would help address this problem by allowing local law enforcement to use a portion of their block grant to enhance the security of reproductive health clinics within their jurisdictions. Make no mistake: The Schroeder amendment would help save the lives of doctors and their patients.

To those who say that reproductive health clinics should accept routine violence as a cost of doing business, we say that organized terrorism and murder must never become routine in the United States.

Before my colleagues cast this vote I urge them to consider the hundreds of doctors in this Nation who wear bulletproof vests to work every day. I urge them to think of the millions of American women who receive their basic medical care from reproductive health clinics every year. I say to my colleagues, ''Don't turn your backs on them. They are our daughters, mothers, sisters, wives. They are in danger, and they need our help.''

Mr. Chairman, a vote against the Schroeder amendment is a vote against protecting doctors and women. Let us help put the network of pro-life violence out of business. Let us pass the Schroeder amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, this issue gets down to several basic things, and I do not think there is one in this Chamber that disagrees that violence in any form anywhere should not be tolerated. We do not want to tolerate it; we want to deal with it. In this legislation we are trying to provide control and flexibility to law enforcement authorities at the local level.

Now I happen to support the amendment offered by the gentleman from New Mexico [Mr. SCHIFF] yesterday which talked about schools and other facilities. I think amendments such as the gentlewoman from Colorado's and others' can be made on specifics. But what I do not want to have happen as a result of this legislative history is that law enforcement authorities feel that we are only concerned about schools or we are only concerned about health clinics.

So, regardless of whether this particular amendment passes or is defeated, a group of us, the gentleman from Maine [Mr. LONGLEY], the gentlewoman from Connecticut [Mrs. JOHNSON], myself, the gentlewoman from Florida [Mrs. FOWLER], the gentlewoman from New York [Ms. MOLINARI], feel that we have to broaden the enhancing security measures section to say something like in and around schools, religious institutions, medical and health facilities including research facilities, housing complexes, shelters for women and children, or any other

facilities or surroundings where a threat to law and order exists. We do not claim to be exhaustive, but we do claim to be a little more general in nature. We do not say the Protestant, Catholic, Jewish, Islamic or Buddhist schools, but what we try to do is cover some of those areas where we all know there have been unconstitutional violations of rights, and our concern is that where the threat of violence or other unlawful criminal activities, or in the opinion of State or local law enforcement authority requires the use of these funds for personnel, materials or other security measures, that may be construed as fulfilling the purposes of this act, they can order them used.

I am worried that the gentlewoman from Colorado's amendment is too specific on the limits. It mentions overtime and some materials, but not all possibilities. Our amendment is more comprehensive.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, the amendment offered by my colleagues, the gentlewoman from Colorado [Mrs. SCHROEDER], should be supported by every Member of this body regardless of their view about abortion, because this amendment is not about abortion, its about preventing crime, crimes like the 1993 murder of Dr. David Gunn, or the December 1994 murders of Shannon Lowney and Leanne Nichols. The level of violence and terror against law-abiding health professionals is not abating. One of the people I represent, Dr. Warren Hern of Boulder, is one of those on a reported list targeted for assassination by the extreme antiabortion groups at large in this country. We need more effective law enforcement to prevent the continuation of this kind of campaign of terror.

Members of the House should make it absolutely clear today that they do not support this kind of terror activity. This amendment is not about abortion. It is about taking action to prevent crime, to prevent murder and to prevent vigilantism in this country.

The amendment offered by Congresswoman SCHROEDER should be supported by every Member of this body, regardless of their position on abortion. Because this amendment isn't about abortion. It's about making clear that law enforcement can use the money in this bill to prevent crimes.

Crimes like the 1993 murder of Dr. David Gunn, who was shot to death in March 1993 at the Women's Medical Services Clinic in Pensacola, FL.

Crimes like the shooting of Dr. George Tiller in August 1993 at the Women's Health Care Services Clinic in Wichita, KS.

Or the murder of Dr. John Bayard Britton and James H. Barrett and the wounding of June Barrett in July 1994 at the Ladies Center in Pensacola, FL.

Or the December 1994 murders of Shannon Lowney, a receptionist at Planned Parenthood and Leanne Nichols at the Pre-term Clinic, both in Brookline, MA.

The level of violence and terror against law-abiding health professionals is not abating. One of the people I represent, Dr. Warren Hern from Boulder, was 1 of 12 doctors reportedly targeted for assassination by an extremist antiabortion group. We need more effective law enforcement action to prevent continuation of this campaign of terror.

A civil society depends on its citizens abiding by the rules. Abortion is a legal medical procedure. For those who disagree with the law, there are ways to try to change it. When those who are unable to change laws through lawful means decide to overturn the will of the majority—to take the law into their own hands—we need to call in the police. A civil society can't tolerate campaigns of intimidation, violence, and murder.

The money in this bill is supposed to be given to States for law enforcement. States can decide how to best use it to combat crime. The amendment offered by Congresswoman SCHROEDER will make sure that there is no confusion that the law enforcement funds in this bill can be used for overtime pay for law enforcement officers, security assessments, and when, recommended by law enforcement officials, the purchase of materials to enhance the physical safety of clinics.

Members of the House should make clear today that they do not support the campaign of terror against health professionals and health clinics. This amendment is not about abortion. It's about taking a stand against violence, murder, and vigilantism.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, in all the rhetoric we have heard today sometimes its easy to forget the real intent of the bill that is before us, the bill that we are debating. It is actually pretty simple. We want to let the local people decide how to spend their law enforcement dollars in the best way they can to defend all of the people, to protect all of the neighborhoods.

In the communities it is the police officer, it is the school board member, and it is the community activist who best knows where safety priorities lie. They are the ones who will be making recommendations in this bill on how to spend the funds under the bill. The original bill sets this function up. The question is:

''Do we ignore that fact and dictate to communities what their priorities are on protecting their citizens?''

□ 1510

That seems to be the thinking behind this amendment. The gentlewoman from Colorado says we cannot trust our local law enforcement and leaders. We must tell them to put their officers around abortion clinics or other types of bullet proof glass or security measures.

So instead of cleaning up gang ridden neighborhoods or protecting vulnerable citizens like our seniors, the locals are stuck with something passed down from Congress. Instead of us in our area being able to move people, law enforcement, into areas now starting to be over taken by gangs, we would be told to prioritize to give an elevated status to abortion clinics.

Let us not have any mistake here. There are already local laws on vandalism. There are local laws and State laws on violence and against trespass. Police officers are already required to enforce those laws. We should do nothing to weaken the ability of local governments to defend their citizens.

In conclusion, you either trust the people that elected the locals, your voters, or you say you did not have enough common sense to elect local folks that can make the decisions. I believe the local folks can make the decisions, and Congress does not have a clue.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Schroeder amendment to allow local law enforcement officials to use funding under this bill to enhance safety at health care clinics, and I congratulate the gentlewoman from Colorado [Mrs. SCHROEDER] for her leadership on this issue. It is perfectly appropriate, and it is one of the reasons we are here as people who serve in this institution at the Federal level; it is appropriate that the anticrime bill should help law enforcement agencies better protect patients when they seek medical care, including reproductive health care.

After the tragic events of the past few months where health care providers have been attacked and murdered, who can doubt the need for this amendment? Indeed, this amendment is the necessary next step to the Freedom of Access to Clinic Entrances Act that we passed in this body last year. We have traveled a long road to enact that measure. Now let us make sure that the promise of that new law can be realized. We need to do everything that we can to ensure women have access to the health care that they need, access free from threats, intimidation, or harassment, violence or even murder.

That is a proper role for a Member of Congress. It is outrageous that woman and health care providers fear for their safety and that of their families when they seek or provide constitutionally protected reproductive health services.

The opponents of this amendment believe it is unnecessary. They believe the language we adopted yesterday is sufficient to protect all facilities, including health facilities, threatened by crime or violence. I disagree. We must send a strong message to local communities that we will help them enhance health car clinic security.

So today, let us put teeth in that law we passed last year. Let us help local law enforcement agencies stop the killing, the violence and the fear-mongering. Let us pass the Schroeder amendment.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentlewoman for her statement, and I think you drew the distinction that the other side is not drawing. That is that this is a constitutional American right that is being criminally attacked, and this is trying to get resources to the local level. That is why it is different than the average shopping mall and other places where we want to help, too. But this should be done.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 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.

Mr. Chairman, before I get started, I want to first of all associate myself with the remarks of the chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], and also point out very clearly that this debate should not be framed in any shape or form as endorsing violence outside abortion clinics or any other place, for that matter.

But I see beyond the rhetoric of this debate two very real problems with this amendment, and I want to point them out for my colleagues who will look beyond again the rhetoric of the debate on abortion and whether you are for or against it.

This measure, first of all, clearly duplicates the amendment that was offered by our colleague, the gentleman from New Mexico [Mr. SCHIFF], yesterday. It duplicates it in the sense that it talks about facilities that are public, and clearly the local law enforcement officials have an interest in protecting the security of such institutions.

Second, I see more of an alarming problem, in that this Schroeder amendment goes beyond the Schiff amendment in that it seems to give authority, as the gentleman from Florida [Mr. MCCOLLUM] has pointed out, to use public funds to go into a private business, if you will, and put bullet proof glass, security cameras or whatever. As I understand it, that is how I read that.

Certainly, as the gentleman from Illinois [Mr. HYDE] so eloquently pointed out, there are other environments where murders are committed at a higher rate, and we are not authorized by law to spend public funds to put bullet proof glass in taxicabs or convenience stores that are robbed. I think one a night somebody is killed in those somewhere around the country.

Those particular issues, the fact that it duplicates the Schiff amendment and its seeks to authorize public funds in the private institutions, really bother me also.

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

Mr. BRYANT of Tennessee. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. In the Schiff amendment, it does not say public facilities. It is exactly the same as mine.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in strong support of the Schroeder amendment. The violence and lawlessness surrounding these health clinics is getting out of hand and it must be stopped. I can speak from a personal experience because in the State of Oregon, an antiabortion group has created what they call a deadly dozen list.

On that list are 12 physicians. The escalating harassment that I will show as a result of this list is a coordinated effort, and it is led by extremists. Of that list of 12 doctors who are practicing legal medicine, three are in my home city, five of those doctors have already been either shot at or they have been shot.

This is extremism of the worst kind, because these extremists do not respect the law of the land. And it is fine for Members on this floor to talk about how concerned they are. But this amendment makes us put our money where our mouths are.

We must vote to protect our own constituents who are patients and doctors. They are exercising their constitutional rights. This will help our police forces do the job that they want to do, and this will mean that the women of this country can go to those health clinics without fear of violence.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to this amendment because I believe that the block grant format that governs the expenditure of these funds clearly allows communities to expend funds for the purposes encompassed in the amendment of the gentlewoman from Colorado.

On the other hand, I think her concern that we have not sufficiently addressed the problem of the kind of violence that is occurring at this time in our history around health clinics in certain communities is well taken.

Later my colleague, the gentleman from Maine [Mr. LONGLEY], will introduce an amendment that not only goes to the violence around medical facilities, but the violence that has plagued some health research facilities, that sometimes is a threat to shelters for abused women and things like that. That is a more comprehensive amendment that addresses the kind of violence that occurs at, in a sense, institutions that have become lightning rods in communities.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I hope the gentlewoman looks at what we did do in committee. One of the good things we did was we had added language that would allow money to go to help with domestic violence, violence against women, and so forth, but we did not do this specifically. The thing that I worry about is when you look at that map, what we need is a clear message to localities to make them feel empowered to move on this.

So I really think that we listed everything, except we did not want to say the women's reproductive health care clinics. That was not listed specifically, and that is all we are trying to do in here, is give it the same leverage we are giving everything else.

So I think you will find most of the things that you listed would be covered. We just want this one to be specifically listed, because it is a Federal right and it did seem to be ignored.

□ 1520

Mrs. JOHNSON of Connecticut. Certainly it is true that we have done a lot of good work on the issue of violence against women. It is not my understanding that there is a specific listing in this bill that addresses those kinds of institutions, and I think, we think that our amendment will be far more specific and cover the concerns that the gentlewoman has brought forward.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN].

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

Mr. MEEHAN. Mr. Chairman, the fact is, earlier this year two people were gunned down in cold blood and three were wounded at a family planning clinic in Brookline, MA. The suspected killer, John Salvi, is unrepentant, and he has been hailed as a hero by some antiabortion extremists. Outside of his holding cell in Virginia activists were chanting, John, we love you. Thank you for what you did.

When we look at the statistics for the Bureau of Alcohol, Tobacco and Firearms, or talk to the staff of Planned Parenthood in our districts, we will see that the Brookline incident is not an isolated case of violence. Family planning centers across this country have become targets of an orchestrated campaign of arson, vandalism, and sniper attack, and our districts are no exception.

The threat is so serious that the Justice Department released security tips for clinics in response to the Brookline shootings, advising staffers to circle around the block once before going home to see if anyone is following them.

Clinic staffs are advised to check all packages for oily stains or peculiar odors of almonds or shoe polish. They are living in a war zone, for daring to protect a legally protected constitutional right for American women.

This amendment is not about abortion. It is about terrorism. It does not matter if one is pro-life or pro-choice or Democratic or Republican. If you believe in standing up to terrorists, vote for the Schroeder amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I think that violence is terrible. And to the best of my knowledge any time it is invoked unlawfully, it involves a violation of constitutional rights.

I am concerned about this amendment, and I speak in opposition to it. I think it is overly specific. I think it is restrictive of local and State authority and, frankly, I do not think it deals with the full spectrum of violence that needs to be addressed.

Where is the language about schools? Where is the language about religious institutions and hate crimes? Where is the language about public housing complexes and the terrible crimes that have been taking place in those areas? What about shelters for abused women or other facilities?

I think that the issue before us is adopting language that will be less restrictive in terms of the violence and interference with constitutional rights that it seeks to prevent and, furthermore, providing the broadest possible discretion to State and local law enforcement authority to take the preventive measures and actions that they feel are necessary.

On principle, I have had a great deal of difficulty supporting the issue of an expanding Federal involvement in the area of crime. To the extent that we are going to do so, I would rather see legislation that will empower State and local law enforcement authority to act on the broadest possible level and give them as much discretion as possible. On that basis, on the defeat of this amendment, we will be offering a substitute amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ]

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

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of this amendment. In a time when pro-life advocates seem to have taken it upon themselves to play God, this legislation could not be needed more. Five murders in Massachusetts, a bombing in Virginia, a violent assault on a doctor and his escort in Florida, a murder of a respected specialist in Florida—the list goes on and on.

These are just a few of the examples of the violence that takes place daily in family planning clinics all over this country. This amendment would help in preventing these terrorist assaults from occurring.

Now, some critics on the other side of the aisle might say that this amendment, itself, violates their first amendment rights to free speech and picketing. Well correct me if I'm wrong, but the last time I read the first amendment, it did not state that Americans had the right to burn, bomb, murder, and assault.

It strikes me as ironic, that these pro-life terrorists, whose soul purpose is to save a life, can so easily justify their reasons for taking one away. It is truly baffling. What most people don't know, is that these clinics are used mostly by women for mammograms, breast checks, pap smears, family planning information, and a whole range of services.

Mr. Chairman, pro-life extremists have left us no choice. These measures must be taken so that women all across the United States can take advantage of what is their constitutional right. I urge Members to vote in favor of this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. MOLINARI].

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

Let me state as quickly as possible that I commend the gentlewoman from Colorado for doing all she can to focus our energies and our attention in using this crime bill debate to zero in on those areas of our Nation that need additional police protection and perhaps a consciousness raising of all our American community. And clearly, health care clinics hits the top of that list.

However, I do believe that in discussing that, in listing health care clinics and medical facilities, that we do make a mistake in not serving to expand that to include other areas like schools, as already in there, religious institutions, additional medical and health facilities, as my colleague from Connecticut mentioned, where valuable medical research oftentimes takes place and is plagued by random violence. Shelters that in some ways in the language are covered, but we need to get more specific to say that we need police protection in areas surrounding where shelters are for children of child abuse and women of domestic abuse.

We do need to focus. We do need to expand. We need to make sure that this crime bill sends a message to health care clinics and then beyond.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I commend the gentlewoman from Colorado [Mrs. SCHROEDER] for bringing this matter to the attention of the House.

I am speaking on this matter because I believe it is a civil rights matter as well. The Republican block grant sweeps the threat to doctors, clinics, nurses, and women who choose to elect their right to choice under the table. This brings it out.

I am hoping that regardless of where Members fall on the question of abortion, that this protection will be specifically delineated in the crime bill that comes out of this House.

I think it is time that we bring the protection of the law to all of the people. The medical profession is now being terrorized out of doing their job. There are doctors now that are afraid to work in these clinics because they know their life and their families are threatened.

Let us support their civil rights and all of ours at the same time.

Mr. MCCOLLUM. Mr. Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 2½ minutes remaining, and the gentlewoman from Colorado [Mrs. SCHROEDER] has 7½ minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I have one speaker remaining, and I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from California [Ms. HARMAN].

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

□ 1530

Ms. HARMAN. Mr. Chairman, as a previous speaker has said, it is a shame we have to raise the debate on abortion over and over and over again. The gentleman is right. It is a shame, but it is necessary. A constitutional right is not a right if it cannot be exercised.

The Freedom of Access to Clinic Entrances Act, which I strongly supported, Mr. Chairman, was intended to guarantee the right to choose, but the resources to secure that right are lagging. That is why we need the Schroeder amendment.

The Schroeder amendment allows local law enforcement block grant funding to be used to increase security at our country's reproductive health care clinics. The amendment does not stand in the way of flexibility, it simply permits local law enforcement to allocate the necessary resources to stop violence at these clinics. In my congressional district, OB–GYN physicians who perform legal abortions have called on me to help stop the violence. By passing the Schroeder amendment today, we will take a critical step toward protecting these doctors, their families, their patients.

Mrs. SCHROEDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of the Schroeder amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY].

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

Mrs. MALONEY. Mr. Chairman, I thank my colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], for offering this amendment. Time and again she proves why she is a national treasure in protecting the safety and welfare of women, children, and families.

Throughout the week we have been talking about fighting violent crime, Mr. Chairman. I think murder would fall into that category. Roe versus Wade was handed down 22 years ago, but over the past 23 months, five people have been killed and countless others injured at abortion clinics.

Mr. Chairman, anti-choice extremists are attempting to accomplish through intimidation and terrorism what they cannot accomplish in a court of law. As a result, the constitutionally protected right to choose is being eroded away. A large majority of the American people support a woman's right to choose, but the right to choose is meaningless without the access to choose. In 83 percent of the counties across America, Mr. Chairman, not a single physician is willing to provide abortion services. Why? Because they fear for their very lives.

Mr. Chairman, this is not a question of whether we are pro-choice or anti-choice, it is a question of whether we are pro-violence or anti-violence. It is a question of whether we truly believe in law enforcement, or only enforcement of the laws we agree with. Support this amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Vermont [Mr. SANDERS].

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

Mr. SANDERS. Mr. Chairman, I rise in strong support of the Schroeder amendment. There are some Members in Congress who are pro-choice, and I am one of them. There are others who are anti-choice, but there should be no Member of Congress who is tolerating the kind of outrageous violence that is taking place all across this country against doctors, nurses, and personnel in clinics that are performing abortions.

Mr. Chairman, this legislation is terribly important because it sends a signal to the entire country that the U.S. Congress will not tolerate for one moment the calculated and organized reign of terror which is existing today against those people who are helping women take advantage of their constitutional rights to choose abortion. That is what this issue is about.

Let us send a message loud and clear, Mr. Chairman, throughout this country that we will not accept this violence, and we will protect a woman's right to choose.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE], a new member of the committee.

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

Ms. JACKSON-LEE. Mr. Chairman, I rise to support the amendment sponsored by the gentlewoman from Colorado [Mrs. SCHROEDER] because, Mr. Chairman, this is not a question of pro-choice, it is not a question of one's religious beliefs.

It is, unfortunately, a question of murder; of individuals who are not protected as they go about their responsibilities and their business in this Nation. It is just simply a reaffirmation that what is done at women's health clinics is legal. It is constitutionally legal. Yet, we have two young dead women. We have doctors who have lost their lives.

That, in fact, raises a question of being able to ask ''Do we have a real crime bill, or do we have a make-shift paperweight, fearful of doing what is right?''

In October 1993, an arson and bombing attempt, West Loop Clinic, Houston, TX; July 1, 1993, bomb threat to North Park Medical Group; March 1993, chemical tear gas attack on Dallas Medical Ladies Pavilion; February 15, 1993, arson destroyed a reproductive services clinic.

Mr. Chairman, we need to have the kind of support that the Constitution gives. I support the Schroeder amendment. Let us vote for liberty and freedom.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime of the Committee on the Judiciary.

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

Mr. SCHUMER. Mr. Chairman, let me compliment the gentlewoman from Colorado [Mrs. SCHROEDER] for introducing this amendment.

Mr. Chairman, let me talk about it from two perspectives, one as author of the clinic access bill, which is now law, and second, as an active person on this crime bill.

Mr. Chairman, they say ''Why do we need to mention the clinics specifically?'' They say ''Why not schools, why not housing projects?'' I have heard all sorts of things.

I will tell the Members why. There is one specific reason. It has nothing to do with pro-choice, pro-life, et cetera. It is because there is a concerted effort in certain localities, in all the hearings we held in the Subcommittee on Crime in the last 2 years, there is a concerted effort by some localities not to protect these clinics. There is a concerted political attack that says ''Don't protect them.''

That is not true in 90 percent of America. In 90 percent of America, or 95, the localities are protecting them. It is a constitutional right. However, in some they are not.

I would argue to my colleagues, Mr. Chairman, that in those cases it is more important to specifically delineate a clinic and show law enforcement officers and others that this is perfectly acceptable, since there is a campaign of attack against them, since there is political resistance against them, than it would be anywhere else.

There is no resistance, there is no mass movement, that says ''Do not protect housing projects.'' There is no mass movement that says ''Do not protect schools.'' There are not people sitting in front and blockading animal clinics, even at this day. However, there is a concerted movement here. That is why we need this language.

I would urge support for the Schroeder amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 2 minutes.

Mrs. SCHROEDER. Mr. Chairman, I end where I began, looking at this chart.

Mr. Chairman, the right to have access to family planning clinics is a Federal right. It is a constitutional right.

Mr. Chairman, I feel badly if we have violence outside clinics, but we are not protecting bunny rabbits federally. We are trying to do it federally, but not at the constitutional level. Besides, we do not see a huge national conspiracy around this.

We see all sorts of tap dancing around this issue, where nobody wants to really do the real thing, which is this amendment, and put it on-line.

What have we heard? We have heard, first of all, that some people do not like my amendment because it does not have the word ''public'' in it, and they are all saying they like the amendment of the gentleman from New Mexico [Mr. SCHIFF].

However, the amendment of the gentleman from New Mexico does not have ''public'' in it, either. It says ''In and around any other facility or location.'' They say ''facility or location,'' but they do not want to say ''a clinic.''

We know they can go to facilities or locations. That is what the block grant is about. It is to help localities fight generic crime. However, where we are really behind is supporting on this federally protected right that women have missed. Women know that if there is a right without a remedy, there is no right.

What we are seeing here is we are losing this right, because even though they cannot attack it head on, because they are afraid Americans would roll it back, they have found another way to wink at it. That is by allowing people who are taking the law into their own hands, by people who are intimidating, who are targeting violence, and I cannot believe that this body is not willing to deal with that.

□ 1540

All you have to do is put these words in, that a locality can use some of the funds to help protect women's reproductive health clinics that are under siege.

Please, please support this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield the balance of the time on this side to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] is recognized for 2½ minutes.

Mr. SMITH of New Jersey. I thank my friend for yielding me the time.

Mr. Chairman, every day inside abortion clinics throughout America, babies are dismembered and chemically poisoned and their mothers wounded emotionally and sometimes physically. Each and every day 4,000 children are killed by abortionists. I hate violence, Mr. Chairman, whether it be violence against unborn babies or the violence that is visited upon their mothers.

Even though I detest what they do, I nonetheless deplore any violence against abortionists.

Members might recall that I authored the FACE substitute last year that would have imposed very stiff Federal penalties against anyone who uses force or threatens to use force against abortionists, clinic personnel, or pro-lifers.

But let me make it very clear, Mr. Chairman, abortion mills are not privileged entities. They are not privileged characters. The purposes that are delineated in H.R. 728 relate to police who will serve the entire community, schools that also provide a basic service to a larger community, drug courts and neighborhood watch programs.

Abortion clinics, abortion mills, despicable as they are, are private facilities. 7-Eleven stores, grocery stores, and other private operations have a much greater exposure to violent activities than abortion mills. The statistics bear that out. My friend from Illinois and others have pointed this out during this debate. Abortion mills make millions of dollars. They don't necessarily need a huge Federal subsidy. Yet, and I want to make this very clear, under the terms of the amendment of the gentleman from New Mexico [Mr. SCHIFF] which was adopted yesterday, local law enforcement officials could enhance security measures around any facility, including an abortion mill, if the proper outpatients deemed to have a special risk for incidents of crime. If we are not singling out banks with their very high risk and grocery stores and, as has been pointed out, even taxicab drivers for special protection, I would submit it is entirely inappropriate to single out abortion mills for this kind of treatment. Special risks are going to vary from community to community. It runs counter to the purpose of this legislation to start itemizing, having a higher order, a pecking order, if you will, and to say that some private facilities should receive public funding and others should not. That ought to be left to the local level.

I urge defeat of the Schroeder amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

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

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 266, not voting 4, as follows:

[Roll No. 125]

AYES—164

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Blute
Boehlert
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—266

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Borski
Brewster
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
Cooley
Costello
Cox
Cramer
Crane
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
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
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

Becerra
Crapo
de la Garza
Matsui

□ 1600

Mr. WILSON and Mr. GILMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOKE

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

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. HOKE. No, it has not, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOKE: Beginning on page 3, strike line 8 and all that follows through page 4, line 10, and insert the following:

''(B) Enhancing security measures—

''(i) in and around a school, religious institution, medical or health facility (including a research facility), housing complex, shelter, or other facility or surroundings where a threat to law and order exists; and

''(ii) if the threat of violence or other unlawful or criminal activity, in the opinion of law enforcement officials, requires the use of funds under this title for personnel, materials, or other security measures to carry out the purposes of this title.

''(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, programs intended to prevent juvenile crime, and drug abuse resistance education.

Mr. HOKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. VOLKMER. Reserving the right to object, Mr. Chairman, do we have a copy of the amendment on this side? Do we have more than one? I would like to take a look at it. It may perhaps preclude an amendment I had planned to offer, and I would like to see it.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. HOKE. Mr. Chairman, I yield to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I think it is clear to all of us that violence of any sort must be and should be condemned, and condemned in the strongest possible terms, and if we are going to deal with violence in this country, let us deal with it on a basis that is consistent with the interests of all Americans, including other problems that relate to violence.

I mentioned earlier in my opposition to the Schroeder amendment the fact that we have had a tendency in this country, in this city to attempt to micromanage on every detail on the State and local level.

Mr. Chairman, we need language that will deal with violence in any form and maximize the authority of State and local authorities to deal with it on a basis that is consistent.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BONIOR. Mr. Chairman, it is my understanding that there are at least on our side of the aisle about seven Members who have amendments who wish to offer amendments this evening, and the time limitation for 45 minutes is in effect.

I do not know how many amendments our colleagues on this side of the aisle have. The gentleman from Nebraska has one.

Is there some way we can get a proportion of time divided so each individual who has an amendment at least can state what he or she wishes to offer, and then perhaps we could roll the votes on all of these at the end of the time limit?

The CHAIRMAN. The Chair would be willing to entertain any proper agreement from both sides in that regard. There are some limits to what the Committee of the Whole can order, and certainly the Chair is not going to unilaterally impose that decision.

Mr. BONIOR. Further requesting a parliamentary inquiry, Mr. Chairman, I would just suggest to my friends on this side and this side of the aisle that in fairness to everyone who has an amendment, if we could split the time equally and then roll the votes at the end for those votes that are ordered, we might have a fair process here.

I do not know. I have not frankly even talked to my dear colleague from Detroit about this.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, we have nine amendments including one——

Mr. HOKE. Mr. Chairman, reclaiming my time. Is this on my time, or is this a parliamentary inquiry?

The CHAIRMAN. The gentleman from Ohio does have the time. The gentleman from Michigan made a parliamentary inquiry and was recognized for that purpose.

Does the gentleman no longer yield time for that purpose?

Mr. HOKE. No. I do not. I reclaim my time.

The CHAIRMAN. The gentleman reclaims his time.

Mr. HOKE. Mr. Chairman, I further yield to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, as I was saying a minute ago, violence of any sort is and should be condemned, but I think we are making a grave mistake if we take one form of violence and attempt to exalt it over other forms. We need to deal with all forms of violence.

I am certainly sympathetic to the issues concerning the health clinics and the violence and the threats of violence that have taken place. I would submit in States, and particularly my own State, the threats are being dealt with effectively and in a manner that does not polarize the issue, and it involves those who support pro-choice as well as those who are pro-life.

The language we are offering seeks to include violence that might involve schools, religious institutions, medical and health facilities, but also housing complexes, shelters, particularly shelters that might house abused women or any other facilities or surroundings where a threat to law and order exists.

And so we have designed language that is deliberately broad and encompassing to any threat to law and order or the constitutional rights of men and women in this country.

And, secondarily, that where that threat exists, that if in the opinion of State or local enforcement authority that funds within the bill may be provided for personnel, materials, or other security measures, that may be construed as fulfilling the purposes of this act.

We do not seek to limit the language to any particular item. We want to provide as much authority on a broad basis to State and local authorities to use these funds in a manner that will accomplish the purposes of the act.

□ 1610

And I want to come back to a point that I made earlier. I am going to be supporting H.R. 728, but on a reservation; that reservation being that when the Federal Government is having the financial problems that it is having, particularly the threat to Social Security funds and other major responsibilities of the Federal Government, I have a hard time seeing how we are continuing to further a Federal extension of authority into areas of State and local law enforcement.

But if we are going to do it, let us do it on a basis that is broad, but also a basis that provides as much discretion as possible to local and State authorities.

Mr. HOKE. Mr. Chairman, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, did I understand that the gentleman from Maine [Mr. LONGLEY] is offering this as an amendment?

The CHAIRMAN. It is an amendment by the gentleman from Ohio [Mr. HOKE].

Mrs. SCHROEDER. Mr. Chairman, is the gentleman from Ohio offering what the gentleman from Maine was talking about as an amendment, and that is the language we have in front of us? If so, then I am really kind of amused by this because the people on the other side of the aisle first of all said my amendment was not needed because the Schiff amendment, from New Mexico, covered everything, it was terrific. Then they voted against my amendment, and now they have come with an amendment that is my amendment. I mean it basically is talking about women's health clinics. So terrific, they threw some other things in I guess kind of a deflection to try to make it look like it is even more generic.

I think the women's health clinic is absolutely essential to have in there, as they have in there, have because it is a Federal constitutional right that is eroded. But I find this really very, very interesting, and it is fascinating how they are trying to tap/dance around this.

I think it is very confusing. I think it is a shame everybody could not have just voted for the amendment we have in front of us. As I read the two amendments, there is absolutely no difference except they threw a couple of more things in. I find that quite astounding.

AMENDMENT OFFERED BY MR. VOLKMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOKE

Mr. VOLKMER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER as a substitute for the amendment offered by Mr. HOKE: Page 6, line 10, strike ''or'',

Page 6, line 11, insert ''or'' after ''yachts;'' and

Page 6, after line 11, insert ''(6) any police or security for abortion clinics.''

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

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

Mr. DELAY. Mr. Chairman, reserving the right to object, and I probably will not object, but this is the first we have heard of a substitute.

Mr. VOLKMER. No, the gentleman has had it at the desk, right over there. If the gentleman will yield, the staff has had it for the last 15 or 20 minutes. It is not named as a substitute. It is named as my amendment. It looks like I will not be able to offer it as an amendment, so I am offering it as a substitute.

Mr. DELAY. Has this been cleared with the leadership?

Mr. VOLKMER. With whose leadership, Mr. Chairman? You mean I have to ask? Come on, now.

Mr. DELAY. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] has the time. Did the gentleman from Texas object?

Mr. DELAY. I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue reporting the substitute amendment.

The Clerk completed the reading of the amendment offered as a substitute.

Mr. HOKE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved on the amendment.

The gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman and members of the committee, we have been beating around the bush on an issue that the majority does not want to address. And that is, should funds be used to protect, give security, police officers and everything else, to thwart pickets who are pro-life trying to inform people who are going to have abortions at these clinics that they should not be able to have those abortions?

We had this fight last year when we had the fight over the access to the abortion clinics bill. As one who strongly opposed that bill and feels that it should be repealed, I feel this is wrong to have in this bill an attempt by the majority to fund police officers and security so that people who picket these clinics will end up in jail. And therefore this amendment just says that none of these funds can be used to provide security police for the abortion clinics.

This is strictly, I think, a proper thing to do. I would hope that the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Ohio [Mr. HOKE] would accept the amendment. I believe by doing this we are going to preserve more lives of the unborn than anything else we have done so far and anything you can do in this bill. Because what I think you are going to do in this bill is you are going to help provide abortions and get rid of a bunch of unborn children.

Mrs. SCHROEDER. Mr. Chairman, would the gentleman yield?

Mr. VOLKMER. I would be glad to yield.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman taking out the very part that I have been trying to get in? Is that what the gentleman is doing? They finally come around to our side, and what is the gentleman doing?

Mr. VOLKMER. Basically, I am saying the opposite of what the gentlewoman is saying.

Mrs. SCHROEDER. That is exactly what I thought the gentleman was saying. So, in other words, the gentleman wants to get some of this money go to help protect these reproductive clinics, and what the gentleman is saying is he wants to amend it so that it covers everything but that.

Mr. VOLKMER. That is right.

Mrs. SCHROEDER. So the gentleman is trying to gut their amendment.

Mr. VOLKMER. I am not trying to gut their amendment. I am offering a substitute. I am trying to be straightforward about the whole issue, not beat around the bush.

Mrs. SCHROEDER. The gentleman is being perfectly clear.

Mr. VOLKMER. I mean, they have been all day long beating around the bush. They are acting like nobody is really going to go for these abortion clinics, we are not going to help them out at law. We are not going to do anything to help them out.

Of course, really, it does, but we really we do not want to say so in the bill. And you would be surprised how many Members I have talked to who, when I tell them there is funds in here to provide security for abortion clinics, I hear, ''Oh, no, that is not in here. That is a Pat Schroeder amendment. Pat Schroeder is going to do that.''

Well, folks, no. The money is already in here for it, it is there. All the gentlewoman from Colorado is trying to do is to say let us focus on it. Let us focus on it.

That is what my amendment does. Now, do you want to provide security for abortion clinics, or do you not? That is the substitute, folks. I hope the gentleman from Ohio will let us vote on it.

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

The CHAIRMAN. Does the gentleman from Ohio [Mr. HOKE] continue his point of order?

POINT OF ORDER

Mr. HOKE. Mr. Chairman, I insist on my point of order that the substitute is not germane. The Hoke amendment provided for specific purposes for which the funds in the bill can be used, whereas the Volkmer amendment only provides for prohibitions for which the funds cannot be used. Therefore it is not germane, and I insist on the point of order.

The CHAIRMAN. Does the gentleman from Missouri wish to be heard?

Mr. VOLKMER. Mr. Chairman, the substitute is in order because it does provide for an amendment to a proper section of the bill that is at the present time before the House, just as the gentleman's amendment is before the House. It does not have to be just to his amendment. It can be to other sections of the bill just as well.

The CHAIRMAN (Mr. GUNDERSON). Does any other Member desire to be heard on the point of order? If not, the Chair is ready to rule.

In response to the point made by the gentleman from Missouri, the test of the germaneness is the relationship of his amendment to the amendment before the committee at the time, not to the underlying bill. With regard to the point of order raised by the gentleman from Ohio, a substitute addressing prohibited uses of funds is not germane to an amendment addressing permissible uses elsewhere in the bill, based on the precedents of the House.

Therefore, the Chair sustains the point of order.

The amendment, therefore, is out of order.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it appears to me that the minority is bound and determined that they are not going to vote on this issue because they know that with the timeframe that we have left and the number of amendments we have left—and I am not on the Committee on the Judiciary—they just do not want to vote on this issue.

It is very clear to me that they want to run and hide from the question of providing security for abortion clinics. They do not want to save these unborn children, there is no question about it. There is no question in my mind that

they are willing to let them go, let them die, and not even vote on this amendment.

□ 1620

So, Mr. Chairman, if I have time before the time runs out, I will offer the amendment that is in order by itself to the bill, and if I do not have time and they will not give me any time, that tells me that they really do not want to take up this amendment at all. They are scared to death of it.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say to my friend, the gentleman from Missouri [Mr. VOLKMER], I think he is making, in my judgment, a mistake. I think what he is doing is sequestering again abortion facilities and saying they are different from other places.

Under our bill, if the local authorities see that the peace is going to be disturbed, there is a threat to the peace, no matter what the place is or what it does, they have a right to send police there to protect the public safety. If it is an abortion clinic or not, if it is a church, they have a right to protect the public safety. I believe that is their constitutional duty, and the gentleman knows how I feel about abortion clinics. But people have a right to exercise their constitutional right.

Now I suggest to the gentleman that we do not need any more amendments. The Schiff amendment is in place, and it says the local authorities may send police or protective devices or whatever is required wherever they see a threat to public safety, and that ought to cover the abortion question, the bank question, the convenience store and the school.

So, I wish the gentleman would not elevate out of the mainstream abortion clinics because they do not deserve it, and I think the gentleman is doing the same thing the gentlewoman did, only in a negative way.

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

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

Mr. VOLKMER. To be honest with my colleagues, Mr. Chairman, I am quite disappointed from the gentleman from Illinois because I well remember last year, as we debated the access to clinics bill, and we were on the same side on that issue.

Mr. HYDE. Sure.

Mr. VOLKMER. Mr. Chairman, we were opposed to that bill that basically is not doing anything different from what they are doing right here. There is no difference.

Mr. HYDE. Mr. Chairman, would the gentleman let me reclaim my time?

Whenever there is a threat to public safety, if it is in the lobby of a church, if it is around an abortion clinic, if it is in my home, I want law enforcement to be there to protect innocent people.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, I would just ask the gentleman: I thought I heard him say because we had the Schiff amendment we did not need any further amendments on this subject.

Is the gentleman then opposing the amendment offered by the gentleman from Ohio [Mr. HOKE]?

Mr. HYDE. Yes, I am.

Mr. FRANK of Massachusetts. The gentleman is going to vote against the Hoke amendment?

Mr. HYDE. Yes, sir. I hope there is no doubt in the gentleman's mind. Affirmative, yes.

Mr. FRANK of Massachusetts. I thank the gentleman. I was razzle-dazzled there for a minute.

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

Mr. HYDE. Of course I yield to my comrade in arms, the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I am a little disappointed because I see this fight as the same fight. I do not see a difference between the two, and perhaps later on we can discuss the distinction between the access bill of last year and what we are doing here.

Mr. HYDE. Mr. Chairman, we cannot protect people who violate the law, no matter what their motives are. I say, ''You may not do evil that good may result, and violence has to be stopped whether it's in front of abortion clinics or somewhere else.''

Mr. VOLKMER. This is the question, whether they are going to use Federal tax dollars for the purpose of assisting and protecting the clinics. That is what it amounts to. Last year we passed a bit that protected——

Mr. HYDE. That is the law, though. That is the law unfortunately. The gentleman and I voted against it, but it is the law, and the gentleman and I are sworn to uphold the law.

Mr. VOLKMER. Wait a minute now. I do not want to get into this too far, but we do have the Constitution, and the Supreme Court has spoken in Roe versus Wade, and that is a law that I sure ''ain't'' going to follow, and I want the gentleman to understand that.

Mr. HYDE. Well, I am going to resist it. I am going to say it may be the law, but it is not good morality, and its lousy policy, but it is the law, and we are sworn to uphold the law. But let us fight to reverse it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I wish to speak in support of the amendment offered by the gentleman from Ohio [Mr. HOKE], and in regard to my friend, the gentleman from Missouri, I would say that I have a very strong record in support of women having the right to make decisions for themselves and strongly supported the clinic access bill. But I think this bill, which is a bill that provides money to local towns and cities to fight crime at the local level, ought to be as broad as possible and yet at the same time make absolutely clear that communities have the right to use these funds to target their resources at any institution that for whatever reason may be under particular pressure or fire.

In recent years it has been abortion clinics. In preceding years in my communities it was synagogues in certain towns. In other times there have been medical research facilities that have been the targets of bombing and terrorist activities.

So, I think it is very appropriate that we enlarge the underlying bill that mentions school to also include a number of other types of facilities that sometimes do require the mobilization of specific resources to repeal threats of violence that emanate from vicious, hateful beliefs and feelings, but represent an extraordinary threat to both the people and the facilities.

So Mr. Chairman, this amendment does say in and around a school, religious institution, medical or health facility, including a research facility, a housing complex, a shelter, because certainly shelters for abused women, if they become known, can become the target of exactly the kind of violence that we have seen develop around abortion clinics and other facilities that are surrounding where a threat to law and order exists, and then it explicitly allows, and this is the point of the preceding gentlewoman from Colorado's amendment. She fears, if we do not specifically use resources, that local elected officials will feel reluctant to use Federal tax dollars for these purposes since we do not allow, for example, the use of Federal tax dollars to provide perfectly legal medical procedures for Medicaid recipients.

So this bill does very clearly say that, if there is a threat of violence, or unlawful or criminal activity in the opinion of the law enforcement officials and local people, that the money can be used for personnel, materials, security measures to carry out the purposes of this act.

I think it is a good, solid amendment. I think its a thoughtful response. It is an effort on the part of many who believe that abortion should not be seen and abortion violence should not be seen as singular and unique, but that kind of violence that communities have a right to respond to.

So I am proud to support the amendment offered by the gentleman from Ohio [Mr. HOKE]. I think it is a strong addition to the bill. It enlarges on the Schiff amendment in a responsible way, and I urge Members' support of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HOKE].

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

RECORDED VOTE

Mr. HORN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 225, not voting 3, as follows:

[Roll No. 126]

AYES—206

Abercrombie
Ackerman
Allard
Armey
Baesler
Baldacci
Ballenger
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blute
Boehlert
Bonilla
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coyne
Cramer
Cunningham
Danner
Davis
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoke
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Reynolds
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weller
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—225

Andrews
Archer
Bachus
Baker (CA)
Baker (LA)
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonior
Bono
Borski
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Coburn
Collins (GA)
Cooley
Costello
Cox
Crane
Cremeans
Cubin
de la Garza
Deal
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Moakley
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—3

Becerra
Crapo
Matsui

□ 1647

Messrs. KASICH, LAHOOD, KIM, TALENT, and THORNBERRY changed their vote from ''aye'' to ''no.''

Messrs. LEWIS of Georgia, WELLER, GILCHREST, GILMAN, LAZIO of New York, and SHAW changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1650

AMENDMENTS OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

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

There was no objection.

Mr. VOLKMER. Mr. Chairman, have the amendments been printed in the RECORD?

The CHAIRMAN. The Clerk will report the amendments, not designate them.

The Clerk read as follows:

Amendments offered by Mr. MCCOLLUM: Page 18, line 4, insert ''State police departments that provide law enforcement services to units of local government and'' after ''among''.

Page 4, after line 19, insert the following:

''(G) Establishing cooperative task forces between adjoining units of local government to work cooperatively to prevent and combat criminal activity, particularly criminal activity that is exacerbated by drug or gang-related involvement.

Page 4, after line 19, insert the following:

''(G) Establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government, that works with Federal law enforcement officials to prevent and control crime.

Page 12, line 4, strike ''and''.

Page 12, line 7, strike ''101(a)(2),'' and insert ''101(a)(2); and''.

Page 12, after line 7, insert the following:

''(10) the unit of local government—

''(A) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under subparagraph (b) of section 101(a)(2), or any crime prevention programs that are established under subparagraphs (C) and (E) of section 101(a)(2), on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established;

''(B) Will conduct such an assessment with respect to each such enhancement of program; and

''(C) will submit an annual written assessment report to the Director.

Page 18, strike line 23 through ''poses'' on line 24, and insert the following:

''(c) UNAVAILABILITY AND INACCURACY OF INFORMATION.—

''(1) DATA FOR STATES.—For purposes''.

Page 19, after line 4, add the following new paragraph:

''(2) POSSIBLE INACCURACY OF DATE FOR UNITS OF LOCAL GOVERNMENT.—In addition to the provisions of paragraph (1), if the Director believes that the reported rate of part 1 violent crimes for a unit of local government is inaccurate, the Director shall—

''(A) investigate the methodology used by such unit to determine the accuracy of the submitted data; and

''(B) when necessary, use the best available comparable data regarding the number of violent crimes for such years of such unit of local government.

Page 8, line 13, after the period, insert the following language:

''Any amounts remaining in such designated fund after 5 years following the enactment hereof shall be applied to the federal deficit or, if there is no federal deficit, to reducing the federal debt.''

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

Mr. VOLKMER. Mr. Chairman, reserving the right to object, I would ask the gentleman from Florida what amendments these are that are being presented.

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

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

Mr. MCCOLLUM. Mr. Chairman, these are the amendments of the gentleman from Rhode Island [Mr. REED] dealing with State police departments being provided the opportunity to get some of the money in this from the smaller community program moneys

that may go back to the States on the reverter clause; the amendment offered by the gentlewoman from Connecticut [Mrs. KENNELLY] adding an additional cooperative task force; the amendment offered by the gentleman from Michigan [Mr. STUPAK] establishing a multijurisdictional task force as one, again, of the illustrative areas where the money can be spent in both cases; the amendment offered by the gentleman from Ohio [Mr. HOKE] with regard to assessing the impact of the enhancement of security measures under this bill by the local unit of government. It is all in the assessment amendment, with no mandatory nature of it.

There is an amendment offered by the gentleman from Ohio [Mr. HOKE] dealing with the accuracy of data, so we know we give discretion to the director to determine if the data is accurate that we are basing the grants on.

There is the amendment of the gentleman from North Carolina [Mr. WATT] about the reversion of the moneys in here to cover the deficit.

Mr. VOLKMER. Mr. Chairman, continuing my reservation of objection, I would like to comment that it appears that these will be the last amendments that will be permitted to this bill under the rule, so that the rest of us who have amendments pending will not be able to offer those amendments and have them considered in this House. That is because of this type of rule.

Mr. Chairman, I withdraw my reservation of objection.

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

Mr. BEREUTER. Mr. Chairman, reserving the right to object, under my reservation of objection I would point out to the House that there has been little or no opportunity for Members of the House who are not members of the Committee on the Judiciary to offer amendments to this legislation if they are not members of the Committee on the Judiciary. I think that is quite inappropriate.

Mr. Chairman, I would say to the gentleman under my reservation of objection, the distinguished chairman, for whom I have great respect, it is my understanding that he is not including my amendment printed in the RECORD, amendment No. 22.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will continue to yield, the answer is that is correct, simply because, to be honest, I disagree with the amendment.

However, as the gentleman knows, the time constraints out here were eaten up by the determination of a lot of Members to talk on two or three of these abortion-related amendments, and it was not, of course, our intent that that occur.

Mr. BEREUTER. Continuing my reservation of objection, Mr. Chairman, I would like to point out to the gentleman that under my reservation, I can object to the unanimous-consent request that all of these amendments the gentleman has listed are not read here on the House floor, and exhaust the amount of time.

Mr. BONIOR. Mr. Chairman, will the gentleman yield under his reservation of objection?

Mr. BEREUTER. I am pleased to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, would my colleague, the gentleman from Florida [Mr. MCCOLLUM] entertain a motion allowing the distinguished gentleman from Nebraska [Mr. BEREUTER] 1 minute to offer his amendment, and letting the distinguished gentlewoman from Oregon [Ms. FURSE] receive 1 minute to offer her amendment?

Mr. MCCOLLUM. Frankly, Mr. Chairman, if the gentleman will continue to yield under his reservation, I would prefer not to allow any more time for any other amendments. There are a lot of Members who wish to offer them. The clock is running. With all due respect to everybody concerned, there are other amendments that we would like to have had.

Mr. BEREUTER. Continuing my reservation of objection, Mr. Chairman, I think given the time considerations, I would say to the chairman, this Member does not think he was well treated by the process that was established here.

However, I want this process to move forward.

Mr. Chairman, I want the gentleman from Ohio [Mr. KASICH] to have an opportunity to offer his amendment, so I withdraw my reservation of objection.

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

Mr. FRANK of Massachusetts. Mr. Chairman, reserving my right to object, I am not going to object, except I hope that after this display with the very able gentleman from Nebraska [Mr. BEREUTER] being shut out, and others, no one will ever again describe this cockamamie 10-hour thing as an open rule.

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

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, I just simply want to point out to the gentleman that even members of the committee have also been denied the right to offer amendments, and that during the course of debate on the rule itself we pointed out the insanity of including in the debate time the time for votes, which has consumed about 2 to 3 hours of the debate time that the other side has told the American people we have, and that the same kind of process is being built into the next rule for the bill that is coming forward tomorrow.

Mr. Chairman, it makes no sense on this bill, it makes no sense on any other bill, and I am hopeful that the majority will come to its senses and quit describing these rules as open rules, when in fact there are at least 20 or 25 Members around who still desire to offer worthy amendments and engage in debate.

Mr. SOLOMON. Regular order, Mr. Chairman.

The CHAIRMAN. Regular order is demanded.

Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Chairman, I am reserving the right to object.

The CHAIRMAN. The gentleman may not reserve the right to object after a demand for the regular order.

Without objection, the request of the gentleman from Florida to dispense with the reading is agreed to.

There was no objection.

Mr. SANDERS. Mr. Chairman, I rise in strong support of the Reed-Wynn-Baldacci-Sanders amendment. Crime is not just an urban issue, it is a rural issue as well. And in the State of Vermont when people in small towns and villages need help they rely on the Vermont State Police to come to their assistance. There are no local police.

Under the bill as it is written, moneys are allocated to municipalities under a formula. If a town's grant is less than $10,000 then that money goes instead to the Governor. He or she is then supposed to distribute that money to local communities but cannot use it for State police protection of those towns.

Mr. Chairman, this amendment would correct this problem. Under the amendment the Governor would be able to use the multiple small grants that come to him or her to fund the law enforcement activities of the State police.

I would like to have seen local police and State police be equally eligible for funding under this bill but I believe that this amendment provides some equity to small communities. This amendment also recognizes the dedication and bravery of State police officers in Vermont and across the nation.

I also want to express my appreciation to Representative REED. It is always a pleasure to work with him.

Mrs. KENNELLY. Mr. Chairman, many communities are faced with growing gang and drug-related violence. In these communities our constituents live in fear under the shadow of gang-related violence, not just in our cities. Often local law enforcement officials do not have the necessary resources to address the drug and gang problems that plague their communities. What often happens if a community is fortunate and the problem is bad enough, a Federal task force will begin. However, this is expensive, time consuming, and can be a drain on resources. My amendment will offer local law enforcement another option to combat gang and drug-related violence under the law enforcement block grant. My amendment would allow local communities to form a partnership by pooling their resources together to form a task force designed to combat drug and gang related crimes.

In my hometown of Hartford, the gang problem has continued to escalate. Last year a record number of murders were committed in the city, capped off by a killing spree over New Year's weekend during which five people were murdered and several others wounded by gunfire. It is times like these that the additional resources which a regional task force

could provide would be beneficial for local communities to fight crime.

Mr. Chairman, it is my understanding that the majority has reviewed this amendment and is willing to accept this language.

I thank the gentleman from Florida and I thank the gentleman from Michigan for their cooperation, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendments were agreed to.

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

The CHAIRMAN. Under the rule and the time limit set by that rule, no further amendments are in order.

The question is on the committee amendment in the nature of a substitute, as amended.

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

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 193, not voting 4, as follows:

[Roll No. 127]

AYES—237

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
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)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
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NOES—193

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NOT VOTING—4

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□ 1713

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

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

So the committee amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. LAZIO. Mr. Chairman, I rise in opposition to the amendment offered by the gentlelady from Colorado which would specifically single out the protection of women's health clinics as a use of these block grant funds. This bill would give communities the needed flexibility to deal with crime without Washington telling them how to do it. This amendment does not improve the bill. It is unnecessary and redundant.

This debate is not about whether this bill would allow funds to be used to protect women's health facilities. It already does and that is not in dispute. I strongly support protecting areas such as women's health clinics where people are threatened by senseless acts of violence. Those on the other side of the aisle know full well that the amendment offered yesterday by the gentleman from New Mexico [Mr. SCHIFF], which passed with overwhelming support, adequately addresses in general terms the issue of violence at women's health clinics, as well as at women's shelters, religious organizations, political organizations, and any other facility or location considered to be especially at risk to crime. I understand that there will also be an amendment later today offered by the gentleman from Ohio [Mr. HOKE], which I plan to support, that further highlights these general areas without focusing on only one. It is unnecessary and redundant to single out one single area. This is not good legislation.

We are about the Nation's business here. We here are engaged in a debate about the role of the Federal Government in fighting crime. This amendment is redundant and gets us off of focusing on the real issue for this legislation, the crime that plagues our Nation. Although I support a woman's right to choose, I do not support singling out this issue in a bill designed to allow localities who best understand crime determine how to address it.

Mr. PORTMAN. Mr. Chairman, I rise today in reluctant opposition to H.R. 728. There is no question that the epidemic of violent crime in America is one of the most serious concerns of all of our constituents—in inner cities, in suburbs, and in rural regions. Certainly, we must continue to strengthen our criminal justice system and require personal accountability on the part of the criminal. Strong measures must be taken to deter would-be criminals and to punish repeat offenders severely and swiftly. As an example, last week, I supported two bills passed by the House that strengthen the death penalty by limiting habeas corpus appeals and that ensure that evidence obtained in good faith is admissible in court. Congress plays an important and appropriate role in clarifying the application of these rights under the U.S. Constitution. I believe Congress must continue to act aggressively to combat crime wherever appropriate.

I feel, however, that H.R. 728, the Local Government Law Enforcement Block Grant Act of 1995, is bad policy in light of the Federal Government's limited role in fighting crime and in light of the very serious debt crisis in our country. I simply cannot justify spending $10 billion that the Federal Government does

not have for a function that truly is the responsibility of State and local governments. It seems clear to me that a more appropriate approach would be to free up more State and local dollars to allow them to fight crime.

That is why I have taken the lead on relieving States and localities of the burden of unfunded Federal mandates, that currently cost State and local governments tens of billions of dollars a year. That money could otherwise be used for essential services, including more community policing.

Asking taxpayers to send their dollars to Washington to be redistributed to local law enforcement agencies, through a political process and after administrative costs are incurred, makes little sense. Local communities should raise local dollars to meet what has always been viewed as a local responsibility.

Furthermore, the pressures on the Federal budget today are greater than ever before. With the commitment shown by passing a balanced budget amendment, Congress should be scrutinizing existing Federal programs to cut spending, not increase it as H.R. 728 does. If H.R. 728 passes, I assure my colleagues that I and others concerned about our crippling national debt will scrutinize the appropriations bills for this and all other legislation in order to make the cuts necessary to limit annual budget deficits so we can start to reduce the national debt.

For these reasons and because of my opposition to imposing Federal mandates on State and local governments, I also opposed H.R. 667, the Violent Criminal Incarceration Act.

Each local community has unique crime problems. Last week, Congress exercised its appropriate role by passing legislation clearly within its purview. I fear that efforts by the Federal Government, like H.R. 728, to assert control in areas that, under our Constitution, are clearly left to State and local law enforcement officials, will result in politicizing the crime issue, too much Federal control and an unjustified increase in our budget deficit. If this occurs, our constituents, our communities, our families, will be the ones who pay the price.

Mr. POMEROY. Mr. Chairman, I rise today in opposition to the bill, H.R. 728. This bill undermines the focus of our crime fighting efforts in last year's crime bill—putting more police on America's streets.

Mr. Chairman, under the crime bill passed last year grants for nearly 17,000 new officers have been awarded in 4 months. The speed of this process is remarkable. Simplicity is the key to the success of the current program, and I believe the downfall of the bill under consideration. Under last year's bill police chiefs and sheriffs in North Dakota had to fill out a one-page application to get funding for an additional officer and supply the DOJ with salary and benefit information.

This is in stark contrast to the bill under consideration where local communities must put together an advisory board made up of representatives from the police department, local prosecutor's office, local court system, local public school system and a local nonprofit, educational, religious or community group active in crime prevention or drug use prevention or treatment. The board must review the application, hold a public hearing on proposed use of funds, establish a trust fund to deposit Federal payments, utilize federally proscribed accounting, audit, and fiscal procedures regarding the funds, provide records to the DOJ for compliance review purposes, and finally make reports as required by DOJ in addition to the annual reports required under the act.

So what's been done here is a dramatic change in the process. Under the guise of local flexibility, the authors of this bill have taken a one page application for small jurisdictions, thrown it out the window and created a bureaucratic nightmare. Under a similar block grant program known as law enforcement assistance administration, a review found that one-third of all Federal funds were used to hire consultants. This newly created bureaucratic maze leads me to conclude a similar situation will emerge under this bill.

What further concerns me is that the formula in H.R. 728 disadvantages rural areas like North Dakota. Last year's crime bill recognized the fact that crime is growing at a faster rate in rural America than in the rest of the country. It contained specific language requiring that at least half of the money be reserved for jurisdiction under 150,000 in population. This bill contains no such provision, and in fact, is likely to considerably reduce North Dakota's share of crime fighting funds.

What's more, H.R. 728 provides no waiver provisions for the local match. While I believe a local match is good policy, there are some communities that will find even in the 10 percent match now included in H.R. 728 to be prohibitive. Under the current program, the Attorney General is provided with the authority to waive wholly or in part the local match requirement. The omission of this authority in H.R. 728 strikes another direct hit to rural America.

In my estimation, North Dakota is a net loser under H.R. 728, as are the great majority of congressional districts across this country.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to H.R. 728. It represents a departure from what has been argued from the other side of the aisle—give the people what they want. Last year's anticrime bill has provided nearly 8,000 communities, rural to urban and large to small, funds to hire 14,622 new police officers through the COPS program. These communities have submitted COPS requests because community-oriented policing has been shown to work to make neighborhoods safer. The American people do not want Congress to dismantle this much needed 4-month-old program by absorbing it into a giant block grant, without targeted allocations.

The National Association of Police Organizations has stated its strong belief that unless funds are given directly to law enforcement agencies for police hiring, the funds will be diverted elsewhere. The National Sheriffs' Association and Law Enforcement Steering Committee, which represents 450,000 law enforcement officers nationally, echoes NAPO's sentiments. The Police Executive Research Forum opposes H.R. 728 because it fails to require that funds be spent on community policing and will force police organizations to compete with every other community group or service agency that has some relation to public safety. H.R. 728 clearly symbolizes a ''pass the buck'' approach which will not ensure that Federal funds will go toward crime control and turns a deaf ear to local law enforcement experts.

H.R. 728 is also sending an appalling negative message to our young people by depleting funding for crime prevention programs. The get-tough crime provisions that have passed, in addition to this atrocious piece of legislation, are telling the youth of America that we will lock them up and punish them after they commit a crime, but we will deny that they need help before the crime occurs. Scientific research has demonstrated time and time again that violence is a learned behavior that can be stopped or reversed if caught early enough (Journal of the American Medical Association). Many of our children are taught to hurt others early in their lives because they are bombarded with messages in the media or through school that desensitize them to violence. Crime prevention programs in last year's anticrime bill have given our young people much-needed alternatives to violence.

Proponents of H.R. 728 allege that funds could be used for youth crime prevention programs, but the bill includes no such guarantees. Without these measures of accountability, crime prevention programs will disappear. Looking at actual trends, funds for prevention have taken a back seat to other local budgetary demands. More than half of all States did not plan to spend any money granted through the Byrne Law Enforcement Program on crime prevention (Bureau of Justice Assistance). We must work hard to change these archaic attitudes with which we treat crime; we address the outcomes—murders, assaults, rapes, robberies—and not the causes of crime.

H.R. 728 also lacks cost effectiveness. It costs $29,600 a year to keep one teenager in detention, according to the Office of Juvenile Justice and Delinquency Prevention of the Justice Department. Much-debated midnight basketball programs, which were praised as one of President Bush's Thousand Points of Light, cost roughly $3,000 to $4,000 per year and have led to reductions in crime rates. Such thriving antigang, drug treatment, after school, community service, and urban recreation programs entail a much smaller cost and substantially help our youth to rebuild their lives—in stark contrast to nonintervention, after-the-fact, punitive actions that come too late. It is unforgiveable to ignore the need for community investments that help our troubled youth in their struggle toward a decent life.

We cannot abandon another generation to the menancing hazards they inevitably encounter through life on the streets. One of every six suspects arrested in this country for murder, rape, robbery or assault is under the age of 18, and a large portion of their victims are other juveniles (FBI). Juvenile arrests for violent crime increased 50 percent from 1987 to 1991, twice the increase for persons 18 years-of-age and older (National Center for Policy Analysis). These are the Nation's children crying out for help!

It is a shame that we live in the greatest country on Earth, and yet we ignore the fact that violence is an American problem that starts with disgraceful conditions in which we allow our young people to live. The National League of Cities conference last year stated that the homicide rates for young men in the United States are between 4 to 73 times homicide rates for young men in any other developed nation. We acknowledged this problem and proved that we wanted to solve it through prevention programs in last year's anticrime bill. H.R. 728 would force us to backpedal on the valuable progress we have made thus far.

The Community Schools Youth Services and Supervision Program is working to make

schools centers of community life. This program encourages schools to become safe places where children and their families can participate after school, in the evening and on weekends, in such programs as academic enhancement, recreational activities and mentoring. H.R. 728 would exterminate this program.

The Family and Community Endeavors Program awards competitive matching grants to local education agencies or community-based organizations toward academic and social improvement of children at-risk for committing violence. H.R. 728 would decimate funds for this program.

The Gang Resistance Education and Training Program [GREAT] is a cooperative program through which the Bureau of Alcohol, Tobacco and Firearms has trained more than a thousand officers in 44 States as gang resistance instructors. This program has been in place since 1992. H.R. 728 would drastically reduce its funding.

These are only a sample of programs H.R. 728 would put on the chopping block. The bill does not make sense. It is wrong to fold COPS and crime prevention funding into a single block grant with no accountability measures. H.R. 728 must be defeated because it fails to help our law enforcement officers, our youth and our children.

Mr. RICHARDSON. Mr. Chairman, had I been permitted to offer this amendment under this restrictive rule, I would have proposed this amendment to H.R. 728, which would acknowledge the special relationship that the Federal Government has with the more than SSO Indian Tribes in this country. The bill as written would inappropriately turn over control and funding of vital law enforcement programs to States, or in other circumstances, force tribes to directly compete with local governments for funding. My amendment would prevent this from happening.

AMENDMENT TO H.R. 728 OFFERED BY MR. RICHARDSON

1. Section 101(f)(3) of the Bill is amended by inserting the words ''and tribal'' following the word ''local'', by striking the period at the end of the sentence, and adding the following: '', and the director shall take into account the extraordinary need for law enforcement assistance in Indian country.''

2. Section 104(b)(7) of the Bill is amended by inserting after the word ''local'' the words ''and tribal'' in the title.

3. Section 104(b)(7) of the Bill is further amended by adding after the period the following: ''If an allocation to an Indian tribal governments under paragraphs (3) or (4) is less than 10,000 dollars for the payment period, the amounts allotted shall be returned to the Director who shall distribute such funds among Indian tribes whose allotment is less than such amount in a manner which reduces crime and improves public safety.''

1. Section 102 of the Bill is amended by adding the following subsection:

''(d) INDIAN TRIBE ALLOCATION.—In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under this Act shall be made available by the Attorney General for direct grants to Indian tribal governments to carry out the purposes of this Act.''

4. Section 108(1)(B) of the Bill is amended by striking all that follows, except the period, after the phrase ''District of Columbia''

5. Section 108 of the Bill is further amended by adding the following new paragraphs at the end of subsection (a):

''(7) The term ''Indian tribal government'' means the recognized governing body of an Indian tribe that carries out substantial governmental duties and powers.

''(8) The term ''Indian tribe'' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaskan Native village (as defined in, or established under, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and because of the United States trust responsibility to Indian tribes.''

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 728), to control crime by providing law enforcement block grants, pursuant to House Resolution 79, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit H.R. 728 back to the Committee on the Judiciary and report back forthwith with the following amendment:

Page 4, after line 5, insert the following:

''(D) Establishing the programs described in the following subtitles of title III of the Violent Crime Control and Law Enforcement Act of 1994 (as such title and the amendments made by such title were in effect on the day preceding the date of the enactment of this Act):

''(i) Assistance for Delinquent and At-Risk Youth under subtitle G.

''(ii) Urban Recreation and At-Risk Youth subtitle O which made amendments to the Urban Park and Recreation Recovery Act of 1978.

''(iii) Gang Resistance and Education Training under subtitle X.''

Page 6, after line 24, insert the following (and redesignate any subsequent subsections accordingly):

''(C) PREVENTION SET-ASIDE FOR YOUTH.—Of the amounts to be appropriated under subsection (a), the Attorney General shall allocate $100,000,000 of such funds for each of fiscal years 1996 through 2000 to carry out the purposes of subparagraph (D) of section 101(a)(2).

Page 9, after line 2, insert the following (and redesignate any subsequent subsections accordingly):

''(b) RESERVATION FOR BYRNE PROGRAMS.—The Attorney General shall reserve such sums as may be necessary of the amounts authorized under this section in each fiscal year to ensure that not less than $450,000,000 is available to carry out the programs under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1986.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, this has been a long and difficult bill, due to very restrictive rules. I offer this motion to recommit that combines the provisions of the gentlewoman from Texas [Ms. JACKSON-LEE], which targets youth programs, assistance for delinquents at risk and urban recreation programs, as well as the provision of the gentleman from Michigan [Mr. STUPAK] for $400 million a year under the Byrne grant for funds for crime reduction purposes.

I yield briefly to them to make their comments, but on a really personal note I want to thank my colleagues on this side who have cooperated under great duress to the Chair. I personnally apologize to the gentleman from New York [Mr. SERRANO], my colleague from North Carolina [Mr. WATT], and members of the committee who I know had amendments pending: the gentlewoman from California [Ms. WATERS], the gentleman from West Virginia [Mr. WISE], the gentlewoman from Oregon [Ms. FURSE], who all had amendments that we were eager to have debated and under the restrictions we were not able to permit them, as well as the gentleman from Louisiana [Mr. FIELDS].

□ 1720

Ladies and gentlemen, this motion to recommit provides us with a great opportunity to bring the kinds of improvements to the bill.

Mr. Speaker, I yield 1 1/2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the committee.

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

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] very much for your leadership.

When the people were hungry in France, Marie Antoinette said, ''Let them eat cake.'' When the children of our country are fighting against the siege of gang violence and gang solicitation, we are telling them that that is OK.

I simply ask that the amendment be considered by this body that speaks to the issue of the high numbers of gang violence incidences and the many cities, some 79 in the United States, who show an increase in gang activity.

Mr. Speaker, I do not know about the rest of my colleagues. But my heart goes out when babies are thrown outside of buildings because of gang initiation rites, when driveby shootings take our young children away from us. Yet we can stand here and resist promoting $500 million simply for gang-resistance programs, for children at risk and keeping our parks open. It is documented that in 110 jurisdictions reporting gangs, the survey found over a 12-month period there were 249,329 gang members. There were 4,881 gangs, 46,359 gang-related crimes, and a staggering 1,072 gang-related homicides.

What more do we need to say to give a mere $500 million to emphasize, unlike Marie Antoinette, to give them cake, we are going to give them food and substance to provide for them a life, an opportunity, a future. Where are we today when we tell our children it is all right to be subject to the gangs and driveby shootings?

Mr. Speaker, I ask for support, that we truly give support to our children.

Mr. CONYERS. Mr. Chairman, I yield the remainder of my time to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, in this motion to recommit, we are asking that $450 million each year for the life of this crime bill be made available for the Byrne grants. The Byrne grants, for those of you who were not here last year, is very popular. It is 22 programs that States use to do crime prevention, crime enforcement, projects throughout their States.

In the bill we currently have, the current crime bill, there is $580 million; fiscal year next year, fiscal year 1996, that goes to $130 million, a 300 percent decrease in 1 year.

Every major law enforcement group tells you you cannot fight crime in 1 year. It takes more than 1 year. We will unstabilize funding over 5 years.

You wanted flexibility so the locals can do what they want. It is right here, $450 million grant in the Byrne grants that gives you the flexibility you sought for the last few days.

Last year when there was some question whether or not Byrne grants would continue, we put together a letter in a bipartisan spirit, 153 Members signed that letter, 47 on that side of the aisle, including the gentleman from Florida [Mr. MCCOLLUM], who said, ''Keep the Byrne grants, keep them authorized at $450 million.''

That is what we are asking to do in this motion to recommit.

Mr. FAZIO of California. Mr. Speaker, I first learned of the critical role that Byrne funding plays in rural law enforcement when sheriffs and police chiefs from my district came to Washington last year to participate in the development of the crime bill. In a meeting which I set up between them and Attorney General Reno, they expressed their concern over the fact that funding for the Byrne program had been gutted.

The Attorney General listened and, due to her efforts and those of myself and many of my colleagues, Byrne funding was not just restored; it was significantly increased.

Byrne funding is important to local law enforcement around the country. But rural America is particularly dependent on it for participation in Federal law enforcement assistance programs. Without it, Glenn, Colusa, and Yolo Counties in my district would have to do away with their narcotics task forces, leaving these communities wide open to drugs and the violence that accompanies this persistent problem. This amendment will help ensure that rural communities continue to get the attention and resources that they need—that they are not left behind.

Mr. MOAKLEY, Mr. Speaker, I rise today in strong support of the Jackson-Lee amendment and the motion to recommit.

It amazes me that the same Members of this body who are so intent on spending billions of the taxpayer's dollars to construct new prisons, want to eliminate the modest amount of funding we made available for youth crime prevention programs.

Mr. Chairman, the truth is that crime prevention programs make a serious impact on crime in our streets.

Whenever I talk to the mayors, police chiefs, community activists, and kids from the cities and towns in my district, crime is always an issue. And time and time again, they tell me of another prevention program that is working, another program that stops crime before it starts.

I can speak from experience about one program in particular in 1993, the Boston Police Department was the first major east coast police department to become involved in GREAT, the Gang Prevention Program.

In the 1993–94 school year, Boston police youth service officers taught the GREAT curriculum to over 10,000 seventh graders in 117 schools across the city.

That is over 10,000 young people who received a clear message about how to stay away from gangs and gang related violence. This year, with the help of funds from the crime bill, Boston will be able to expand this successful program.

My constituents are not interested in tough talk or sound bite public policy. They want anti-crime programs that are going to get rid of gangs, stop violence, and give their children the opportunities they need to succeed.

Mr. Speaker, this is exactly what the GREAT Program does.

The SPEAKER pro tempore (Mr. GOODLATTE). The time of the gentleman from Michigan [Mr. CONYERS] has expired.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM] for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, first of all, everybody in this body really likes the Byrne grants, wants to protect the Byrne grants. I want to assure the Members they are protected under existing law. The legislation we passed today or are passing today in no way erodes the authorization or the opportunity to appropriate money for the Byrne grants that is currently in law. We are very happy and pleased to be able to report that fact.

However, what the gentleman wants to do in part, and it is only part of this motion to recommit, is to reserve more money even still for the Byrne grants in the out years than is so under present law, which will eat into the total amount of money available for the local communities under this bill by considerable amounts.

The appropriate way to deal with the Byrne grants in the out years, if the gentleman is correct, and he probably is, that we ought to deal with them in the future with adding more authorizations, is for the Committee on the Judiciary to produce that future authorization as separate authorization and not affect the grant moneys going to local communities.

So I would oppose this amendment for that reason had it been brought up in the regular course of affairs anyway.

The thing that really is bad or worse by far is the provision the gentlewoman from Texas has offered that is part of this motion to recommit. I want everybody to understand that she would set aside over the next 5 years $500 million of the money which is involved in this bill today that is currently going out to the local cities and counties to spend as they want; she would set aside $500 million for three at-risk youth programs that are already in law. There are 266 at-risk youth grant programs today already in the Federal Government under somebody's jurisdiction; 266 already exist either in the Departments of Justice or the Department of Education or somewhere else in our Government, and including these three programs, she singled out. Why should we set aside a specific amount of money for these programs today when we have not set aside money for anything else?

The very essence of this bill that we are debating today is the essence of saying to the cities and counties essentially we think you know best how to fight crime. If you want to devote some of your resources to some of these at-risk youth programs, that is fine, go ahead and do that, but that should be your decision, because what is good, again, in Seattle, WA, may not be good in Key West, FL, or upstate New York or wherever.

This is important and a very important thing that we do not want to do in this bill. So I must urge a no vote on this motion to recommit, because it undermines the very basic principle of this crime bill, which is a local grant provision to let the local communities decide for themselves how to spend the money under this bill, whether it is for more cops or whether it is for prevention programs and which prevention programs. That should be left to be a local decision not decided here today, and the amendment which is part of this motion to recommit and the very essence of it is a bad amendment.

I urge a ''no'' vote on the motion to recommit.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit offered by the gentleman from Michigan [Mr. CONYERS].

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 247, not voting 3, as follows:

[Roll No. 128]

AYES—184

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
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
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—247

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
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
Cremeans
Cubin
Cunningham
Danner
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)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

Becerra
Crapo
Matsui

□ 1744

Mr. LINDER and Mr. PAYNE of Virginia changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 192, not voting 5, as follows:

[Roll No 129]

AYES—238

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
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
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
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
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
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
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—192

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski

Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
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
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Portman
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—5

Becerra
Crapo
Matsui
Reynolds
Torricelli

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 728, LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 728, as amended, the Clerk be authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislation days to revise and extend their remarks on H.R. 728, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I ask the gentleman from Texas, is this the last vote for the evening? How late will we go tomorrow, and what might be the schedule for Thursday.

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

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

Mr. DELAY. Mr. Speaker, it seems that we will have no more votes today. We will not take up the rule for the National Security Act tonight. We will start tomorrow after a reasonable number of 1 minutes that we will work out with the minority leader and start with the rule on the National Security Act.

Members need to understand that it is the intention of the majority to make sure that we go late enough tomorrow night so that we will be assured of being out at 3 o'clock Thursday for the President's Day recess.

Mr. GEPHARDT. Mr. Speaker, could the gentleman also give any indication about the schedule for Tuesday and Wednesday so that Members who might want to suggest amendments to bills could get ready to do that?

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, right now we are not prepared to say what will happen Tuesday. We do think we will stick, possibly, to the normal come in at 2, no votes until 5. But that would be announced at a later date.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman. I yield to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

I just want to rise and commend the majority and particularly the gentleman from Texas [Mr. ARMEY]. He and I have risen to engage in a colloquy the last couple weeks to talk about a family-friendly schedule and, in particular, to talk about getting out tonight by 7 o'clock.

I can see that the gentleman from Texas [Mr. ARMEY] is not only good on his word at 7 o'clock, he is an hour early.

A number of families, Congressmen, Congresswomen have come up to me and asked me to end my poetic career by doing one more poem for the gentleman from Texas [Mr. ARMEY]. So I will do this and end in salute to him.

Roses are red,
Violets are blue.
Thanks to DICK ARMEY,
We are out of the stew.
We are into the roses and maybe a sip of wine,
A family-friendly schedule, it's about time.

Mr. Speaker, we are delighted to have this opportunity to spend 1 night with our families, and we look forward to working with the majority in the future, especially after the first 100 days, to see that we can make this body more productive, more efficient and not necessarily working against scheduling time with our families.

I thank the gentleman from Texas and the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman for his remarks in complimenting our distinguished majority leader, the gentleman from Texas [Mr. ARMEY]. Even though he does not look like cupid, there is a lot of love in his heart. In fact, he understands how important it is to get out and be with our families, particularly on Valentine's Day.

I just might urge those Members that have been signed up for special orders, that if they would, on both sides of the aisle, would take care in the amount of time that they spend so that our staff can also have a little Valentine's Day break and get out of here early.

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

APPROVAL OF BLOCK GRANT APPROACH NOTED IN WASHINGTON POST EDITORIAL

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

Mr. HOKE. Mr. Speaker, it is not often I find myself in agreement with the editorial page of the Washington Post, but today's Post shows rare insight and good sense when it says the President should not veto the crime bill that is on the floor because of the block grant program.

The Post recognizes that the President's 100,000 cop program was a fraud, saying that ''almost immediately * * * it was challenged by law enforcement experts and some local officials. In fact, the law created a five-year matching program during which the Federal Government's share diminished and eventually disappeared, leaving localities with the full cost of maintaining the new officers.''

In other words, it would never have fulfilled its promise of 100,000 new police officers.

The editorial then goes on to make the case for allowing local communities more flexibility in using Federal

funds, asking, ''What's wrong with letting them use Federal funds for less expensive but still effective programs rather than for costly hiring?''

Precisely. So I urge the President to heed the Post's advice and sign the bill when it reaches his desk.

Mr. Speaker, I submit the Post editorial for the RECORD, as follows:

[From the Washington Post, Feb. 14, 1995]

BLOCK GRANTS FOR CRIME?

The House moved yesterday to consideration of the last in the current series of crime bills—a couple have been postponed until the spring—promised in the ''Contract With America.'' This one has drawn the heaviest fire from the administration, including a threat by President Clinton that he will veto the measure if it passes in its current form. The bill would substantially change the law enacted only last fall by eliminating three sets of grant programs: $8.8 billion for hiring new police; $1 billion for drug courts; and $4 billion for social programs of various sorts designed to prevent crime. In their stead, the Republicans would authorize a $10 billion program of block grants to local authorities to be used for the general purpose of reducing crime and improving public safety. The president wants at least to preserve the mandatory funding of what he says will be 100,000 new cops on the street.

When last year's bill was enacted, that 100,000 figure was cited as the most important feature of the law. Almost immediately, though, it was challenged by law enforcement experts and some local officials. In fact, the law created a five-year matching program during which the federal government's share diminished and eventually disappeared, leaving localities with the full cost of maintaining the new officers. Since the maximum federal contribution could not have exceeded $15,000 a year per new hire, the program would never have supplied enough to pay salary, benefits, pensions and other costs, so the cities would have had to come up with a lot of upfront money many say they don't have.

So put aside the 100,000 figure, and the issue boils down to whether decisions about the expenditure of law enforcement dollars are best made locally or nationally. There's a lot of hypocrisy in the debate, with Republicans, who put all sorts of restrictions on the use of prison construction money, claiming that local authorities should be given complete discretion here, and Democrats citing horror stories about the misuse of Law Enforcement Assistance Act grants made to communities 20 years ago, when they were in control of Congress.

Our sense is that the world won't end if local authorities are given more flexibility. In some cities, like this one, the greatest need may not be additional police on the roster, but better equipment, specialized training or even midnight basketball. And if some towns don't have matching funds available, what's wrong with letting them use federal funds for less expensive but still effective programs rather than for costly hiring? It is true that any federal grants program ought to be monitored for abuse and that some spending—for the purchase of aircraft, for example, or even for research—could be prohibited. But if cities already have a drug court, as Washington does, and a fully staffed police force, what's wrong with using federal funds for social workers in juvenile detention facilities, or for improving computer systems to track parolees? ''One hundred thousand cops'' sounds good, but congressional failure to include that mandate is not worth a presidential veto.

IN SUPPORT OF THE HUMANITARIAN AID CORRIDOR ACT

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

Mr. RADANOVICH. Mr. Speaker, I rise in support of the Humanitarian Aid Corridor Act.

This bill would withhold assistance from any country that blocks the delivery of U.S. humanitarian assistance to another country.

Passage of this proposal would benefit directly situations such as that found in the Republic of Armenia. It is in our American interest to foster the great economic and political promise of Armenia by assuring a free flow of humanitarian assistance. Yet, Armenians are freezing and starving because Turkey has closed it borders to American assistance destined for landlocked Armenia.

The Humanitarian Aid Corridor Act would protect Armenia by making Turkey answerable for its acts. Turkey would have a choice: either bring to an end its blockade of humanitarian assistance for Armenia or lose its own foreign aid.

□ 1810

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). 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.

PERSONAL EXPLANATION

Mr. MCNULTY. Mr. Speaker, I was absent from the Chamber last Friday for rollcall No. 118 on H.R. 668. Had I been present and voting, I would have voted in the affirmative.

I ask that my statement appear in the RECORD immediately following the rollcall.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART 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 Illinois [Mr. GUTIERREZ] is recognized for 5 minutes.

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

GOP FRESHMEN ANNOUNCE GOVERNMENT REFORM PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I just wanted to take this opportunity to thank my colleagues on both sides of the aisle for the approval of House bill 728, which will in fact give us the opportunity to increase the number of police officers on the street, as well as have those outstanding crime prevention programs that we want for each of their districts, whether it is town watch, the drug court, working with senior citizens and their protection, child protection, community policing. This will give, in the block grants, the opportunity for every single person to be involved in forward-thinking programs that will give maximum public safety.

Another important event took place in the Capitol which I wish to bring to the attention of all the Members.

Mr. Speaker, today at a press conference, I joined other freshman Republicans in an attempt to return the power of government back to the States and local governments. The freshman leaders are proposing the elimination of four Federal bureaucracies—the Departments of Commerce, Energy, Housing and Urban Development and Education. The proposal calls for the phasing out of these Departments, privatizing some of their duties and transferring important remaining duties to other Government agencies and the States.

This group of freshman Members of Congress has been meeting since the beginning of the 104th Congress to develop their reform proposals. Citizens across the country are crying out for an end to big Government meddling in every aspect of society. The proposal is step one in completing the agenda set forth by the people.

The time for talking about a smaller, more efficient Government has ended. Now is the time for action. Last November the people sent a message to Washington, DC—they want a smaller, less intrusive Government and we intend to give them just that.

While there are no specific pieces of legislation drafted at this point, four task forces have been formed to begin writing legislation to carry out the proposed reforms. The task force will examine consolidating some programs, privatizing others and eliminating those that can not be justified. The goal of the group is to submit legislation in the spring of 1995.

Created in 1965 to deal with the burgeoning urban city crisis, HUD and other Federal departments have since spent more than $5 trillion in human assistance. Unfortunately, despite this spending, the Nation's urban problems are actually worse than they were in 1965.

With a total annual outlay approaching $30 billion we need to make sure the truly needy are being helped. Despite its failures, HUD is one of the fastest growing departments in terms of discretionary spending with a 9 percent annual growth rate.

We aren't proposing these cuts out of partisan hostility. In fact, we hope this will be a bipartisan effort. We propose these cuts because we can no longer afford well-meaning but failed programs and if you examine the sum result of the Departments of Energy, Commerce, Education and HUD, the record is one of failure.

Thomas Jefferson once said, ''I place economy among the first and important * * * virtues and public debt as the greatest dangers to be feared.''

For fiscal 1994, the interest on the national debt was $203 billion and, under the Clinton plan, will rise to $309 billion in the year 2000—a 50-percent increase in interest payments. ''Those kind of staggering statistics call for decisive measures such as the one we are proposing. We need to seek ways to empower people and make them less dependent on Government. We must be dramatic and brave if we are to stop mortgaging our children's future.

□ 1815

AMENDMENT TO H.R. 728, BLOCK GRANTS ACT

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, just a few minutes ago, some of our colleagues might have found a moment of joy and excitement. I unfortunately took a different perspective. I said I was angry when I came to the House floor to talk about our children and to talk about those who on their way home from school are solicited by gang members and called upon to join their gang, a gang of violence, homicide, burglary, theft and other criminal acts. I am angry for our children who likewise go into these gangs and are made to do gang initiation rites which have caused the loss of a little one thrown out of the window of a housing development by some young gang members. And, yes, at a birthday party in my city where they did not finish the party to blow out the candles, they called an ambulance to take a lifeless body. Yet we could vote for H.R. 728 and not include in it the kind of response that we needed to prevent gang violence, to teach our children that there is a better way.

Mr. Speaker, escalating violence against and by children and youth is no coincidence. It is the cumulative and convergent manifestation of a range of serious and too-long-neglected problems: Epidemic child and family poverty, increasing economic inequality, a lack of understanding of racial differences, pervasive drug and alcohol abuse, violence in our homes, and popular culture and growing numbers of out-of-wedlock births and divorces. Without question, these are problems that need to be addressed. Unfortunately, though, the piece of legislation that we have before us that was just voted on, H.R. 728, does more to contribute to these problems than it does to help them.

Many of my Republican colleagues do not see crime prevention measures as realistic tools for combating the increase of youthful violence. In fact, they cited some 200 programs. I do not know what they are talking about, when H.R. 728 repeals all of the programs that we have that would deal with gang violence and resistance to gangs. We cannot, however, ignore the numbers that show us the frightening increase in youthful criminal perpetration and victimization. We have not valued millions of our children's lives and so they do not value ours in a society in which they have no social or economic stake, no role models, no one to come and share with them the values of this Nation. Their neglect, abuse, and marginalization by many of their caretakers, schools, communities, and our Nation turn them first to and against each other in gangs and then, yes, against a society that would rather imprison them than educate them.

This legislation that I proposed would continue to provide funding for various crime prevention programs for at-risk youth which educate our children against violence and gang violence. Both our children and our communities need these prevention programs to provide alternatives to crime. Specifically my amendment would have set aside a portion of the block grant funding for each year for the three youth crime prevention programs. Why not our children? Urban recreation grants, gang resistance and education training, and residential educational programs for at-risk youth. These programs provide children with positive alternatives, skills, hope, and a safe place just to be children.

Contrary to our arguments, the GREAT Program [gang resistance and education training program] was not created by last year's crime bill and it is not a grant program. It is a cooperative agreement that has been funded previously by Congress and needed the extra added funding to succeed.

To further contribute to the success of the program, the agency involved puts substantial resources of its own in training as well as provides community financial assistance in operating the program. As a result, over 400,000 children will have been exposed to gang resistance education.

A National Institute of Justice-sponsored survey of metropolitan police departments in the 79 largest U.S. cities showed that in the spring of 1992 all but 7 were troubled by gangs, as were all but 5 departments in the 43 smaller cities. In the 110 jurisdictions reporting gangs, the survey found that over the previous 12-month period, there were 249,324 gang members, 4,881 gangs, 46,000 gang-related crimes, and a staggering 1,072 gang-related homicides. Does that keep our neighborhoods safe? Does that protect our children, our seniors in the neighborhood?

Gang-related violence is growing. The police commissioner of Boston said the GREAT Program is great. There are many programs that will support our young people, the urban recreation programs, to keep them in parks after late hours.

I say, Mr. Speaker, are we supporting our children? If we are, then we need to put prevention, police, and prisons. We need to ensure that our children find a better way.

REVIEWING REPUBLICAN CONTRACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, we hear a lot about the Contract With America, often from Republicans, but often from the other side of the aisle as well and most of it is criticism. I do not see a solid alternative from them at this point now that we are in our third month almost of being in session.

The contract actually asks for very specific things and attempts to address neglected parts of our society and our Government which have not been running well in the past 15, 20, or 40 years, however you want to count.

Part of the contract was to pass a balanced budget amendment and line-item veto. This has been done. Another part of it was to stop the unfunded mandate practice of the Federal Government to require local cities and county governments to do certain things but not have us pay for it, and they in turn have to turn around and tax their own constituents, which is basically a tax increase that we are giving people through the back door.

The other thing we have been trying to and we have had a debate on it last week and this week was to put the criminal justice system, to focus on the criminal and protect the victim and protect society and not treat the criminal like one more special interest group.

It seems in the course of the debate that many people have been saying, oh, you've got to do this for the criminal and you have to look out for him and her and their best interests and so forth. We have had that. That is what we have got now. It is time to lock people up who commit crimes. It is time to give them swift punishment. It is time for them to serve an adequate amount of their sentence, preferably 100 percent of the time but maybe 80 or 90 percent. Currently the average criminal serves 35 percent of his or her sentence. As a consequence, our police officers are arresting people not for the second or third time but for the ninth, 10th, and 11th time. I would hate to be a police officer going out on the streets that they are supposed to protect and

face people who you have already arrested 10 or 12 times. But that is the situation we are in.

This program also cuts out a lot of Federal bureaucratic jobs. There again that is a constituency that some people want to protect but I think most people in America want to see a reduction in the bureaucracy. The way it does this is give block grants back to the States.

We hear so much about the 100,000 police officers that the President's program allegedly handles. But, in fact, for most it only pays for 25 percent. After that, the municipality is stuck with the cost for these additional police officers.

What our program says is, ''Look. You may want to put money into the police officers but you may need new communications equipment, you may need new police cars, and if you do, we want to give you that option, because we here in Washington don't have the answer for every 39,000 of the cities across America.'' We feel that people on the local level know better. We have passed that today.

It will go to the Senate, it will have further debate, they will amend the bill, it will come back to us, as will some of the other bills in the Contract With America, but we are working to fulfill our commitment with the American people.

We are going to start next on welfare reform and national security prohibiting American soldiers from being under U.N. command.

□ 1825

Refining our military so that it is not too expensive, not wasting money but effective and able to meet the challenges of the world.

There are a lot of things in our Contract With America, things like legal reform, helping senior citizens by letting them stay in the workplace longer and not having to penalize them on their Social Security. There is also family reinforcement, $500 per child tax credit. These things will help make America great again.

But in addition to this, Mr. Speaker, we are not stopping with the contract. We are going into the appropriations process. The President's recently introduced budget adds another $1 trillion to a $4.8 trillion debt. We cannot afford that. Already the third largest expenditure on the national budget is the interest on the national debt. It is about $20 billion each and every month, and that is money that is gone forever. We need to reduce the deficit so that we do not year after year continue to add to the size of the debt.

I will say quickly it is a Democrat and a Republican problem. It got there that way. And I will say that many of the items in the contract, as I hope our budget ideas will be worthy of bipartisan support, because we need to do this together as Democrats and Republicans so that we can represent the best interests of America.

REPUBLICAN DEFENSE CHOICES—A PRESCRIPTION FOR DISASTER

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I rise this evening as a member of the International Relations Committee and as a mother of a small child. Throughout our lives, we are confronted with tough choices. As a Member of this body, I am constantly faced with tough choices.

The Republicans came up with a program that included their tough choices. The Contract With America is a political platform of tough choices. I respect that they presented us a program of tough choices. I just happen to vehemently disagree with the choices that they've made.

When I sit down in my car, before I start the engine, I check my side mirrors and my rear-view mirror. But when I set out on the road, I'd better have my eyes fixed on what is in front of me. Or else, my experience on the road could be a disaster for me and for everyone else trying to share the road with me.

Well, that's kinda like what the Republicans have done with H.R. 7, now H.R. 872, the national security plank of the Republican contract.

They've made some tough choices, but I must stop right here and say that their choices could be disaster for the world.

Yes, they strapped in their seatbelts, but they want to take us backward, not forward. They have revved up the engine, stepped on the gas, but the car is in reverse. And they're looking at the world from the rear-view mirror.

This is a prescription for disaster.

The Republicans are rushing, as a part of their contract, to penalize the poor, discriminate against legal immigrants, pander to the rich, and—what brings me here this evening—through the National Security part of the contract, they add insult to injury by also asking this House to invest scarce dollars in yesterday's boondoggle.

The Republicans have chosen to look through the rear-view mirror—as if blinded by the light of the future—they chose to look behind instead.

Why in the world do we need to go back to star wars? We have already spent $36 billion on missile defense, $20 billion more are in the works. Isn't that enough? And they don't even define the threat, anyway.

This is the same party that says that Government is too big. This is the same party that says that kids don't deserve to eat subsidized lunch in school; that pregnant women don't need to have subsidized nutrition so that they can give birth to healthy babies. This is the same party that said that we don't have enough money to put 100,000 cops on the streets, but Government spending for an elaborate and controversial missile defense in space is OK.

Rather than asking for money for star wars, the Republicans could have asked for money to clean up the contaminated bases that coexist with our communities.

Rather than asking for star wars, the Republicans could have looked at ways that we could constructively engage with the rest of the world through multilateralism and collective security.

And, finally, they could have looked at promising weapons systems that bear more relation to the type of defense we need for our future, based on a forward looking projection of U.S. global interests and the U.S. global threat. Instead, the Republicans have jerked their knees so far into the past that this bill, just like many of the other contract bills, just flat out lacks credibility.

Tomorrow, we will debate the so-called National Security Revitalization Act. The choices will be made perfectly clear.

We can go back to yesterday's boondoggle and revive star wars, but only at a critical cost.

This bill does not provide for us a forward-looking vision of the world and the U.S. role in it.

This bill does not provide us with a rationale of a cooperative relationship with the rest of the world.

Unfortunately, this bill does not even leave jingoism behind.

And finally, this bill just makes some bad choices for the millions of moms like me who care about the world and the country that we leave for our children.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. DICKS] is recognized for 5 minutes.

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

IN DEFENSE OF THE DAVIS-BACON ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. KENNEDY] is recognized for 5 minutes.

Mr. KENNEDY. Mr. Speaker, I rise today to speak in favor of a bill that has saved money for U.S. taxpayers and has expanded economic opportunity for millions of Americans. In short, a bill that has been the key for securing the American dream for thousands of working families for more than 60 years.

I join a long, bipartisan list of supporters who have come out in favor of this act. In fact, the original sponsors were two Republicans. The President who signed the bill into law was a Republican. And since its birth, Republicans including Ronald Reagan have supported this act.

But today it is under fire, and I am proud to come to the defense of an excellent piece of Republican legislation—the Davis-Bacon Act.

To be sure, the time has come to update and reform this venerable act. But in no way has the time come for us to abandon an act which has so admirably fulfilled its mission of benefiting America.

What, exactly, does Davis-Bacon do? The reality is often obscured by the rhetoric of those who wish to abolish the act. The act does nothing more than say that for Federal contracts, contractors must pay workers the prevailing wages for their local area.

Contrary to what some on the other side say, this law does not require all workers to be paid prevailing wage. Those who are enrolled in a recognized apprentice program, receive a training wage that can be as low as 40 percent of the prevailing wage.

Davis-Bacon ensures that when the Federal Government comes into our districts, that cut-rate, low-wage, low-skill contractors do not take the jobs that should rightfully go to our constituents. Outrage over such occurrences is what impelled the Republican legislators who created this bill to draft their legislation.

In fact, Davis-Bacon recognized we had fly-by-night contractors coming into New England from other parts of the country stealing jobs away from the local economy. We are talking about making sure that when the Government contracts for a building, taxpayers get a quality product, and that will only happen if we hire quality labor.

Some argue that Davis-Bacon drives up the cost of Federal projects. Those who make such an argument are not looking closely at the crucial question of productivity. A well-trained worker simply produces more each hour than does an ill-trained, poorly paid worker.

This act simply guarantees taxpayers that their tax dollars will go to the best workers, not to the cheapest. That their tax dollars will go to open opportunity, not to shut people out of opportunity. That workers of all ages and races will have an avenue into the middle class, and not have the road to progress blocked.

Remember, we are talking about workers and working families in our districts. We are talking about middle-class families trying to stay independent. We are not talking about extravagant paychecks here. We are simply talking about paying people a living wage.

For a bricklayer or stonemason from Woonsocket, RI the prevailing wage for building construction is $19.90 an hour. Considering the state of our economy and the weather in Rhode Island, a bricklayer from Woonsocket would be lucky to work 30 weeks a year, or about 1,200 hours a year, for a total of $23,880 a year. That's it. Nothing more.

For a bricklayer or stonemason from Bristol working on highway construction the prevailing hourly wage is $18.35. Once again, at 30 weeks a year this comes out to just over $22,000 a year.

For a bridge construction project in East Providence, the operator of a forklift would be paid $17.34 or $20,808 a year.

For a welding machine operator from Providence working on a sewer line project, Davis-Bacon means being paid $14.62 an hour or $17,544.

What does the Republican Party have against paying a worker $17,544 a year? Mr. Speaker, how can a Congress that is talking about valuing work, that is talking about helping the middle class, propose the elimination of Davis-Bacon?

I urge my colleagues to look closely at this issue, to listen carefully to their constituents who are worried about economic insecurity, and ask themselves if pulling away this support for people makes families more secure? A careful look will show that repealing Davis-Bacon will put people in danger of slipping back, of losing ground, of losing hope.

I urge my colleagues to join me in saving Davis-Bacon.

THE NATIONAL SECURITY RESTORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, this week, the House will take up the National Security Restoration Act.

The goal of the Contract With America is to make sure that if aggressors threaten us, our Armed Forces will be strong enough to fight and win. The bill would keep our defenses prepared for a worst-case scenario of two major regional conflicts occurring at about the same time. It would keep us prepared for a variety of possible circumstances around the world. We saw how effective defensive systems such as the Patriot missile were in Desert Storm. This bill would provide for the development of systems to protect our country and our allies from attacks with weapons of mass destruction. We are committed to implementing this type of system at the earliest practical date.

Despite reduction and shortfalls in defense funding, the President has deployed U.S. forces on more peacetime and humanitarian missions per year than ever before. At the end of last year, over 70,000 United States personnel were serving in places like Iraq, Bosnia, Macedonia, the Adriatic Sea, Rwanda, Haiti, and Cuba. And yet, the President has requested cutting defense spending to $10.6 billion below 1995 levels.

Even though we still have the best armed forces in the world, we keep seeing readiness decline, because all the peacekeeping efforts are being funded with military readiness funds. As Senator JOHN WARNER noted, ''That's been the cookie jar into which the hand dips to get the needed dollars when we elect to send our troops here, there, everywhere in the cause of freedom or otherwise.''

□ 1840

We are not going to allow a return to the hollow forces of the Carter administration. One of the most egregious things that needs correction right now is military pay is nearly 13 percent lower than pay for comparable civilian jobs. Close to 17,000 junior enlisted men and women have to rely on food stamps.

A real commitment to quality of life for military personnel is necessary for morale and is the right thing to do.

The National Security Restoration Act has the following: It establishes an advisory commission to assess our military needs. It commits the United States to speed up the development and deployment of missile defense systems to protect U.S. territory and U.S. troops in battle. It restricts deployment of U.S. troops to missions in our national interest. It demands U.S. troops be commanded by U.S. commanders and not placed under foreign commanders. It reduces the cost to the United States of U.N. peacekeeping missions and demands the U.S. Mission to the U.N. press for reforms in the notorious U.N. management practices. It tightens controls and reporting requirements for the sharing of U.S. intelligence information with the United Nations. It expresses the sense of Congress that firewalls be restored between the defense and discretionary domestic spending for the upcoming budget years, and it reemphasizes the commitment of the United States to strong and viable NATO alliances, urging the emerging Eastern European democracies be assisted in the transition to full NATO membership.

Mr. Speaker, we have been working hard to keep our Contract With America. In the contract we promised we would make sure no U.S. troops are forced to serve under foreign command, and that we restore the necessary part of our Armed Forces to keep our defenses strong and maintain our credibility around the world. We are keeping our promises.

ANOTHER ST. VALENTINE'S DAY MASSACRE

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Happy St. Valentine's Day, America, and happy St. Valentine's Day to my wife, Laurie, in Michigan.

On this St. Valentine's Day we debated a crime bill, but justice was not done on the crime bill we debated today. In fact, what happened today is

more like the St. Valentine's Day massacre.

We had 10 hours, 10 hours over 2 days to debate a $30 billion crime bill. The majority called that debate an open rule.

An open rule in this body means Members come to the well of this institution, offer an amendment. It is freely debated and it is voted on, not at the end of 10 hours we cap it off and say that is it, we are going home, we are going home on the crime bill.

Crime is the No. 1 issue across this Nation. People feel insecure in their homes. They are insecure when they walk the streets. They want Congress to provide some leadership.

So what leadership did we provide them tonight? Ten hours worth of debate; 10 hours worth of debate. In that 10 hours, you had to get your amendment accepted. I was one of the fortunate ones. I had an amendment that was accepted by both sides of the aisle, because it made a lot of sense. But I also had amendments for the Byrne grants. I was given 1 minute and 15 seconds to debate a Byrne grants amendment. Byrne grants, a program that has been around for a long time, we wanted to fight crime for more than 1 year. We wanted to provide steady funding for Byrne grants over 5 years. That funds our DARE programs, multijurisdictional undercover drug teams, and even Alabama used Byrne grants to run the prisons. One minute and 15 seconds.

I had another one, another amendment, for rural communities to share in some of this $30 billion. We wanted 30 percent, and other Members had good amendments that were never offered. They were denied the opportunity to offer their amendments. They were denied the opportunity to debate, because we had 10 hours of debate.

Members come from all walks of life, like myself, having been a police officer for 12 years. I have some ideas on how I think crime should be fought in this country. You know, when I was a police officer, I went to work knowing that I had to put in my 8-hour shift, but many times that shift would go 10 hours, 12 hours, 16 hours. I could not stop at the end of 10 hours when I was fighting crime or doing a investigation.

At times there were major incidents that occurred in my State of Michigan; I was mobilized. I was gone for days from my home. I could not say it is 10 hours, I want to go home. Crime knows no time limit. Crime does not stop for Valentine's Day. You do not fight crime for 10 hours and then you go home because of St. Valentine's Day.

Crime occurs on Valentine's Day. Remember back in the thirties, the St. Valentine's Day massacre? Well, the old saying is history repeats itself. That is what we had here again today, Saint Valentine's Day massacre.

Let me ask the majority party who pushed through this rule on a party-line vote, when you have a missing child, are you going to stop missing that child after 10 hours? When you have a bank robbery or breaking and entering, do you stop that investigation at the end of 10 hours? If you have a kidnaping, do you stop at the end of 10 hours? If you are getting close to the end of your shift, do you stop because you cannot go past 10 hours? You cannot apprehend a criminal because you are at that time limit?

Well, that is what happened here today. We should have stayed on the job, debated each and every amendment, and there were some of my friends on the Republican side of the aisle that never had an opportunity to offer their amendments or have them debated. We stopped at 10 hours because the majority said, ''We have a Contract on America. We have to get it done.''

You heard tonight they are going to start the national security debate. And guess what, we have 10 hours to debate national security. That is the kind of Contract on America they have, and they want for this country.

I want to move forward, and I want to debate these issues in an open and free rule where there are not time caps.

So remember, when crime strikes your family, when crime strikes in your community, you can thank the other party, because instead of doing something about crime tonight, we ended up going out to dinner because it is Valentine's Day.

We have more important things to do. We have plenty of amendments. Let us not run out on America. Let us not run with a contract that cannot be debated, a contract that cannot be amended, and the only value that we place on crime and national security is 10 hours.

Ladies and gentlemen, unfortunately the Contract on America has turned into another St. Valentine's Day massacre.

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.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR 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 Texas [Mr. GENE GREEN] is recognized for 5 minutes.

[Mr. GENE GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE FDA DOES ITS JOB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, there is a lot of debate in Washington about the role of the Federal Government. You hear a lot said about Federal agencies and what they do.

Let me tell you a little story about one Federal agency. Two weeks ago this agency got a phone call and a tip, and the tip was that some people in northern California shopping at a major supermarket chain had bought some infant formula, and the color of it did not look right. So they called this Federal agency in Washington, DC, which thought it was serious enough to launch an investigation.

The net result of that investigation was the discovery that someone was counterfeiting baby formula. In fact, they were taking the label that everyone might recognize of one of the most popular brands of infant formula in America and filling the contents of the can with something other than that infant formula. As a result of that discovery and the investigation, last Friday this Federal agency turned over information to the Department of Justice and an individual was arrested in Mission Viejo, CA, and charged with trafficking in counterfeit goods, and a warrant was issued for a second person.

That Federal agency discovered that this conspiracy to release these counterfeit baby formulas involved people not only in California but also in Maryland. This agency seized 38,000 pounds of fake infant formula and recovered another 6,000-plus pounds that had already been put on grocery shelves.

The agency believes that they have now confiscated all of the phony formula and they have told consumers not to be worried.

No details of the arrests have been made, because, of course, the investigation is ongoing. It turns out these counterfeiters had purchased bulk infant formula that had been manufactured for export overseas, and it turns out that infant formula manufactured for export does not have to meet the same criteria in terms of nutritional value as the infant formula does in the United States.

My kids are all grown up, and I have not bought infant formula for a long, long time, but these cans of infant formula were selling at $10 a pop, so the folks who were out there with the counterfeit formula had a lot of money to be made if they just could have pulled this off.

□ 1850

They did not get the job done.

I might mention one other thing. This agency also discovered that the plastic scoop that was enclosed in the infant formula can—everybody is familiar with it, where you take a certain measure, put a number of scoops in the bottle before you add water for

the baby—and it was in the counterfeit baby formula can, the scoop was too small.

So I said to the person at the Federal agency, ''What difference would that have made?'' He said ultimately the mother would have wondered, ''What is going on? Why isn't my baby gaining weight as he was supposed to?''

Counterfeit formula, not enough nutritional value, an incorrect scoop. The Federal agency moved in and did its job. Which Federal agency? The Food and Drug Administration.

Most Americans do not know much about the Food and Drug Administration, but in terms of the health of our family, it may turn out to be one of the most important. Virtually all of the food, all of the drugs, our Nation's blood supply, and so many other things depend on the watchful eye of the Food and Drug Administration.

I did not come here tonight to just tell you an interesting and positive story about that agency but to tell you there are forces afoot in Washington, DC, and around the Nation that are literally attacking the Food and Drug Administration, and in fact some of them have gone so far as to suggest this agency should go out of business.

Now who in the world would do that? Well, it turns out it is a coalition of very conservative groups, radical right-wing groups that are coming together who want to turn out the lights at the Food and Drug Administration.

Who are these folks? Well, if you peel back the cover and look inside, they have all sorts of high-sounding names, names like the Competitive Enterprise Institute, Citizens for a Sound Economy; all of these different names. It turns out you look inside and you find out a very interesting story. The political groups that are trying to put the Food and Drug Administration out of business, the agency that is responsible for protecting us, turns out to include some of the most radical right-wing interests in America: the David Koch Foundation, the Koch Family Foundation, created from the oil fortunes of Fred Koch, founder of the extremist ultraconservative John Burch Society.

They put in $1.7 million to close down the Food and Drug Administration. And a lot of companies that are regulated by the Food and Drug Administration and are sick and tired of having that agency look over their shoulders, they want to close them down, too.

The Smith, Richardson Foundation, with money from the Vicks Vaporub and Smith Bros. Cough Drops, fortune, as well as the Merrell Pharmaceutical Company, contributed $500,000 to this effort to close down the Food and Drug Administration.

The information I am sharing with you is published in the New York Times of last Sunday in an article by Phil Hilts, in a special to the New York Times.

It reaches, unfortunately, to the House of Representatives, NEWT GINGRICH, has called the Commissioner, the head of the Food and Drug Administration, David Kessler, Mr. GINGRICH has called him a thug and a bully. He says the Food and Drug Administration is a job killer.

It turns out that a foundation which the Speaker is using to finance his college video courses has received contributions from a number of businesses regulated by the same Food and Drug Administration. I think it is important that people all across America, when they hear folks criticize Federal agencies, Washington bureaucracies, stop and ask a few questions about which ones and why would you happen to be criticizing them? There are too many regulations coming out of this town, certainly, too many bureaucrats. We have to do our best to make sure that we keep those on the job who are doing the job properly, and those who are not have to be relieved of their responsibilities.

But be careful when you hear these charges made about the Food and Drug Administration. Recall for a moment that if that agency had not been on the job and doing it right, that counterfeit baby formula would have been sold, perhaps, across the Nation to the detriment of infants and to the detriment of the families who unwittingly would have been purchasing these goods.

This is not the first time the Food and Drug Administration stepped in. Do you recall a few years ago when the syringes were popping up in Diet Pepsi cans? The Food and Drug Administration stepped in. They proved it was a hoax. They saved the Pepsi Cola Company a lot of grief and put them back on their feet.

It is an important agency, and let us not be too quick to do away with them.

TRIBUTE TO DR. HERBERT VENEY

The SPEAKER pro tempore (Mr. GOODLATTE). Under the previous order of the House, the gentleman from Virginia [Mr. SCOTT] is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, in commemoration of Black History month, I rise to pay tribute to a prominent black community leader who played an important part in the local history of Virginia's Northern Neck area, the late Dr. Herbert L. Veney.

Like many physicians in rural areas, Dr. Veney was called upon to use his medical training in diverse ways. In addition to his family physician private practice, he served as consultant to a local mental health facility, medical director of a community nursing care facility, and as county medical examiner.

Dr. Veney was active in several organizations that supported human services, education and civil rights causes including the Richmond County Community Services Association, St. Pauls College Board of Trustees, the American Cancer Society, the Black History Museum Board and the NAACP—just to name a few.

One of Dr. Veney's unique contributions to the community was founding the Black Business and Professional Coalition. Chaired by Dr. Veney from 1985 until his death last October, this organization assists minority owned businesses in the northern neck area with management skills training in addition to providing college scholarships for minority youth.

Each year the BBPC holds an Unsung Heroes Awards Ceremony to honor the efforts of local citizens who have, in the words of one of its members, ''made our way easier by blazing trails for others.'' And to raise funds for scholarships. These words aptly describe the man whose persistence and dedication to minority youth made this scholarship fund possible. Dr. Veney is the kind of unsung hero who serves as a role model not only to others in the black community, but to the community at large.

PROGRESS REPORT ON THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR], the minority whip, is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, on the way over to the floor from my office, I happened to gaze out one of the Capitol windows, and full view there was quite a magnificent sight. It was a full winter moon that was highlighting a bank of clouds. And I thought to myself how wonderful it must be to see the Capitol outside, to see this structure, with people like myself and others who are in it and to bathe in the glory of this institution and what it represents. It was a stunning view, and I was moved by it this evening.

Mr. Speaker, we are beginning to see a crack with this Contract With America, or on America, however you want to phrase it. I know that my colleagues on this side of the aisle believe it is indeed the Contract With America. We believe, in fact, on our side of the aisle, there are some problems with what Republicans have proposed.

We saw it tonight. We passed a bill tonight called the Local Government Law Enforcement Block Grants Act of 1995.

Let me give you my perspective of what that is. We passed a major crime-fighting bill at the end of the last Congress, $30 billion. The centerpiece of it was to put police officers on the streets of our cities and our villages, our county roads all across America. 100,000 police officers.

Republicans came here today, and their goal was to roll that back, cut the funding level, put it in a block grant and ship it off to local units of government or the State Government, primarily, and let them decide what to do with it.

They could do anything they want with it. They could pave roads, buy helicopters, they could buy yachts, and they could buy tanks. And they have done that before, and that is why I mention it.

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They could do anything with that money. We believe the best way to fight crime is to put police officers on the streets. The gentleman from Michigan [Mr. STUPAK], who was a State police officer in Michigan for 12 years, spoke eloquently today about that issue on this floor. Now, while I was not a police officer, I was, in my time, before I came into this business, a probation officer. I worked with delinquent youth. I know a little bit about the subject.

The best way to fight crime is to have people in the neighborhoods working to prevent crime. That does not just mean apprehending. That means activity seeking out solutions to the problems that are out there.

The good news is, while they may have passed the bill tonight by a vote of 238 to 192, we have enough votes to sustain the President's veto of this bill. And the President stated very strongly this weekend that he will veto this bill because it does not move us toward providing those 100,000 police officers on our streets in this great country of ours.

We surpassed the number we needed to sustain the veto by 46 votes tonight. So it is a victory for America.

But more importantly than that, what this vote said tonight, and I might add, we had Republican support on this vote tonight, they are breaking. The contract is starting to crumble.

I believe, first of all, that the contract is not going to affect the average man and woman in this country. It is not going to do anything about their incomes. It is not going to do anything about the spiritual vacuum that they feel in their lives, or they do not see each other, or they work different shifts, or they do not communicate with their children because of the necessities of the economic challenge they have before them to keep up with their neighbors or to make a decent living to sustain their families.

None of that is addressed in their contract. They have got 10 points, none of it is addressed. And so when we offer amendments, for instance, on the balanced budget amendment, that say tell us what you are going to do about the family problem, tell us what you are going to do about Social Security, the Republicans punt. They do not answer. They have no answer.

We passed the balanced budget amendment to the Constitution, but it is in the Senate right now. And because they will not answer the question of where they will cut, will it be education, will it be health, they are not getting the support that they need.

So in conclusion, Mr. Speaker, I appreciate the Chair's indulgence, let me say that the contract is beginning to crumble. We dealt it, I think, an important blow this evening with respect to this vote.

I will encourage my colleagues to stay firm, to stay strong as we proceed through this first 100 days.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRAPO (at the request of Mr. ARMEY), for February 13 and 14, on account of family medical emergency.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

(The following Members (at the request of Mr. RADANOVICH) to revise and extend their remarks and include extraneous material:)

Mr. CHRISTENSEN, for 5 minutes, on February 15.

Mr. MARTINI, for 5 minutes, on February 15.

Mr. BILIRAKIS, for 5 minutes, on February 15.

Ms. ROS-LEHTINEN, for 5 minutes, on February 15.

Mr. DIAZ-BALART, for 5 minutes, on February 15.

Mr. TIAHRT, for 5 minutes, on February 15.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. BRYANT of Tennessee, for 5 minutes, today.

(The following Member (at the request of Ms. JACKSON-LEE) to revise and extend his remarks and include extraneous material:)

Mr. BONIOR, 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. SCOTT) and to include extraneous material:)

Mr. SKELTON.

Ms. ESHOO.

Mr. HAMILTON.

Mr. LAFALCE.

Mr. MONTGOMERY.

Mr. WILLIAMS.

Mr. GORDON.

Mr. BERMAN.

Mr. STOKES in two instances.

Ms. MCCARTHY.

Mr. COLEMAN.

Mr. LEVIN.

Mr. JACOBS.

Mr. WARD.

Mr. RICHARDSON.

Mr. MARKEY.

(The following Members (at the request of Mr. RADANOVICH) and to include extraneous material:)

Mr. PACKARD.

Mr. CRANE.

Mr. SAXTON.

Mr. MARTINI in two instances.

Mr. FRANKS of New Jersey.

Mr. EWING.

Mr. SOLOMON.

Mr. WOLF.

Mr. QUINN.

Mr. BILBRAY.

Mr. GREENWOOD.

Mr. MCCRERY.

Mr. LATOURETTE.

Ms. ROS-LEHTINEN.

Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous material:)

Mrs. COLLINS of Illinois in two instances.

Mrs. LINCOLN.

Mr. KLINK.

Ms. DANNER.

Mr. GEPHARDT.

Mr. HORN.

Mr. PORTMAN.

Mr. PAYNE of New Jersey.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.), the House adjourned until Wednesday, February 15, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

367. A letter from the Secretary of Commerce, transmitting a report of a violation of the Antideficiency Act, in the National Telecommunications and Information Administration [NTIA], pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

368. A letter from the Copyright Office, Library of Congress, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(a); to the Committee on Government Reform and Oversight.

369. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report for fiscal year 1994 listing the number of appeals submitted, the number

processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Government Reform and Oversight.

370. A letter from the Chairman, Physician Payment Review Commission, transmitting the Secretary's report to Congress on utilization and access; jointly, to the Committees on Commerce and Ways and Means.

371. A communication from the President of the United States, transmitting a letter in writing expressing his deep concern about H.R. 872, the National Security Revitalization Act (H. Doc. No. 104–35); jointly, to the Committees on International Relations, National Security, and Intelligence (Permanent Select) and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security, H.R. 256. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes (Rept. 104–28, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes; with an amendment (Rept. 104–32). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CANADY:

H.R. 925. A bill to compensate owners of private property for the effect of certain regulatory restrictions; to the Committee on the Judiciary.

By Mr. GEKAS (for himself and Mr. HYDE):

H.R. 926. A bill to promote regulatory flexibility and enhance public participation in Federal agency rulemaking and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. TORRICELLI, Mr. MENENDEZ, Mr. DELAY, Mr. BALLENGER, Mr. SOLOMON, Mr. GOSS, Mr. SMITH of New Jersey, Mr. KING, Mr. EWING, Mr. GALLEGLY, Mr. DEUTSCH, Mr. HANSEN, Mr. BARTON of Texas, Mr. ROHRABACHER, Mr. FUNDERBURK, Mr. SAM JOHNSON, Mrs. VUCANOVICH, Mr. PETRI, Mrs. MEEK of Florida, and Mr. GILCHREST):

H.R. 927. A bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO:

H.R. 928. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on long-term real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether the replacement property is similar or of like kind; to the Committee on Ways and Means.

By Mr. EWING:

H.R. 929. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HANSEN (for himself, Mr. HUNTER, Mr. HAYWORTH, Mr. STUMP, Mr. GALLEGLY, and Mrs. VUCANOVICH):

H.R. 930. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Resources.

By Mr. JEFFERSON (for himself, Mr. MCCRERY, Mr. RANGEL, Mr. LIVINGSTON, Mr. HAYES, Mr. JOHNSTON of Florida, Mr. OBERSTAR, Mr. FIELDS of Louisiana, Mr. TAUZIN, Ms. MCKINNEY, Mr. CONYERS, Mr. FORD, Mr. LEWIS of Georgia, Mr. REYNOLDS, Mr. FROST, Mr. TOWNS, Mr. SCOTT, Mr. ACKERMAN, Mr. DIXON, Mr. PAYNE of New Jersey, Mr. THOMPSON, Mr. CLAY, Ms. BROWN of Florida, Mrs. MEEK of Florida, Mr. TUCKER, Mr. WATT of North Carolina, Mr. NEAL of Massachusetts, Mr. LEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BAKER of Louisiana):

H.R. 931. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota (for himself, Mr. POMEROY, and Mr. MINGE):

H.R. 932. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropped wetland, and for other purposes; to the Committee on Agriculture.

By Mr. KENNEDY of Massachusetts (for himself and Mr. WAXMAN):

H.R. 933. A bill to amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors, and for other purposes; to the Committee on Commerce.

By Mr. LIPINSKI:

H.R. 934. A bill to prohibit pay-per-view charges for entertainment events that receive public financial support whether or including private entities, nonprofit organizations or governmental entities; to the Committee on Commerce.

H.R. 935. A bill to amend title 17, United States Code, and the Communications Act of 1934 with respect to the public performance, by means of the display of video programming at places of public accommodation, of games between professional sports teams; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SCHUMER, Mr. FOGLIETTA, Mr. CLYBURN, Mr. SERRANO, Mr. HINCHEY, Mr. FROST, Ms. VELAZQUEZ, Mr. TOWNS, Mr. FILNER, Mr. RUSH, and Mr. NADLER):

H.R. 936. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Banking and Financial Services.

By Mrs. MEYERS of Kansas:

H.R. 937. A bill to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdicion of the committee concerned.

By Mr. MONTGOMERY:

H.R. 938. A bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON (for himself and Mr. BATEMAN):

H.R. 939. A bill to amend the Elementary and Secondary Education Act of 1965 to provide hold-harmless payment amounts for impact-aid payments relating to Federal acquisition of real property; to the Committee on Economic Education Opportunities.

By Mr. GEPHARDT (for himself, and Mr. CLAY, Mr. BONIOR, Mr. FAZIO of California, Mrs. KENNELLY, Mrs. CLAYTON, Mr. CONYERS, Ms. DELAURO, Mr. DINGELL, Mr. DURBIN, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HOYER, Mr. LAFALCE, Mr. LEWIS of Georgia, Ms. LOWEY, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MURTHA, Mr. OBEY, Mr. RICHARDSON, Mr. SABO, Mrs. SCHROEDER, Mr. SERRANO, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. COLEMAN, Mr. COYNE, Ms. ESHOO, Mr. FARR, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FRAZER, Mr. GEJDENSON, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. KLECZKA, Mr. KLINK, Mr. LANTOS, Mrs. MALONEY, Mr. MARTINEZ, Mr. MASCARA, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Ms. PELOSI, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. SCHUMER, Mr. WARD, Mr. WAXMAN, Mr. WISE, Mr. WYNN, and Mr. WYDEN):

H.R. 940. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act; to the Committee on Economic and Educational Opportunities.

By Mrs. SCHROEDER (for herself, Miss COLLINS of Michigan, Mrs. MORELLA, and Ms. RIVERS):

H.R. 941. A bill to amend title 18 United States Code, to carry out certain obligations of the United States under the International Covenant on Civil and Political Rights by prohibiting the practice of female circumcision, and for other purposes; to the Committee on the Judiciary, and in addition to the Commtitee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. KENNEDY of Massachusetts, Ms. ESHOO, Mr. PORTER, Mr. PALLONE, Mr. BONIOR, Mr. MOORHEAD, Mr. ANDREWS, Mr. MCNULTY, Mr. LEVIN, Mr. BERMAN, Mr. RADANOVICH, Mr. GALLEGLY, Mr. FRANKS of New Jersey, Mr. SAXON, Mr. TORRES, Mr. MARKEY, Mr. FROST, Mr. BROWN of California, Mr. COX, Mr. DURBIN, Mr. KNOLLENBERG, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. REED, Mr. BAKER of California, Ms. WOOLSEY, Mr. FARR, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. GENE GREEN of Texas, Mr. BARCIA, Mr. GUTIERREZ, Mr. DOOLEY, Mrs. LOWEY, Mr. ACKERMAN, Mr. DORNAN, Mr. TORRICELLI, Mr. KING, Mr. FATTAH, and Ms. FURSE):

H.R. 942. A bill to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian assistance; to the Committee on International Relations.

By Mr. STARK:

H.R. 943. A bill to amend the Internal Revenue Code of 1986 to provide that the corporate income tax shall apply to certain Government-sponsored enterprises; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 944. A bill to provide rules regarding the payment by certain political subdivisions in the State of Montana of charges imposed by the United States with respect to a hydroelectric project located in Granite and Deer Lodge Counties, MT; to the Committee on Commerce.

By Mr. KING (for himself, Mr. MCCOLLUM, Mr. BEREUTER, Mr. ROTH, Mr. BACHUS, Mr. CASTLE, Mr. LAZIO of New York, Mr. SAM JOHNSON, Mrs. MYRICK, Mr. CREMEANS, Mr. METCALF, Mr. HEINEMAN, Mr. FORBES, Mr. LONGLEY, Mr. WELLER, Mr. WATTS of Oklahoma, and Mr. NEY):

H. Con. Res. 27. Concurrent resolution to express the sense of the Congress that the Secretary of the Treasury should submit monthly reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives concerning compliance by the Government of Mexico regarding certain loans, loan guarantees, and other assistance made by the United States to the Government of Mexico; to the Committee on Banking and Financial Services.

By Mr. LAFALCE (for himself and Mr. DE LA GARZA):

H. Con. Res. 28. Concurrent resolution expressing the sense of Congress that a proposed cross-border fee for vehicles and pedestrians entering the United States from Canada or Mexico is unwise and should not be enacted; to the Committee on Ways and Means.

By Mr. PICKETT:

H. Con. Res. 29. Concurrent resolution expressing the sense of the Congress that the President should submit a national energy policy plan to Congress; to the Committee on Commerce.

By Mr. GILMAN:

H. Res. 84. Resolution providing amounts for the expenses of the Committee on International Relations in the 104th Congress; to the Committee on House Oversight.

By Mr. LEACH:

H. Res. 85. Resolution providing amounts for the expenses of the Committee on Banking and Financial Services in the 104th Congress; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. NORWOOD.

H.R. 8: Mr. GUTKNECHT.

H.R. 24: Mrs. MYRICK.

H.R. 29: Mr. BONO.

H.R. 62: Mr. NETHERCUTT.

H.R. 65: Ms. MOLINARI, Mr. FALEOMAVAEGA, Mr. ROHRABACHER, Mr. BARCIA of Michigan, Mr. SPENCE, Mr. SAM JOHNSON, Mr. GEKAS, and Mrs. MINK of Hawaii.

H.R. 70: Mr. SMITH of Texas.

H.R. 109: Mr. GREENWOOD and Mr. FALEOMAVAEGA.

H.R. 123: Mr. PICKETT, Mr. CRAMER, Mr. BILBRAY, Mr. FORBES, Mr. KIM, Mr. DUNCAN, Mr. ARMEY, Mr. COMBEST, Mr. BRYANT of Tennessee, Mr. LEWIS of Kentucky, Mr. HILLEARY, Mr. PETERSON of Minnesota, and Mr. QUILLEN.

H.R. 217: Mr. BARTLETT of Maryland.

H.R. 240: Mr. GOSS.

H.R. 303: Ms. MOLINARI, Mr. FALEOMAVAEGA, Mr. BARCIA of Michigan, Mr. SPENCE, and Mr. SAM JOHNSON.

H.R. 315: Mr. DELLUMS.

H.R. 328: Mr. ROHRABACHER.

H.R. 370: Mr. LATHAM.

H.R. 375: Mr. NORWOOD.

H.R. 438: Mr. ACKERMAN, Mr. CAMP, Mr. HUTCHINSON, Mr. SHAYS, and Mr. HASTINGS of Washington.

H.R. 453: Mr. STOKES and Ms. KAPTUR.

H.R. 463: Mr. FOGLIETTA.

H.R. 489: Mr. FIELDS of Texas and Mr. HUTCHINSON.

H.R. 490: Mrs. CHENOWETH.

H.R. 500: Mr. BARTON of Texas, Mr. BATEMAN, Mr. BONILLA, Mr. BRYANT of Tennessee, Mrs. FOWLER, Mr. GILCHREST, Mr. GUTKNECHT, Mr. NETHERCUTT, Mr. PAXON, Mr. RADANOVICH, Mr. SALMON, Mr. SCARBOROUGH, Mr. SMITH of Texas, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. THORNBERRY, and Mr. WAMP.

H.R. 563: Mr. FAZIO of California, Mr. BALLENGER, and Mr. FIELDS of Texas.

H.R. 580: Mr. PETRI, Mr. RAHALL, and Mrs. MORELLA.

H.R. 612: Mr. MANZULLO.

H.R. 613: Mr. EVANS.

H.R. 624: Mr. DOOLEY.

H.R. 625: Mr. DIAZ-BALART, Mr. MCCOLLUM, Mr. KNOLLENBERG, Mr. GIBBONS, and Mr. HILLIARD.

H.R. 655: Mrs. MORELLA and Mr. FOLEY.

H.R. 658: Mr. ABERCROMBIE, Mr. FROST, Mr. MARTINEZ, Mr. BRYANT of Texas, Mr. SERRANO, Mr. BARRETT of Wisconsin, Mr. TORRICELLI, Mr. UNDERWOOD, and Mr. FRANK of Massachusetts.

H.R. 736: Mr. GUTKNECHT, Mr. SAXTON, Mr. HANCOCK, Mr. NORWOOD, Mr. CALVERT, and Mr. ROYCE.

H.R. 770: Mr. GALLEGLY and Mr. ROHRABACHER.

H.R. 793: Mr. KNOLLENBERG and Mr. LIVINGSTON.

H.R. 847: Mr. NEY and Mr. LAZIO of New York.

H.R. 860: Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. STEARNS, Mr. SMITH of New Jersey, Mr. MANZULLO, Mr. BUNNING of Kentucky, Mr. SAM JOHNSON of Texas, and Mr. TIAHRT.

H.R. 870: Mr. SCHUMER, Mr. RICHARDSON, Mr. OWENS, Mr. TORRES, and Mr. LAFALCE.

H.R. 881: Mr. KLUG, Mr. ANDREWS, Ms. ESHOO, Mr. FORBES, Mr. PETRI, Mr. MARTINEZ, Ms. WOOLSEY, and Ms. LOFGREN.

H.R. 924: Ms. ESHOO and Ms. WOOLSEY.

H.J. Res. 14: Mr. NCNULTY.

H.J. Res. 16: Mr. CRAMER.

H. Con. Res. 12: Mr. MARTINEZ, Mr. SERRANO, and Mr. EMERSON.

H. Con. Res. 21: Ms. PELOSI, Mr. ROHRABACHER, Ms. MCKINNEY, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. SMITH of New Jersey, Mrs. MALONEY, Ms. VELÁZQUEZ, Mrs. MEYERS of Kansas, Mr. SHAYS, and Mr. PORTER.

H. Res. 80: Mrs. CHENOWETH, Mr. DUNCAN, Mrs. MINK of Hawaii, Mr. TALENT, and Mr. TRAFICANT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: MR. BATEMAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 8: Page 74, after line 16, strike all through line 20; Redesignate current paragraph (B) as the (A); Add after (A) the following new paragraph (B):

(B) certain countries that were a part of the former Union of Soviet Socialist Republics, which the President may designate pursuant to Section 203(d)(2) of the NATO Participation Act of 1994.

H.R. 7

OFFERED BY: MR. BATEMAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 9: Page 74, after line 16, strike all through line 20; Redesignate current paragraph (B) as the (A); Add after (A) the following new paragraph (B):

(B) certain countries that were a part of the former Union of Soviet Socialist Republics or that were part of the former Socialist Federal Republic of Yugoslavia, which the President may designate pursuant to Section 203(d)(2) of the NATO Participation Act of 1994.

H.R. 7

OFFERED BY: MR. BEREUTER

(Page and line references are to H.R. 872)

AMENDMENT NO 10: At the end of title V (page 60, after line 25), insert the following new section:

SEC. 513. REPORT REGARDING REIMBURSEMENT LEVELS PAID BY UNITED NATIONS FOR COSTS INCURRED BY NATIONS AND CONTRACTORS FURNISHING PERSONNEL FOR PEACEKEEPING ACTIVITIES.

(a) INFORMATION RELATING TO NATIONS FURNISHING FORCES.—The Secretary of State shall submit to the Congress a report on the amounts paid by the United Nations during 1994 as compensation for expenses incurred by nations which have provided forces for United Nations peacekeeping activities. The report shall set forth—

(1) the total amount paid to each such nation by the United Nations during 1994 for such purpose; and

(2) with respect to each such nation, the total amount that such nation spent for peacekeeping activities for which it received a payment from the United Nations during 1994, with separate displays for the portion of that amount spent for pay and allowances for personnel of that nation's armed forces (including credit for longevity and retirement), for other perquisites relating to the duty of such personnel as part of such peacekeeping activities, and to the extent possible for related incremental costs incurred by such nation as part of such peacekeeping activities.

(b) INFORMATION RELATING TO CONTRACTORS.—

(1) COMPENSATION LEVELS.—The Secretary shall include in the report under subsection (a) a separate report on amounts paid by the United Nations during 1994 under contracts

entered into by the United Nations for the provision of civilian management services relating to United Nations peacekeeping activities. The report shall include information on the level of individual compensation received by those contractors, or employees of those contractors, with respect to those peacekeeping activities, including the level of salary, benefits, and allowances.

(2) CONTRACTING PROCESS.—The Secretary shall include in the report a review of the process by which the United Nations selects contractors for the provision of civilian management services relating to United Nations peacekeeping activities. That review shall describe the extent to which that process permits competitive bidding.

(c) PLAN FOR REFORM.—The Secretary shall include in the report under subsection (a) a plan for actions the United States can take to encourage the United Nations to reform the existing system for reimbursement to nations which provide forces for United Nations peacekeeping activities. The plan shall include recommended steps leading to a reimbursement system in which nations contributing forces to a United Nations peacekeeping activity are compensated by the United Nations in a manner that more accurately reflects their actual costs incurred in participating in that activity.

(d) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

H.R. 7

OFFERED BY: MR. BEREUTER

(Page and line references are to H.R. 872)

AMENDMENT NO. 11: Page 28, strike line 4 and all that follows through line 12 and insert the following:

''(g) INTERPRETATION.—(1) This section is a limitation on the expenditure of Department of Defense funds for any element of the armed forces placed under the command or operational control of a foreign national acting on behalf of the United Nations and is not to be construed as an authorization—

''(A) for the President to use any element of the armed forces in any operation; or

''(B) for the President to place any element of the armed forces under the command or operational control of a foreign national.

''(2) Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution, nothing in this section shall be construed to derogate or limit the authority of the President as commander-in-chief of the armed forces under article II, section 2, clause 1 of the Constitution.''.

H.R. 7

OFFERED BY: MR. BEREUTER

(Page and line references are to H.R. 872)

AMENDMENT NO. 12: Page 51, beginning on line 16, strike ''FOR PAYMENT'' and all that follows through ''CONTRIBUTIONS''.

Page 51, line 18, strike ''(1)''.

Page 51, line 22, strike ''(A)'' and insert ''(1)''.

Page 51, line 24, strike ''(B)'' insert ''(2)''.

Page 52, line 1, strike ''(2)'' The prohibition in paragraph (1)(A)'' and insert ''(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a)''.

Page 52, line 4, strike ''activity.'' and insert ''activity.'.''.

Page 52, strike line 5 and all that follows through line 18.

H.R. 7

OFFERED BY: MR. BERMAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 13: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

''SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

''(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

''(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

''(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

''(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

''(B) Each report submitted pursuant to subparagraph (A) shall describe—

''(i) the assistance provided for each such operation, listed by category of assistance; and

''(ii) copies of all billings requested payment by the United States of any contribution for United Nations peacekeeping activities.

''(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

''(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

''(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

''(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

''(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

''(i) costs for which the Department of Defense has been otherwise reimbursed;

''(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States forces serve under United States command, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

''(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

''(iv) the provision of humanitarian assistance; or

''(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

''(5) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.''.

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term ''incremental cost'' shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508); and

(2) the term ''Consultative Group'' means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the ''Consultative Group'').

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority leader of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RUE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United

States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"Sec. 406. Use of Department of Defense funds for United States share of cost of United Nations peacekeeping activities: limitation

''(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (direct or through another department or agency of the United States) to the United Nations—

''(A) for the cost of a United Nations peacekeeping activity; or

''(B) for any United States arrearage to the United Nations.

''(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

''(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States warfighting capability.

''(c) EXCEPTION.—if the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.''.

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term ''Consultative Group'' means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. BONIOR

(Page and line references are to H.R. 872)

AMENDMENT NO. 14: At the end of the bill, add the following new title:

TITLE VIII—NATO BURDENSHARING

SEC. 801. REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE.

(a) END STRENGTH REDUCTIONS FOR MILITARY PERSONNEL IN EUROPE.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), but subject to subsection (d), for each of fiscal years 1996, 1997, 1998, and 1999, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United states assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) in accordance with subsection (b).

(b) REDUCTION FORMULA.—

(1) APPLICATION OF FORMULA.—For each percentage point by which, as of the end of a fiscal year, the allied contribution level determined under paragraph (2) is less than the allied contribution goal specified in subsection (c), the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002 (c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), and subsection (a) of this section (if applicable), for the fiscal year in which the allied contribution level is less than the goal specified in subsection (c).

(2) DETERMINATION OF ALLIED CONTRIBUTION LEVEL.—To determine the allied contribution level with respect to a fiscal year, the Secretary of Defense shall calculate the aggregate amount of nonpersonnel costs for United States military installations in European member nations of NATO that are assumed during that fiscal year by such nations, except that the Secretary may consider only those cash and in-kind contributions by such nations that replace expenditures that would otherwise be made by the Secretary using funds appropriated or otherwise made available in defense appropriations Acts.

(c) ANNUAL ALLIED CONTRIBUTION GOALS.—

(1) GOALS.—In continuing efforts to enter into revised host-nation agreements as described in the provisions of law specified in paragraph (2), the President is urged to seek to have European member nations of NATO assume an increased share of the nonpersonnel costs of United States military installations in those nations in accordance with the following timetable:

(A) By September 30, 1995, 18.75 percent of such costs should be assumed by those nations.

(B) By September 30, 1996, 37.5 percent of such costs should be assumed by those nations.

(C) By September 30, 1997, 56.25 percent of such costs should be assumed by those nations.

(D) By September 30, 1998, 75 percent of such costs should be assumed by those nations.

(2) SPECIFIED LAWS.—The provisions of law referred to in paragraph (1) are—

(A) section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545);

(B) section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1824); and

(C) section 1304 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2890),

(d) EXCEPTIONS.—

(1) MINIMUM END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (a), the Secretary of Defense may maintain an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(2) WAIVER AUTHORITY.—The President may waive operation of this section if the President declares an emergency. The President shall immediately inform Congress of any such waiver and the reasons for the waiver.

(e) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (a)—

(1) half of the reduction shall be used to make a corresponding reduction in the authorized end strength level for active duty personnel for such Armed Force for that fiscal year; and

(2) half of the reduction shall be used to make a corresponding increase in permanent assignments or deployments of forces in the United States or other nations (other than European member nations of NATO) for each such Armed Forces for that fiscal year, as determined by the Secretary of Defense.

(f) NONPERSONNEL COSTS DEFINED.—For purposes of this section, the term ''nonpersonnel costs'', with respect to United States military installations in European member nations of NATO, means costs for those installations other than costs paid from military personnel accounts.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 15: Page 11, line 18, after ''missile attacks'' insert the following: ''and that is deployed without the inclusion of any space-based interceptors''.

Page 12, line 6, after ''missile attacks'' insert the following: ''without the inclusion of any space-based interceptors''.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 16: At the end of title II (page , after line), add the following new section:

SEC. 204. READINESS CERTIFICATION.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, and structured and are ready to carry out assigned missions as required by the national military strategy.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 17: Strike out title III (page 13, line 1, through page 21, line 22).

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 18: Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—POLICY REGARDING PRIORITY FOR MISSILE DEFENSE PROGRAMS

SEC. 201. POLICY.

The following, in the order listed, shall be the policy of the United States with respect to the priority for development and deployment of missile defense programs:

(1) First, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems.

(2) Second, as part of such modernization, completing the development and deployment at the earliest practicable date of more effective theater missile defense (TMD) systems by adequately funding essential theater missile defense programs.

(3) Third, developing as soon as practicable, subject to the availability of funding, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 19: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

''(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

''(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

''(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region.''.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 20: Page 68, line 4, strike out ''shall'' and insert ''may''.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 21: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

''SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

''(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

''(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

''(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

''(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

''(B) Each report submitted pursuant to subparagraph (A) shall describe—

''(i) the assistance provided for each such operation, listed by category of assistance; and

''(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

''(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

''(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

''(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

''(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

''(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

''(i) costs of which the Department of Defense has been otherwise reimbursed;

''(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States forces serve under United States command, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

''(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

''(iv) the provision of humanitarian assistance; or

''(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

''(5) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.''.

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term ''incremental cost'' shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508); and

(2) the term ''Consultative Group'' means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the ''Consultative Group'').

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority leader of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RULE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

''Sec. 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

''(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

''(A) for the costs of a United Nations peacekeeping activity; or

''(B) for any United States arrearage to the United Nations.

''(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

''(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by

United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States warfighting capability.

''(c) EXCEPTION.—If the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.''.

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term ''Consultative Group'' means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. DURBIN

(Page and line references are to H.R. 872)

AMENDMENT NO. 22: Page 63, line 4, strike ''In particular,'' and insert ''Numerous Central and East European countries, particularly''

Page 63, line 5, insert a comma after ''Slovakia''.

Page 66, after line 12, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly):

(7) that, when any other European country emerging from communist domination is in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, it should, in accordance with Article 10 of such Treaty, be invited to become a full NATO member, provided it—

(A) meets appropriate standards, including each of the standards specified in clauses (i) through (vii) of paragraph (5)(A); and

(B) remains committed to protecting the rights of all its citizens and respecting the territorial integrity of its neighbors;

(8) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of other European countries emerging from communist domination to full NATO membership at the appropriate time;

Page 67, line 8, strike the semicolon and insert '', including Russia; and''.

Page 67, strike line 10, beginning on line 11, strike ''cooperation'', and beginning on line 12, strike ''including the Organization on Security and Cooperation in Europe; and'' and insert a period.

Page 67, strike line 14 and all that follows through line 21.

(8) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of other European countries emerging from communist domination to full NATO membership at the appropriate time;

Page 67, line 8, strike the semicolon and insert '', including Russia; and''.

Page 67, strike line 10, beginning on line 11, strike ''cooperation'', and beginning on line 12, strike ''including the Organization on Security and Cooperation in Europe; and'' and insert a period.

Page 67, strike line 14 and all that follows through line 21.

H.R. 7

OFFERED BY: MR. GILMAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 23: Page 63, line 4, strike ''In particular,'' and insert ''Numerous Central and East European countries, particularly''.

Page 63, line 5, insert a comma after ''Slovakia''.

Page 66, after line 12, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly):

(7) that, when any other European country emerging from communist domination is in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, it should, in accordance with Article 10 of such Treaty, be invited to become a full NATO member, provided it—

(A) meets appropriate standards, including each of the standards specified in clauses (i) through (viii) of paragraph (5)(A); and

(B) remains committed to protecting the rights of all its citizens and respecting the territorial integrity of its neighbors;

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 24: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

''SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

''(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

''(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

''(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

''(ii) all assistance provided by the Untied States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

''(B) Each report submitted pursuant to subparagraph (A) shall describe—

''(i) the assistance provided for each such operation, listed by category of assistance; and

''(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

''(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

''(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

''(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

''(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

''(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

''(i) costs for which the Department of Defense has been otherwise reimbursed;

''(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States forces serve under United States command, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

''(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

''(iv) the provision of humanitarian assistance; or

''(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

''(5) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.''.

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term ''incremental cost'' shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508); and

(2) the term ''Consultative Group'' means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the ''Consultative Group'').

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation,

but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority leader of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RULE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which many involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on Page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"SEC. 406. USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES: LIMITATION.

''(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department of agency of the United States) to the United Nations—

''(A) for the costs of a United Nations peacekeeping activity; or

''(B) for any United States arrearage to the United Nations.

''(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

''(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States warfighting capability.

''(c) EXCEPTION.—If the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.''.

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term ''Consultative Group'' means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 25: Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—POLICY REGARDING PRIORITY FOR MISSILE DEFENSE PROGRAMS

SEC. 201. POLICY.

The following, in the order listed, shall be the policy of the United States with respect to the priority for development and deployment of missile defense programs:

(1) First, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems.

(2) Second, as part of such modernization, completing the development and deployment at the earliest practicable date of more effective theater missile defense (TMD) systems by adequately funding essential theater missile defense programs.

(3) Third, developing as soon as practicable, subject to the availability of funding, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States.

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 26: Page 11, line 18, after ''missile attacks'' insert the following: ''and that is deployed without the inclusion of any space-based interceptors''.

Page 12, line 6, after ''missile attacks'' insert the following: ''without the inclusion of any space-based interceptors''.

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 27: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

''(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

''(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

''(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region.''

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 28: Page 68, line 4, strike out ''shall'' and insert ''may''.

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 29: Strike out title VI (page 61, line 1 through page 75, line 10).

H.R. 7

OFFERED BY: MR. HASTINGS

(Page and line references are to H.R. 872)

AMENDMENT NO. 30: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

''(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operations of the amount of incremental costs incurred to support or participate in each such operation.

''(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

''(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

''(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

''(B) Each report submitted pursuant to subparagraph (A) shall describe—

''(i) the assistance provided for each such operation, listed by category of assistance; and

''(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

''(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

''(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

''(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

''(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

''(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

''(i) costs for which the Department of Defense has been otherwise reimbursed;

''(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States forces serve under United States command, and for which

the United States has sought the approval of the Security Council under the United Nations Charter;

''(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

''(iv) the provision of humanitarian assistance; or

''(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

''(5) DEFINITIONS.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.''.

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term ''incremental cost'' shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508); and

(2) the term ''Consultative Group'' means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the ''Consultative Group'').

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RULE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) the conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

''Sec. 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

''(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

''(A) for the costs of a United Nations peacekeeping activity; or

''(B) for any United States arrearage to the United Nations.

''(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

''(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States Armed Forces or otherwise significantly diminish United States warfighting capability.

''(c) EXCEPTION.—If the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.''.

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term ''Consultative Group'' means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. SAM JOHNSON

(Page and line references are to H.R. 872)

AMENDMENT NO. 31: Page 55, strike line 8 and insert in lieu thereof the following:

''Sec. 11. (a) LIMITATION ON ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—The United States may not pay more than $250,000,000 for any fiscal year for United States assessed contributions for the regular United Nations budget.

''(b) WITHHOLDING OF CONTRIBUTIONS.—Page 55, lines 16 and 24, strike out ''subsection (b)'' and insert lieu thereof ''subsection (c)''.

Page 56, line 6, strike out ''subsection (b)'' and insert in lieu thereof ''subsection (c)''.

Page 56, line 7, strike out ''(b)'' and insert in lieu thereof ''(c)''.

Page 56, line 8, strike out ''subsection (a)'' and insert in lieu thereof ''subsection (b)''.

H.R. 7

OFFERED BY: MR. LEACH

(Page and line references are to H.R. 872)

AMENDMENT NO. 32: On page 28, strike line 4 and all that follows through line 12 and insert in lieu thereof the following:

''(g) INTERPRETATION.—Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States.''

Beginning on page 28, strike line 16 and all that follows through page 29, line 2.

On page 29, line 3, strike ''(c)'' and insert in lieu thereof ''(b)''.

H.R. 7

OFFERED BY MR. LEACH

(Page and line references are to H.R. 872)

AMENDMENT NO. 33: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

''SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

''(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

''(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

''(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

''(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

''(B) Each report submitted pursuant to subparagraph (A) shall describe—

''(i) the assistance provided for each such operation, listed by category of assistance, and

''(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

''(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

''(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

''(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

''(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

''(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

''(i) costs for which the Department of Defense has been otherwise reimbursed;

''(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

''(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

''(iv) the provision of humanitarian assistance; or

''(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

''(5) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.''.

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term ''incremental cost'' shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508); and

(2) the term ''Consultative Group'' means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the ''Consultative Group'').

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority leader of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RULE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

''Sec. 406. Use of Department of Defense Funds for United States Share of Costs of United Nations Peacekeeping Activities: Limitation

''(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

''(A) for the costs of a United Nations peacekeeping activity; or

''(B) for any United States arrearage to the United Nations.

''(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

''(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States warfighting capability.

''(c) EXCEPTION.—If the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.''.

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term ''Consultative Group'' means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. MEEHAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 34: Page 12, line 10, after the period, insert the following:

The Secretary shall carry out this subsection so that, to the maximum extent achievable, an appropriate share of United States development costs pursuant to this subsection are borne by those allies and other friendly nations which will benefit from those development efforts.

H.R. 7

OFFERED BY: MR. SANDERS

(Page and line references are to H.R. 872)

AMENDMENT NO. 35: At the end of section 303(a) (page 16, after line 23), add the following new paragraphs:

(13) An assessment of the military threats to the security interests of the United States remaining after the dissolution of the Soviet Union and the Warsaw Pact.

(14) An assessment of the Bottom-up Review in conjunction with the threats identified under paragraph (13).

(15) An assessment of the ability of United States military allies to contribute forces to the execution of the two major regional contingencies strategy set forth in the Bottom-up Review.

(16) An assessment of the military capabilities of the nations identified under paragraph (13) as constituting threats to United States security interests, including equipment, personnel, modernization, and funding.

(17) An assessment of the comparison and contrasts between the United States and the countries identified under paragraph (13) as constituting threats to United States security interests.

(18) An assessment of the military spending per congressional district and an evaluation as to the extent to which military spending may be based on geographical considerations or the influence of the Representative from that district or a Senator from the State in which the district is located.

At the end of section 303(b) (page 17, after line 25), add the following new paragraphs:

(8) Increase the level of defense spending by United States military allies in order to reduce the financial burden on the United States of providing for the common defense of itself and those allies.

(9) Determination and allocation of the lowest funding level needed, in conjunction with spending by United States allies, to ensure an adequate defense against threats

identified in the assessment under subsection (a)(13).

H.R. 7

OFFERED BY: MR. SANDERS

(Page and line references are to H.R. 872)

AMENDMENT NO. 36: At the end of section 303(a) (page 16, after line 23), add the following new paragraphs:

(13) An assessment of the military threats to the security interests of the United States remaining after the dissolution of the Soviet Union and the Warsaw Pact.

(14) An assessment of the Bottom-up Review in conjunction with the threats identified under paragraph (13).

(15) An assessment of the ability of United States military allies to contribute forces to the execution of the two major regional contingencies strategy set forth in the Bottom-up Review.

(16) An assessment of the military capabilities of the nations identified under paragraph (13) as constituting threats to United States security interests, including equipment, personnel, modernization, and funding.

(17) An assessment of the comparison and contrasts between the military capabilities of the United States and the countries identified under paragraph (13) as constituting threats to United States security interests.

(18) An assessment of military spending per congressional district and an evaluation as to the extent to which military spending may be based on geographical considerations or the influence of the Representative from that district or a Senator from the State in which the district is located.

(19) An assessment of United States spending on intelligence activities in light of the threats to United States security interests identified under paragraph (13).

At the end of section 303(b) (page 17, after line 25), add the following new paragraphs:

(8) Increase the level of defense spending by United States military allies in order to reduce the financial burden on the United States of providing for the common defense of itself and those allies.

(9) Determination and allocation of the lowest funding level needed, in conjunction with spending by United States allies, to ensure an adequate defense against threats identified in the assessment under subsection (a)(13).

H.R. 7

OFFERED BY: MR. SCHIFF

(Page and line references are to H.R. 872)

AMENDMENT NO. 37: Add at the end the following new title:

TITLE VIII—DELAY OF 1995 ROUND OF BASE CLOSURES AND REALIGNMENTS

SEC. 801. DELAY OF 1995 ROUND OF BASE CLOSURES AND REALIGNMENTS UNTIL 1997.

(a) TWO-YEAR DELAY.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsections (c)(1)(B)(iii), (c)(1)(C), (e)(1), and (l) of section 2902, section 2903(c)(1), and section 2909(a), by striking out ''1995'' each place it appears and inserting in lieu thereof ''1997''; and

(2) in section 2902(c)(1)(B)(iii), by striking out ''104th Congress'' and inserting in lieu thereof ''105th Congress''.

(b) EFFECT OF AMENDMENTS.—Immediately upon the enactment of this Act, the President shall terminate the process underway for the selection of military installations in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990.

H.R. 7

OFFERED BY: MRS. SCHROEDER

(Page and line references are to H.R. 872)

AMENDMENT NO. 38: Page 10, after line 12, insert the following:

The Congress further is committed to ensuring equitable levels of burdensharing from the allies of the United States to protect the security interests of our allies.

Page 16, after line 23, insert the following:

(14) An assessment of how the United States can effectively ensure that our allies contribute at increased levels to the costs that the United States expends on stationing or deploying troops and combat equipment for our allies' security needs.

H.R. 7

OFFERED BY: MR. SPENCE

(Page and line references are to H.R. 872)

AMENDMENT NO. 39: At the end of title II (page 12, after line 25), add the following new section:

SEC. 204. SENSE OF CONGRESS ON THEATER MISSILE DEFENSE AND THE ANTI-BALLISTIC MISSILE (ARM) TREATY.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iran, Iraq, Syria, Libya, and North Korea.

(2) Some theater ballistic missiles that are currently deployed or are being developed (such as the Chinese CSS–2 missile and the North Korean Taepo Dong–2 missile) have capabilities equal to or greater than the capabilities of missiles that were determined to be strategic missiles more than 20 years ago under the Strategic Arms Limitation Agreement I (SALT I) Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(3) The Anti-Ballistic Missile (ABM) Treaty was not intended to, and does not, apply to or limit research, development, testing or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(4) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles at the earliest practical date.

(5) Current United States proposal in the Standing Consultative Commission (SCC) would multilateralize the ABM Treaty, making future amendments or changes to the Treaty more difficult, and would impose specific design limitations on United States theater missile defense (TMD) systems that would significantly compromise the United States TMD capability.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that further formal negotiations in the Standing Consultative Commission (SCC) and any informal discussions or negotiations on either the demarcation between theater missile defense (TMD) systems and anti-ballistic missile (ABM) systems, or any other effort that bears on the viability of the ABM Treaty, including multilateralization of the treaty, should be suspended until the One Hundred Fourth Congress has had the opportunity to review those matters.

H.R. 7

OFFERED BY: MR. SPRATT

(Page and line references are to H.R. 872)

AMENDMENT NO. 40: Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—MISSILE DEFENSE

SEC. 201. POLICY.

The following, in priority of the order listed, shall be the missile defense policy of the United States:

(1) To complete the development and deployment at the earliest practicable date of more effective theater missile defenses (TMDs) by adequately funding TMD programs in existence as of the beginning of 1995.

(2) To develop and test at the earliest practicable date a ground-based interceptor system designed to seek and destroy incoming re-entry vehicles launched against the United States, together with ground-based radar and space-based or ground-launched sensors to acquire and track incoming reentry vehicles.

(3) To develop options for deployment of a system described in paragraph (2) to defend the United States against ballistic missile attack once the technology for the system has been proven by testing.

SEC. 202. REPORT TO CONGRESS.

(a) REQUIREMENT.—The President shall submit to the congressional defense committees a report on deployment of an anti-ballistic missile system in accordance with section 201(2). The report shall—

(1) state the threats against which the system will provide protection and validate that those threats warrant deployment of a National Missile Defense system;

(2) describe the deployment plan for the system and provide a cost estimate for the system; and

(3) describe any amendments to the ABM Treaty that would be necessary to pursue and deploy the system.

(b) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than the date of the submission of the first annual budget of the President submitted following validation of the technology required for the system.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''ABM Treaty'' means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

(2) The term ''congressional defense committees'' means—

(A) the committee on National Security and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Appropriations of the Senate.

SEC. 203. FUNDING PRIORITIES.

(a) GENERAL NMD PRIORITY.—Any requirement to develop a national missile system at ''the earliest practicable date'' shall be subject to the availability of funding for that purpose. Section 201 may not be construed to require funding for a national missile defense system in a manner that will subordinate other national security priorities, such as force structure, readiness, or modernization.

(b) RELATIVE PRIORITY OF TMD AND NMD.—Funding for theater missile defense shall take priority over funding for national missile defense unless the President determines that the threat of ballistic missile attack against the United States is such as to require expedited deployment of a national missile defense system.

H.R. 7

OFFERED BY: MR. SPRATT

(*Page and line references are to H.R. 872*)

AMENDMENT NO. 41: Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—POLICY REGARDING PRIORITY FOR MISSILE DEFENSE PROGRAMS

SEC 201. POLICY.

The following, in the order listed, shall be the policy of the United States with respect to the priority for development and deployment of missile defense programs:

(1) First, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems.

(2) Second, as part of such modernization, completing the development and deployment at the earliest practicable date of more effective theater missile defense (TMD) systems by adequately funding essential theater missile defense programs.

(3) Third, developing as soon as practicable, subject to the availability of funding, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States.

H.R. 7

OFFERED BY: MR. SPRATT

(*Page and line references are to H.R. 872*)

AMENDMENT NO. 42: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

''(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

''(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

''(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region.''.

H.R. 7

OFFERED BY: MR. TORRICELLI

(Page and line references are to H.R. 872)

AMENDMENT NO. 43: On page 64, line 4, strike ''shall'' and insert in lieu thereof ''may''.

H.R. 7

OFFERED BY: MS. WATERS

(Page and line references are to H.R. 872)

AMENDMENT NO. 44: Page 23, line 1, strike out ''requirements'' and insert ''requirement''.

Page 23, beginning on line 8, strike out ''requirements'' and insert ''requirement''.

Page 23, strike out line 18 and all that follows through line 11 on page 26 and insert the following:

''(d) PRESIDENTIAL CERTIFICATION.—The requirement referred to in subsection (b)(1) is that the President submit to Congress a certification that such a United Nations command or control arrangement is necessary to protect the national security interests of the United States.

Page 26, line 12, strike out ''(f)'' and insert ''(e)''.

Page 28, line 4, strike out ''(g)'' and insert ''(f)''.

Page 30, line 22, strike out ''requirements'' and insert ''requirement''.

Page 31, beginning on line 4, strike out ''requirements'' and insert ''requirement''.

Page 31, strike out line 15 and all that follows through line 8 on page 34 and insert the following:

''(c) PRESIDENTIAL CERTIFICATION.—The requirement referred to in subsection (c)(1) is that the President submit to Congress a certification that such a United Nations command or control arrangement is necessary to protect the national security interests of the United States.

Page 34, line 9, strike out ''(g)'' and insert ''(f)''.

Page 36, line 1, strike out ''(h)'' and insert ''(g)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, FEBRUARY 14, 1995 No. 29

Senate

(Legislative day of Monday, January 30, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest chaplain, the Reverend Richard C. Halverson, Jr., Arlington, VA.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., of Arlington, VA, offered the following prayer:

Let us pray:

Almighty God, Thy Word declares: ''And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: This is the first commandment. And the second is like, namely this, thou shalt love thy neighbor as thyself. There is none other commandment greater than these.''

Lord, on this St. Valentine's Day, as we labor to pass important legislation, cause us to observe that preeminent law which was decreed at the beginning of time, which is revered in every religion, and which is the foundation of every good law, the law of love.

Help us, Lord, to love Thee, whom we most often neglect. Help us to love our neighbor, whom we cannot always select. Help us to love ourselves, whom we sometimes do not accept. And help us to love our country in the laws we here direct.

In the name of Him who is incarnate love, Jesus Christ. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of House Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

A House joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Reid amendment No. 236, to protect the Social Security system by excluding the receipts and outlays of Social Security from balanced budget calculations.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that—the Senator from Utah will soon be here, is that right?

Mr. LOTT. Yes.

Mr. REID. I ask unanimous consent that the Senator from Utah and the Senator from Nevada each have 7½ minutes. That was the original agreement, and it will put off the vote for approximately 3 or 4 minutes.

Mr. LOTT. Mr. President, that is my understanding. I think we can go ahead and begin. Perhaps the Senator can take his time and Senator HATCH will be here momentarily.

Mr. REID. I am going to reserve the final 2½ minutes because it is my amendment.

Mr. BUMPERS. If the Senator will yield, is he saying the vote will not occur until when?

Mr. REID. Within 3 or 4 minutes of 9:30.

Mr. BUMPERS. I thank the Senator.

Mr. LOTT. If the Senator will yield 1 second more, I understand that the majority leader, Senator DOLE, wants 2 minutes at the very end.

Mr. REID. I forgot to mention that Senator DASCHLE is also going to speak for a brief time.

Mr. BUMPERS. I wanted to point out, Mr. President, that if I do not leave here at 9:30, I am not going to get to make a speech. Obviously, I am not going to be able to make that speech.

Mr. REID. Mr. President, I ask the Chair to advise me when I have 2½ minutes remaining.

Mr. President, Social Security is presently running huge surpluses. This year, $70 billion; in 2002 over $700 billion, and a few years after that, it will be $3 trillion.

It now appears that there are people who want to tap into that surplus in an effort to balance the budget. My amendment draws a line in the sand that says you cannot tap Social Security to balance the budget. Those Social Security trust funds which have been set aside for some 60-odd years, should be kept in the trust fund and they should not be looted. It should not become a Social Security slush fund. It is unfair to seniors, unfair to the baby boomers, and certainly unfair to today's youth, to raid the Social Security trust fund.

This Congress realizes this. This Senate realized this when, in 1990, by a vote of 98 to 2, we set up Social Security as a separate part of our revenues. It was no longer part of the general revenues of this country. A vote to kill my amendment will mark the death knell, I predict, of Social Security.

Everybody in this Chamber has made public pronouncements that they want to protect Social Security. The only way to protect Social Security is by voting for my amendment.

Mr. President, if you try to do it by implementing legislation, it is unconstitutional once the underlying amendment passes. Anything less than my amendment would be an express statement that you are willing to have the

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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fox guard the henhouse or allow Willie Sutton to guard the bank.

Those watching this debate should not be fooled by transparent arguments being put forth as to why my amendment will not work. The amendment simply says Social Security shall not be used to balance the budget. That is all it says.

No one watching this debate should be under any illusions about what this vote is about. A vote to kill this amendment means that Social Security will be used to balance the budget of this country. That would be unfair.

There have been advertisements in the State of Nevada and around the country by the Republican National Committee to try to get me to back off this amendment. I am not going to. There is not enough money in the world to stop me from doing that, because I am obligated not only to protect today's senior citizens but my children's vested interest in Social Security, and my children's children.

They have a right, of course, to put out these advertisements. I recognize that. But rights carry responsibilities. And it is simply irresponsible to jeopardize the viability of Social Security. The reason they are after Social Security is because that is where the money is. As we all know, you cannot balance the budget with ease unless you use Social Security moneys. They are wanting to say: ''OK, I did what I could to protect Social Security. I am sorry the amendment passed and now we must use Social Security to balance the budget.'' That is wrong. They want to be able to take the billions and billions and even trillions of dollars out of the Social Security trust funds to balance this budget. A vote to kill or defeat my amendment will allow them to do just that. It is not right, it is not fair, and it is not equitable.

I reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Utah.

Mr. HATCH. Mr. President, as we approach the vote to table the Reid amendment, which would carve out a constitutional exemption for Social Security from the balanced budget amendment, let me just express a few last thoughts.

First, let me thank the distinguished Senator from Nevada and those on both sides of this debate for comporting themselves with dignity throughout this debate. There are differences of opinion, but there has not been any rancor in this debate. I attribute that to my friend and colleague from Nevada, and we can all been proud of that.

Now, let me just point out why the Senate should reject the Reid amendment, in addition to the fact that writing a statute into the Constitution really should not be done. That is why we have implementing legislation. And this amendment provides that we shall have implementing legislation to do exactly what the distinguished Senator says.

Mr. President, let us just be honest about it. The Social Security trust fund is off budget, but the Federal Government is borrowing from it daily and giving a piece of paper, an IOU, for the repayment. If we do not do something to straighten out the budgetary problems of this country and do something about the deficit, those IOU's are going to be worthless pieces of paper, no matter what this amendment seems to say.

The fact of the matter is that not only will they be worthless pieces of paper, but this country is not going to be able to pay for Social Security or any other programs in the future if we do not get spending under control, especially deficit spending which drives up our interest costs and crowds out our ability to spend on anything else. The only way we are going to get spending under control is if we put a fiscal mechanism into the Constitution that requires us to do so.

Also, if you refer to a statute, as my good friend and colleague would like us to do here, if you write a statute into the Constitution, as it were by reference, you are talking about putting in tremendously convoluted and technical language and giving quasi-constitutional effect to language like this here on this poster. We would not know from week to week what the Constitution means as long as Congress can amend the underlying language of the statute referred to. That is just one illustration.

Let me give you another illustration on this next poster. It is a technical amendment to the Social Security Act in the sections referenced by the pending amendment. This is not constitutional language. But all of these details would have some type of constitutional significance under the pending amendment.

Let me further illustrate the complexity involved in referring to a statute in the Constitution. This poster shows just one of the definitions in the statute as referred to by the amendment. Is this constitutional language? It covers pages in the United States Code. And, Congress could make whatever changes it wants to in the Constitution any time it wants to by a mere 51-percent vote by merely changing the underlying statute. Or perhaps the opposite is true: Perhaps we could only amend the underlying statute through the process of a constitutional amendment. My sense is that the former is the more likely, that the meaning of the Constitution could be altered by altering the referenced statute.

Mr. President, look at this statutory language on disability insurance benefit payments in the statutory definitions of ''disability'' and ''benefit payments'' on this poster. And this is just one set of definitions in the United States Code, covering a number of pages. There are thousands of pages on the subject of the pending amendment and thousands of regulations, all of which would be written into the Constitution by reference. It would become the biggest loophole we could imagine. It would make the balanced budget amendment a totally worthless piece of paper and it would denigrate the Constitution.

Last week, we voted 87 to 10 to direct the Budget Committee to come up, at its earliest convenience, with a way of balancing the budget without touching Social Security, either from a revenue or from a spending standpoint. It will show that we can do what we said we could without taking the unprecedented and unjustifiable step of placing a mere statute into the text of the Constitution.

The real threat to Social Security is our staggering national debt and the high interest costs it drives. High Government debt and yearly deficits slow economic growth, make wages stagnant, increase interest costs, and can lead to inflation. All of these things hurt Social Security recipients by decreasing the amount of trust fund revenues and decreasing the real value of the benefits paid from the fund. As the mammoth pile of debt increases, the Government comes under increasing pressure and is less able to repay its debt to retirees unless it prints more money, which would drive inflation higher.

Balancing the budget is not a threat to Social Security, but a protection of Social Security for our current retirees and future ones, and is a protection against economic chaos and Government disaster. Any exemption in the balanced budget amendment can and would be used to avoid the strictures of the amendment and would be used to continue business as usual with ever-spiraling debt.

As I have pointed out here in this debate, this exemption would take the unprecedented step of writing a mere statute into the text of the Constitution and exempting that statute from the operation of the balanced budget amendment. Such a step opens a loophole that Congress can redefine in any way it wishes in the future. All the pressure of balancing the budget would be focused on adding popular spending programs into the Social Security system, endangering the primary purpose of Social Security and evading the balanced budget amendment. This course risks devastating both Social Security and our Nation's economy by allowing the dangerous spending spree to continue as it has in the past. Our growing national debt threatens the strength of our Government, our economy, and our Nation for future generations.

As we have pointed out in our balanced budget debt tracker, every day that we have debated our budgetary deficit has grown from the $4.8 trillion that we started with, at a rate of over $829 million a day. We are now on our 16th day since we started this particular debate, and we now have a national debt that has increased $13,271,040,000

just in the 16 days that have expired since we started this debate.

Mr. President, the debt is the threat to Social Security. We need to enact a rule into the Constitution to end this process of spending our children's legacy and threatening our ability to meet our commitments to retirees by running up a mountain of debt that we may not be able to service much longer. Let us reject all loopholes like this one offered by the Senator from Nevada, one which ironically could endanger the very program the exemption proponents are attempting to save, and which could gut the balanced budget amendment, our last best hope for setting the Nation's fiscal house in order. Let us table the Reid amendment now, and any others like it that may be offered hereafter.

Mr. President, may I ask the Chair how much time we have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds remaining.

Mr. HATCH. I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I spent a lot of time yesterday talking about honoring honesty. It occurred to me, as I was driving home last night, that no group better exemplifies those virtues than the generation now most dependent on the solvency of Social Security—that is, the Social Security trust fund—and that is the generation that fought and won World War II.

There are now events honoring those that fought and died and survived places like Iwo Jima. Yesterday, there were events that signified the fact that 50 years ago there were 2 days of intensive bombing in Germany. These grizzled veterans had a clear notion of right and wrong. They were fighting to protect future generations against the tyranny over the minds and souls of man so dark and so bloody that it had to be eradicated. They were fighting, Mr. President, for decency and for honesty, for dignity and even honor. They were fighting not only for themselves, but for their children and for unnumbered generations yet unborn.

Though there are a sprinkling yet of these heroes still serving, even in this Chamber, those victors of World War II have largely passed the torch to new hands.

Are we, Mr. President, to let its light go dim when we pass it on to the next generation? We bear—we Members of the U.S. Senate—the same responsibility to those generations yet to come as we did and do to the heroes of that great conflict.

We are faced today with a decision of whether to abrogate moral responsibility or to face it squarely and honor a promise we have made to the American people. If we fail to keep that promise, if we break our word, we have twice failed that generation of giants. We have threatened their security in the years when the old soldier should be warmed by the fireside and his widow comforted.

Even worse, I think, in the eyes of those heroes is we have also failed to keep the commitment they made to those generations yet unborn: The promise of security for the old, the orphaned, and the infirm.

If we fail to keep that promise, may we be forgiven, for I daresay the American people have a very long memory. May we honor their memories by our vote today, by protecting the Social Security trust funds.

I reserve the balance of my time.

Mr. GRASSLEY. Mr. President, I sympathize with the amendment offered by Senator REID. But, for several reasons, I am not going to support it.

Mr. President, I do not believe that the benefits of current Social Security retirees are threatened by this amendment. For several very good reasons, those benefits will be protected as we begin to move toward a balanced budget.

It is important to remember that a balanced budget amendment will have to be implemented by enabling legislation which specifies what spending reductions and revenue increases are to be made.

In developing such enabling legislation Social Security is certain to fare well. This is true for several reasons. The Social Security Program has always enjoyed strong support in the Congress. The political power of increasing numbers of older people dependent on Social Security will certainly help to protect the program.

It is also important to remember that the Social Security system is currently running large surpluses. I believe that the income to the retirement fund from the FICA taxes will exceed the amount needed to pay beneficiaries this year by around $69 billion. So the Social Security Retirement Program is not part of our deficit problem.

Several existing statutory provisions also protect the Social Security Program. They establish a firewall around the program. They do so in the following ways:

Any legislation which worsens the actuarial balance of the Social Security trust funds is subject to a point of order requiring a three-fifths vote of the Senate to waive.

Section 310(g) of the Budget Control and Impoundment Act stipulates that a point of order, requiring 60 votes to override, may be brought against any provision in a budget reconciliation bill pertaining to the Old Age, Survivors, and Disability Insurance Program established under title II of the Social Security Act.

This provision of the Budget Act makes it very difficult to alter the benefit and tax structure of the Social Security Program. Essentially, it requires 60 votes, rather than a simple majority, to pass changes in the Social Security Act program through reconciliation legislation.

Finally, the leadership of the House of Representatives and of the Senate has promised not to touch the Social Security Retirement Program for at least 5 years.

Mr. President, I said that I did not believe that Social Security would be the target of deficit reduction efforts and I said also that I do think that that is necessary.

In the long run, however, the Social Security Retirement Program faces a major imbalance between its own income and expenditures. And in the long run, therefore, there will have to be changes made in Social Security. I think everyone understands that. A number of Senators who have spoken in this debate in favor of the amendment to take Social Security out of the balanced budget amendment have acknowledged this point.

The most recent reports of the board of trustees of the Social Security trust funds, released in April 1994, concluded that the trust fund faces longer range funding problems.

The trustees predicted that the disability part of the system would become insolvent in 1995. They expected the buildup in the retirement part of the system to peak in the year 2020, and then be drawn down as the number of baby boomers drawing Social Security retirement increases rapidly after they begin to retire in the year 2010. The trustees estimated that the retirement fund would be exhausted by the year 2036.

Legislation enacted late last year will keep the disability trust fund solvent until the year 2015. With the enactment of that legislation, the retirement fund begins to spend out more than it takes in in approximately 2013. According to recent estimates, that retirement fund will be completely exhausted in approximately 2030.

Mr. President, I do not believe that excluding Social Security from the balanced budget amendment is going to protect the program from very difficult decisions in this longer range future I am describing.

After 2030, the non-Social Security operating accounts of the Federal Government could be in perfect balance. They would be required to be in balance by the balanced budget amendment.

But the Social Security deficit after 2030 could grow to huge proportions as the gap increases between the income to the trust funds from the FICA taxes, and the benefits paid out to beneficiaries.

If those Social Security trust funds themselves face a large Social Security deficit, how are we going to pay the benefits due to the baby boomers and the generation X'ers who follow them?

We are not going to pay those benefits from the trust fund surpluses shown on the books of the Social Security Administration. A number of Senators have already noted that, given that we have been running a large deficit for some years, the Social Security

surpluses have already been spent on the operating expenses of the Federal Government. The trust fund balances will continue to be spent for other Federal activities as long as we are running a deficit in the operating accounts of the Federal Government. This happens whether or not Social Security is an independent agency. It happens whether or not Social Security is displayed on-budget or off budget. It will happen even were we to accept this amendment to take Social Security out of the balanced budget amendment.

This happens because the balances in the Social Security trust funds are held in the form of Treasury securities—loans to the Treasury in return for which the Treasury essentially issues IOU's to the Social Security Program. When the time comes for the Social Security Administration to redeem those IOU's, the Treasury will have to find the money to pay them.

Achieving a balanced budget at some point in the future will help reduce this drain on the Social Security trust funds. But by the time we have arrived at that point we will already have spent on other Federal activities tens of billions of dollars from the Social Security funds. Those funds are not going to be there when the Social Security Administration goes to the Treasury to make good on the IOU's it holds.

Thus, when that time comes after the baby boomers begin to retire, we will face some difficult choices. We will have to substantially raise Social Security taxes. Or we will have to float massive new debt. Or we will have to cut back on benefits.

Mr. President, I am confident that the Congress will act to guarantee that the Social Security promise will be there for future generations. I am not able to say exactly how we will do that. But I remember back to the early 1980's when we had to form the National Commission on Social Security reform to figure out how to save the system from bankruptcy. We saved the system then, and we will do whatever we have to do in the future to guarantee the integrity of the system.

When that time comes, I do not believe that having Social Security out of the balanced budget amendment will shield us from the need to do one, or some combination, or those things—raise payroll taxes, float more debt, or reduce benefits—in order to maintain the integrity of the Social Security Program.

Mr. President, it is obvious that we cannot wait until the year 2030 until we begin to make changes in the Social Security Retirement Program. The baby boomers begin to retire in the year 2010. Once they have entered retirement, it will be difficult to make the chances that will be required. It will be difficult both because it would be unfair to change the terms of retirement for people already retired, even though the last Congress did just that when it raised the percentage of Social Security benefit subject to the personal income tax for retirees above a certain income level. And it will be difficult because the big baby boom generation will resist changes in the program.

So, Mr. President, certainly not later than 10 years from now the country, and the Congress, is going to have to face the pressing need to make changes in the retirement program that will go into effect not later than the year the baby boomers begin to retire. That is not a long time in the development of public policy.

Mr. President, it is important to remember that large Federal deficits threaten the Social Security Program. In fact, I do not think it is an exaggeration to say that they are the main threat to the current, and especially the future, Social Security Program. Social Security benefits to retirees re drawn from the wealth of the society into which they retire. Current and future economic health and prosperity are thus the first line of defense for the current and future Social Security Program.

Most economists believe that growing deficits result in lower productivity and lower living standards. As real wages decline because of large Federal deficits, there will be increasing resistance to paying the taxes necessary to support the Social Security system. Growing deficits also contribute to high interest rates and growing Federal interest payments for Federal debt. Such interest payments can crowd out other spending, including spending for Social Security. Currently, interest payments on the Federal debt are around $300 billion per year.

It is very important that we begin to get a grip on our deficit spending habits and I think that passage of this balanced budget amendment is the best way to do it.

I want to make one other point, Mr. President. And that is that we must remember that we are considering an amendment to the Constitution of the United States. As a former member of the Constitution Subcommittee of the Judiciary Committee, I had ample opportunity to reflect on the Constitution. That document establishes the basic structure of American Government. It does so with just a few thousand words. Those words outline fundamental principles of our governmental system. They outline fundamental relationships between the branches of Government.

Surely it is inappropriate to include mention of any statute, even a statute as important as the Social Security Act, in a document such as the Constitution.

This is not a precedent we should establish. Once we have added mention of the Social Security Act, what other statutes will future Congresses be tempted to add—statutes which provide veterans benefits? Statutes which provide medical care to the elderly?

We should remember that a constitutional amendment should provide general guidance on basic principles or concepts.

Mr. ABRAHAM. Mr. President, I rise to oppose the amendment offered by Senator REID. The purpose of the amendment is basically sound—to protect Social Security from budget cuts. Most of us support this.

However, in my view, the Reid amendment will likely fail to protect Social Security as well as the intent of the balanced budget amendment—to eliminate billions of dollars of annual deficits.

Right now, we fund Social Security and run up billions of dollars of debt. What the American people want is to protect Social Security from cuts and to put an end to deficits. That is what we propose.

The American people are saying that $1.5 trillion in taxpayer dollars is enough. Spending 19 percent of national income on Government is enough. They want us to make it work.

But this amendment will have as its long-term effect funded Social Security and billions of dollars in annual budget deficits. This is true because although Social Security will have the political clout to remain a funding priority, the Social Security trust fund will begin to run operating deficits in the year 2013 and will be completely exhausted in the year 2029. Thereafter, Social Security will run large annual budget deficits. While I am confident the Government will continue to make these transfer payments, I am equally certain we will not pay these bills if Social Security is not contained within the balanced budget amendment.

Furthermore, in the short term, this amendment will produce cuts in all other spending programs which will make the cuts opponents of the balanced budget amendment have described as draconian, seem trivial.

For instance, many Senators who support the Reid amendment have warned that in order to balance the budget by 2002—hold harmless national defense, SocialSecurity, and interest on the debt, and pay for the Contract With America's tax cuts, all other Government spending programs would have to be cut by 30 percent across the board.

The irony is that the Reid amendment would have the practical effect of forcing even deeper cuts in Government programs than those about which Senators on the other side have expressed concern.

Here is how this would occur. According to the Congressional Budget Office, the accumulated Social Security trust fund surpluses will total $636 billion from 1996 to 2002. If we were to remove that surplus from the budget, the annual budget deficit will increase accordingly—and the required reductions in spending would be much more than 30 percent if we must balance that portion of the budget not included in the Reid amendment.

At last Wednesday's Budget Committee hearing, I asked Office of Management and Budget Director Alice Rivlin to give me a rough estimate about how much more spending would have to be cut in all other areas of the budget if we totally remove Social Security from the rest of the budget as this amendment suggests.

Dr. Rivlin told the committee that all other Government programs would have to be reduced by 40 percent. According to the Congressional Budget Office and the Senate Budget Committee staff, spending would have to be reduced across-the-board spending cuts between 40 and 50 percent.

In other words, the amendment will produce massive short-term budget dislocations and no long-term end to the red ink. Accordingly, I will oppose it.

Mr. President, the simple fact is that today Social Security will be protected from budget cuts because an overwhelming number of Congressmen and Senators will vote to protect it. It will be protected after the balanced budget amendment is passed because that same group of Congressmen and Senators will vote to protect Social Security in the balanced budget enabling legislation. And in the future, it will be protected. This is because Social Security will always be able to compete effectively as a budget priority, especially as the number of recipients increases as a percentage of the electorate.

Mr. President, I urge my colleagues to oppose the Reid amendment because it fails to protect both Social Security and the intent of the balanced budget amendment.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, Social Security is without a doubt the most important and the most successful program Government has created in the entire 20th century. We hear a great deal these days about the Contract With America. With all due respect to the drafters of that document, I agree with Senator BYRD—the only contract I have with America is the Constitution of the United States.

However, a close second to the Constitution is the Social Security contract. Social Security represents a real contract with the American people. It represents an almost sacred trust; and our job, as fiduciaries of that trust, is to act with prudence and responsibility, so that Social Security will be there when Americans need it.

The Social Security Act was signed into law by President Franklin D. Roosevelt on August 14, 1935. In 1934, in a speech outlining the objectives of his administration, President Roosevelt stated that,

> Our task of reconstruction does not require the creation of new and strange values. It is rather the finding of the way once more to known, but to some degree forgotten, ideals and values. If the means and details are in some instances new, the objectives are as permanent as human nature. Among our objectives, I place the security of the men, women and children of the Nation first.

Accordingly, President Roosevelt announced that he would be sending to Congress a proposal to ''Provide security against several of the great disturbing factors in life—especially those which relate to unemployment and old age.'' That proposal, of course, became what is now our Social Security system. When signing the legislation into law, President Roosevelt noted:

> We can never insure 100 percent of the population against 100 percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age.

Sixty years after President Roosevelt uttered those words, his vision has become reality. Social Security has helped millons of Americans avoid living out their final years in destitution. In fact, there is probably no other Federal program that has made such an extraordinary difference in the lives of so many Americans.

As a result, Americans view Social Security as a binding commitment, valid, and enforceable against the Federal Government. It has achieved a special status, and is viewed with reverence by current beneficiaries—and even by many baby boomers, who will be collecting Social Security benefits much sooner than we like to think.

But the same is not true for those in our younger generations. As many of you in this body know, I have a 17-year-old son, Matthew. I have mentioned him often during the course of this debate, because the most fundamental issue at stake in the balanced budget amendment debate—whether the American dream will be alive and well for the next generation and beyond—is so critically important to Matt, and to the rest of his generation.

When you speak to people who are Matthew's age, one thing becomes clear. Young people today—members of the so-called generation X—have absolutely no faith that Government will be there for them when they need it, that it will help them enjoy retirement security, or affordable health care, or the opportunity to enjoy a higher standard of living than their parents had.

And why should they, Mr. President? Since my son was born in 1977, he has never seen a balanced budget. He has no idea what it means to live under a Federal Government that spends within its means. He has heard politician after politician promise to balance the budget, yet has only seen the deficit skyrocket.

Our children have been told, time and time again, that a brighter day is just around the corner. They have been told that the Government will provide for people—including them—in their old age. The Federal Government has told them, time and time again, to trust me. But our children are not stupid. They are every bit as informed and aware of the political system, and how that system impacts on their lives, as we were at their age. And the failure of politicians to face the facts and acknowledge the difficult choices we face—politicians who would prefer to sweep our fiscal problems under the rug to score points with current voters, at the expense of future generations—has fueled a cynicism about Government that grows deeper and deeper every day, notwithstanding all our efforts to convince people that a brighter day is just around the corner.

The current debate surrounding Social Security—whether it should be on or off budget; whether proposals to keep it off budget should be included in the text of the constitutional amendment itself, or instead be dealt with in implementing legislation—only feeds public skepticism. I spoke the other day of my work on the Entitlement Commission. I believe that one of the most important messages delivered by that body was the warning that, if Social Security is to remain viable well into the next century—allowing it to ensure retirement security for my son Matthew and beyond—there must be reform, Congress must act. Indeed, according to the Social Security trustees, reform is the only way to ensure that Social Security will be there for my son.

I realize that, anytime you mention Social Security reform, people get scared. But there is no reason to fear Social Security reform. Reform will not lower, by even 1 penny, the amount of benefits collected by any current Social Security recipients, or of anyone old enough to be thinking seriously about retirement. Indeed, if the changes are to be viewed as legitimate, they must be known well in advance. They must be long term ones, phased in gradually over time, when an opportunity for all Americans to fully participate in the dialog and debate over what form those changes should take. There are numerous options for reform, but it would be wrong for this Congress to choose any of them in advance of expensiveconsultation with the American people as to why reform is necessary, and what the merits and problems each option for reform presents.

However, the bottom line is that this debate must take place, a bottom line that is in no way affected by whether Social Security is kept on or off budget. In the long run, it makes no difference. Without reform, we will not be able to keep Social Security's promise to Matt and millions of other Americans.

We need to tell the American people the truth, Mr. President, about our budget problems generally, and about the need for long-term reform of Social Security specifically. The American people don't fear the truth. Far from it. They want to know the truth, and I am confident, that once they have it, they will want Congress and the President to do what the facts require—to act to keep Social Security secure for future generations and to restore real

budget discipline to the Federal Government.

Among the truths Americans have a right to know is this one: America is graying, due both to longer life expectancies and the aging of the baby boomers. When the Social Security system was established, the average life expectancy was 61 years; now, it is 76. This simple truth has numerous implications. Social Security benefits are funded primarily from payroll taxes on current workers. As our population ages, and as the baby boom generation retires, there will be fewer workers to support more retirees. While in 1990 there were almost five workers for each retiree, in 2030, there will be less than three. What that means is that, if current trends remain unchanged, the Social Security trust fund will begin to pay out more than it takes in by 2012. By 2029, the fund will have exhausted all of its previously accumulated surpluses. In other words, without long-term reform, Social Security will not be able to fully meet the promises it has made.

Now, it is true that the long-term Social Security imbalance doesn't have to be fixed today. But it is also true that the longer we wait, the more unnecessary risk for future Social Security recipients we create. So we should act—now.

What we have before the Senate today, however, are not proposals for reform that will guarantee Social Security's long-term solvency. Instead, what we have is a proposal to constitutionally reform Social Security from the budget. Frankly, Mr. President, if I thought this proposal would make any difference at all to the long-term prospect for Social Security—if it would make Social Security's future any more secure at all—I would oppose any balanced budget constitutional amendment that did not include it. More than that, I would filibuster around the clock to prevent the passage of any constitutional amendment that did not contain the Social Security proposal now before us.

And I have to say that I strongly support the idea of taking Social Security out of the budget for purposes of helping the American people understand what our real budget problems are—and what it will take to solve them.

The truth is, however, that this proposal has a short-term focus when our budget problems, and protecting Social Security's future, demand a long-term solution. And the truth is that even adding a provision to the Constitution to take Social Security out of the budget will not be able to accomplish that goal in anything other than in an accounting sense.

I share the view that decisions involving Social Security should be made only for Social Security-related reasons. I do not think Congress should ever make changes in Social Security to solve problems in other areas of the budget. Unfortunately, taking Social Security out of the budget, even via constitutional amendment, cannot guarantee that. Only the continued active involvement of the American people, only their continuing interest in keeping the Social Security compact intact, can guarantee that.

It is true that for the next 15 to 17 years, Social Security will be running a surplus—it will be taking in more than it spends. I agree that the existence of these annual surpluses does make the consolidated budget deficit look smaller in the relatively short-run. But that surplus is a temporary phenomenon. After about 2012, Social Security will be paying out more than it takes in. After that point, Social Security will be consuming its accumulated surplus.

The temporary or permanent nature of the surpluses perhaps would not be important if it were actually possible to take Social Security completely out of the rest of the Federal Government. However, as long as the Social Security system buys Treasury bonds, it is not. The simple truth is that taking Social Security off-budget won't raise or lower the amount of bonds the Treasury Department will have to issue between now and the year 2002—the date the balanced budget is supposed to be achieved—by even $1.

Right now, the Treasury Department is selling bonds to the public, both here and abroad, and to the Social Security system.Whether Social Security is part of the budget or not, it will buy exactly the same amount of bonds. And that means that, whether Social Security is part of the budget or not, the Treasury Department will be selling exactly the same amount of bonds to the public—and it is the amount of bond sales to the public that is the real measure of Federal deficits in any given year.

On the other hand, if by the year 2012, when the Social Security trust fund ceases to take in more money than it pays out, the Government will be required to pay off those Treasury bonds. Whether Social Security is part of the budget or not is irrelevant to the fact that the Treasury Department will have to find the cash to pay off those bonds. And there are only three basic ways to do that: issue new bonds to the public, thereby increasing Federal deficits in those years, raising taxes by the amount necessary, or cutting spending on other programs by the amounts needed.

Talking Social Security out of the budget, therefore, does nothing to make our long-term budget problems either better or worse. It does nothing to protect Social Security from the rest of the budget, because Treasury bond purchases and sales continue to bind Social Security tightly to the rest of the budget. And perhaps most importantly, it does nothing to protect the long-term future of Social Security.

After all, as we vote on the balanced budget amendment, we have to keep our eyes on the prize. The point of this exercise is not simply to balance the budget by the year 2002. The point is to ensure that the budget stays balanced, not merely in 2002, but in each year thereafter. Without taking the steps necessary to reform the Social Security system, it will be impossible to ensure the budget stays balanced.

Mr. President, I know it is not popular to talk about reforming the Social Security system. But the people back in Illinois who sent me to the Senate told me that it was important for politicians to level with the American people. They told me it was important to stand up for what is right, to end the conspiracy of silence surrounding our Nation's fiscal programs—including long-term problems facing Social Security—and to end the practice of ignoring the facts that are staring us in the face.

As I have said before, the American people are tired of the cynical manipulations, the smoke and mirrors, that have been used to obscure our budget problems in the past. The people know that getting our fiscal house in order will not be easy, and certainly will not be painless, but the long-term consequences of not acting are far worse than any short-term pain.

We have to take actions that will actually make a difference, instead of just making us feel good. We need to define the objectives that are important to us as a nation, then work to see how we can most effectively accomplish those objectives. On the issue of retirement security, the American people have spoken loud and clear: there are few, if any, goals as important to Americans. But deciding that the Government should provide old age security is only half the battle; in order to succeed, we need to continuously keep our eyes firmly fixed on the future.

Mr. President, the other day when I spoke of why it was so important that Congress act now on the balanced budget amendment, I pointed out that the Federal deficit for the current fiscal year—estimated at $193 billion—would not exist if the huge increases in our national debt run up during the 1980's had not occurred. This year, and next year, the budget would be balanced if not for the reckless supply-side economics that caused the deficit to balloon from its 1980 level of about $1 trillion to its current level or more than $4.7 trillion. If we had acted in 1980 to tackle the deficit, rather than adopting programs that merely fed its rapid growth, the problems we face today—in terms of demographics, and the aging of the baby boomers—would seem much more manageable.

We, therefore, need to acknowledge that not acting will not make our problems go away. Our ability to guarantee retirement security for all Americans will be much greater if we begin reform of the system now. We need to face Social Security's long-term future not for any reason connected to the rest of the budget, but to meet our responsibility to future generations of Social Security recipients. We cannot afford to let

any distractions related to budgetary accounting keep us from acting on what is really important—keeping Social Security viable.

Because taking Social Security off budget does not help us keep the promise of Social Security alive for future generations, including my own son, I cannot support it. What I do support is keeping Social Security's contract with the American people. And keeping that contract, by acting to protect the long-term integrity of the Social Security system, will help bring greater integrity to the Federal budget generally—and that is a fringe benefit that will help every American.

Mr. CAMPBELL. Mr. President, I would like to take this opportunity to respond to the amendment introduced by my friend, the Senator from Nevada, [Mr. REID] and my other distinguished colleagues on this side.

Social Security, as well as Medicare, has been one of the more successful government-run programs in the history of this country. Every hard-working, taxpaying American participates in these programs—we all have a vested interest in the Social Security program whether we are present or future beneficiaries.

As it stands now, Social Security is set up to go bankrupt in 2029. Only a few years ago, the Social Security program was projected to go broke in 2036.

I acknowledge the fact that Social Security may be on the caboose of this balanced budget train because of its current surplus versus other more problematic programs like Medicare and Medicaid, but this program is still connected to the budget as a whole.

This Senator believes Social Security is vital to a high quality of life for all Americans. It is my belief that the Senators who are offering this amendment are doing so because they, too, believe Social Security is vital to our Nation.

There are indications that an exemption for Social Security is the only way to get the balanced budget amendment through the Senate. As a supporter of the balanced budget amendment, I hope that is not the case. Even so, to keep one of the largest programs in the country out of the balanced budget discussion is fiscally irresponsible and wrong.

It is wrong because it would provide constitutional protection to a single statutory program—Social Security. The Constitution should not be used for this purpose. There are sound reasons to consider ways to keep Social Security solvent beyond 2029 in the coming years. Codifying Social Security in the U.S. Constitution prevents Congress from considering anything that may in fact be intended to preserve Social Security for the future.

The Constitution is not the place to set budget priorities, nor to enshrine statutes passed by Congress. Congress can exempt Social Security through statute.

I would also ask why not, if Social Security, any other worthy program? The argument that Americans have paid into Social Security and should not be denied getting those benefits rings hollow when we all know for a fact that a majority of current and past retirees are receiving or will receive far more in benefits than what they paid into Social Security plus interest.

Americans also pay into a variety of very good and worthy programs as well, in the form of taxes. Should those worthy programs also be exempted using that kind of argument?

Keep in mind that the balanced budget amendment does not specify where the cuts will take place. This language only forces Congress to balance the budget by the year 2002. Year after year, Congress will have the authority, should this measure pass, to choose what cuts will come from what programs.

Social Security would not necessarily have to be cut. This hype we are getting about how necessary it is to have a Social Security exemption in order to preserve benefits is driven by powerful lobbying groups and is unjustified. You and I know that Congress will not vote to cut Social Security benefits to those who need those benefits.

There may be trimmings of benefits for the wealthiest of Americans, but we are not about to vote to deny benefits to the millions of Americans who rely on Social Security as their only source of retirement income. So a constitutional exemption is not necessary.

To prioritize which program or programs are worthy of exemption in the balanced budget amendment will only chip away, piece by piece, the value of a balanced budget amendment and pit one program against another.

Let me take just a few more minutes and read to you a couple letters I have received this month from Coloradoans regarding the treatment of Social Security and Medicare, the two largest entitlement programs in our Federal budget. Take for example, Donald Kynion, from Walsenburg, CO, who says:

> I feel you should do what is best for the country. If changes in Social Security and Medicare are necessary then make them. Cut spending and too much government!

Or listen to 72-year-old Edith Seppi from Leadville, CO, who says:

> I hope you will be fair to all Americans and pass legislation that will cut the debt, even if we all must be a part of the cuts. I hope interest groups will not control the decisions you make. I hope you do what you believe is best for our country. So, count me in on the side that says do the best that you can.

Doing the best that we can, is not allowing certain privileged programs to be exempt from this difficult task of balancing our budget.

If a family was forced to balance their budget for the month, could they be successful by omitting their mortgage payments? Where should this family then get the money to make this payment?Where then should Congress find the funds to pay the baby boomers when they retire?

I beg my colleagues not to exempt any program, no matter how successful or useful it is to us, from the balanced budget amendment. If we are forced to balance the budget, all programs on this train, whether they are Medicare, veteran's pensions, unemployment compensation, SSI, and Social Security, will have a chance for a better tomorrow if we balance our budget today.

The balanced budget amendment gives this country hope for a better quality of life further down the tracks. Let us not derail this effort.

Mr. BIDEN. Mr. President, for years now, from the first time this amendment to balance the budget came before us, several of its features have caused me concern.

In addition to the constitutional issues involved in how we will enforce a balanced budget, and the lack of any provision for long-term investments, I have been most concerned by the inclusion of the social security trust fund in the budget that House Joint Resolution 1 requires to be in balance each year.

Those concerns have been the grounds not only for my statements here on the Senate floor, in the Judiciary Committee, and elsewhere, but also for my votes in the last two sessions of Congress.

Last year, I voted for a constitutional balanced budget amendment, one that excluded Social Security from budget calculations.

Back in my State of Delaware, my constituents share my concern about the Social Security trust fund, so when I raise that issue here I am speaking about their worries as well as my own.

Social Security is a unique program with a unique impact on our budget. That is why we voted, 98 to 2, to take it offbudget in 1990.

Here on the Senator floor, Senator REID and Senator FEINSTEIN have shown us the exact language with which we took Social Security offbudget in the 1990 budget agreement.

By the way, Mr. President, we all owe them our gratitude for raising this issue, and for leading the defense of Social Security here on the floor.

That 1990 agreement was made between the bipartisan leadership of Congress and President Bush.

We took that step for a very good reason, Mr. President. We were undertaking significant budget reforms and deficit reduction, and concluded that the most honest bookkeeping procedure would be to keep the Social Security trust fund out of the calculations of the annual budget.

I see no reason to reverse that decision now, particularly in light of its effects on future deficits, and certainly not in the Constitution.

The Social Security trust fund holds a unique position in our political system, and it deserves special consideration as we set a course for the Federal budget that could last for the next 200 years.

The Social Security system has been the very symbol of the National Government's promise to provide a safety net under those who contributed to the trust fund, and by, extension, to this country's prosperity.

Ironically, that same system that has been for so many years a symbol of a promise made and a promise kept is now seen by the generation just moving into the work force—the generation of my sons and, in a few years, my daughter—as a symbol of the Federal Government's duplicity and irresponsibility.

We have all heard that humorous opinion poll finding, that more young people today believe in UFO's than believe that the Social Security system will be there for them when they need it.

That might be funny, Mr. President, if it were not such a sad commentary on the attitude of our young people about our Government more generally.

Of all the harm our inability to manage our finances has caused, that may be the most damaging—the declining faith in our Government's ability, even willingness, to keep its word.

There are of course many reasons for the cynicism of our young people, which is just part of a wider national disaffection.

But at the top of anyone's list of reasons must be the perception that Social Security—the symbol of a responsive Government for my parents' generation—has become for my children's generation the symbol of a Government that takes from the unorganized and gives to the people with the best lobbyists.

For my parents' generation, Social Security is symbol of a Government guarantee of a secure future; for my children's generation, it is a symbol of why they are increasingly insecure about the future.

I'm afraid, Mr. President, that keeping Social Security in the budget—by constitutional mandate, no less—we may well prove those skeptics right.

Let there be no mistake, Mr. President, the money in the Social Security surplus—$69 billion this year alone, and it will accumulate to nearly $3 trillion by the year 2020—will be far too tempting for us if we are to be bound by the Constitution to balance our budgets.

Those funds could be used to ease a lot of short-term pain as we face the major budget choices needed to lower our deficits.

It is precisely because we do not trust ourselves or future Congresses to write responsible budgets that we are considering this balanced budget amendment right now.

If we leave an extra $3 trillion on the table do we really expect that we will leave Social Security alone?

This fiscal year, we will have the benefit of a $69 billion Social Security surplus, that under the terms of the balanced budget amendment, we would be constitutionally allowed to use to make the deficit in the rest of the Government's operations look smaller.

By the year 2002, that Social Security surplus will be $111 billion. Every year thereafter, the annual surplus will grow, as it should, to cover the future obligations of the Federal Government to Social Security beneficiaries.

And therefore, every year the task of balancing the budget to meet the requirements of the balanced budget amendment will be that much easier. At least, Mr. President, for the short term.

Mr. President, by the very logic that led to this debate today, we will use that money to delay those tough choices for future decades.

If we lack the will to do the right thing about our deficits without a constitutional requirement, why should we be trusted to leave Social Security alone if its surpluses will help us avoid some of the political pain of complying with the Constitution?

The Social Security system is not the cause of today's deficit problem; it should not be made the short-term solution for those problems, either.

That is why we should protect Social Security by accepting the Reid amendment.

To be sure, the system faces its own imbalances—even monumental deficits—all too soon, when the baby boomers retire.

At that time, the Social Security system will begin a freefall into deficits that will eventually swamp the rest of the Federal budget in red ink.

At that time, our problem will be the reverse of the short-term temptation to use the current surplus to mask the cuts needed to get the rest of the budget into balance.

When the Social Security trust fund heads south, when its surplus becomes an increasing deficit, we will then be scrambling to find ways to cut the rest of the budget to accommodate the requirements of the Constitution.

The Social Security balances will accumulate surpluses up to roughly 2020, when the whole system just falls right off the table, as we spend out at a rapid rate to meet obligations to an increasing number of retiring baby boomers who will be supported by a declining number of workers.

The Social Security system's financial problems are driven by a number of factors, some of which we can control. But there is one factor that will always be beyond our control.

Demographic trends—the most famous of which we call the baby boom—will determine how many beneficiaries will be receiving benefits from the system and how many workers will be paying their payroll taxes into the system.

The Social Security system—no matter how well our policies are designed—cannot be balanced on an annual basis but must be balanced over decades, even over generations.

Therefore, unless we do away with Social Security all together, the balanced budget amendment will mix—in the constitutional definition of the budget—programs with very different balances.

I might add that is the same problem we will have if we neglect to provide for a capital budget, a way of carrying the cost of long-term assets on our books without having to count them as a current expense.

By attempting to lump every kind of activity into a single definition of the budget, the balanced budget amendment ignores the kinds of distinctions we all make in our daily lives.

Mr. President, we all distinguish between our savings accounts, our mortgage payments, and our monthly checkbook balances.

We do not count our savings account balances—or the balances in our retirement accounts—when we balance our checkbooks every month. In the real world, it wouldn't do us any good anyway—we would still have to pay our bills.

Unless we intend to use that retirement account to pay our current monthly bills, that retirement account should not even be considered when we balance our checkbooks.

Unless we intend to use the Social Security surplus to cover annual operating expenses, Mr. President, there is no reason to keep the Social Security trust funds in the constitutional definition of our annual budget.

No one here would deny that Social Security needs fixing on its own terms. And, Mr. President, we all know that we will never give it the attention it needs if we are able to hide behind a constitutional definition of the budget that uses the surplus to mask the true extent of the deficit in the rest of the Government's operations.

I for one don't for a minute think that those choices—how to cut the deficit—will be made easier if we hold the system apart from the rest of the Federal budget.

They will not be made more easily if we accept this amendment, Mr. President, but they will be made more honestly.

Those tough choices should not be tangled up with the solution for other budget issues not caused by the Social Security system.

The Reid amendment will preserve the Social Security system's unique place in our laws, and will permit us to address its very real problems on their own merits.

That is, after all, only what the opponents of the Reid amendment say they want, too—to keep Social Security off the table when we start the cutting that will be required to comply with the balanced budget amendment.

If that's what they want, then let them join us in taking it off the table now.

Surely, they cannot argue that Senator DOLE's amendment that we accepted earlier provides the protection that Social Security needs and deserves.

As Senators HOLLINGS and HEFLIN have conclusively argued, once the Social Security system is included in the constitutional definition of the Federal budget, no mere statute or statement of this Congress' intention will prevent future Congresses from using the Social Security surpluses to comply with the balanced budget requirement.

So we can talk all we want about what we would do, or what we expect future Congresses to do. The Reid amendment takes care of this problem at its roots, in the Constitution.

Even with Senator DOLE's amendment, the temptation to use these funds—and the equally distressing prospect of saddling ourselves with those future deficits—will always be there.

Even now, Mr. President, despite the apparently bipartisan chant that we should keep our hands off of Social Security, there are other voices out there that we should be aware of, too.

The new Speaker of the House, in his opening address on January 4, referring to the balanced budget amendment, said, and I quote, ''I think Social Security should be off limits, at least for the first 4 to 6 years, because I think it will just destroy us if we bring it into the game.''

And the chairman of the House Judiciary Committee, during hearings on the balanced budget amendment, said that failure to include the assets of the Social Security system ''would require us to make spending cuts more sweeping than currently contemplated.''

In other words, the House chairman intends that those funds be available to make the transition to a balanced budget easier—to cover the deficit in the rest of the budget with the assets set aside for future Social Security beneficiaries.

It is statements like that, Mr. President, that make me more than a little concerned about the future of Social Security, especially now that the majority has rejected our call for a specific plan to bring our budget into balance.

Having failed to get any specifics about a plan to get us to a balanced budget, we are now asking a much narrower, more focused, and easier question: ''Will you leave Social Security out of the constitutional definition of a balanced budget?''

Mr. President, that is all that Senator REID's amendment calls for—an honest accounting of one very important program. It calls for an honest accounting of how we will deal with the Social Security system.

Those of us who want an honest accounting will vote for this amendment. I cannot understand why anyone would vote against it.

Mr. NUNN. Mr. President, I rise today to announce my support for the Reid amendment to the constitutional balanced budget amendment. This amendment proposes to exempt explicitly Social Security from the constitutional balanced budget amendment.

I support the Reid amendment for one fundamental reason. Its passage would promote truth in budgeting to the American people. For the past 10 years, the surplus from the Social Security trust fund has been used to mask the size of the annual Federal deficit. Instead of being saved or invested to pay for the retirement of the baby boom generation in the next century, the surplus is being borrowed and used to pay for general fund obligations. Its use in this fashion understates the annual deficit by $70 billion in fiscal year 1995, and this amount will keep increasing each year between now and 2002, at which point the general fund will have borrowed $1 trillion from the Social Security trust fund. Over the next 7 years, the general fund will borrow and spend over $630 billion from the Social Security trust fund. I oppose the use of these surpluses in this fashion. I believe we are setting a fiscal time bomb for the next generation.

I understand well why many of my colleagues oppose the Reid amendment. Its passage would make the job of balancing the budget, a goal I support with or without the constitutional balanced budget amendment, more difficult. Under current projections, over $1 trillion in deficit reduction will have to be found over the next 7 years to bring the budget in balance by 2002. Not being able to use the Social Security trust fund surplus would require an additional $110 billion in deficit reduction in the year 2002 in order to balance the budget that year.

Budget cuts of this magnitude cannot be made painlessly, although there is a continuing search for such painless methods in order to avoid facing the tough decisions. Realistically, I think the passage of this amendment would mean also that the time frame for balancing the budget would have to be extended, probably by about 3 years.

There are some who are promoting the Reid amendment as an effort to avoid all tough decisions on Social Security and to pretend that the system can remain unchanged. I dissent from this view. We must dispel the notion that everything is well with the Social Security trust fund. The important findings of the Kerrey-Danforth Bipartisan Commission on Entitlement and Tax Reform clearly spelled out the demographic and fiscal challenges which confront the Social Security system. Thirty years ago, there were four workers for every Social Security beneficiary. Today, there are only three. Thirty years from now, there will be only two. If we do nothing, we know what awaits us. In 2013, receipts from payroll taxes will no longer pay for Social Security benefits. And their news gets even worse—in 2029, if no changes are made, the Social Security system will be insolvent.

Some who support this amendment view it as rendering Social Security untouchable. I not only disagree with this interpretation; I believe that considering Social Security untouchable will bring about the long-term insolvency of the Social Security program.

My reasons for voting for the Reid amendment are simple. I believe that we are courting fiscal disaster by continuing to use social Security surpluses for general funding programs—in effect putting IOU's from the general fund into the Social Security trust fund for these borrowed funds.

According to the Social Security Board of Actuaries, by the year 2013, when payroll tax receipts will no longer cover the cost of Social Security benefit payments, the general fund—the taxpayers of America—will owe the Social Security trust fund over $2.5 trillion.

This means that when the demographics turn around in 2013, the general fund will have to begin paying back the Social Security trust fund. At this point, the Social Security trust fund will remain solvent, but the general funds will be under severe pressure because of the debt which must be repaid each year.

The dilemma is that for the next 18 years, based on current projections, excluding Social Security from the constitutional balanced budget requirement will require a tighter fiscal policy and more efforts to balance the budget. Once the Social Security trust fund begins running a deficit, the exclusion will make fiscal policy less stringent.

I believe that we must begin to realize that we are mortgaging the future for the taxpayers in years ahead unless we balance the budget without using the Social Security trust fund surpluses. These surpluses should be invested in outside activities beyond the reach of the Federal Government, so that we will no longer borrow these surpluses and mask the true fiscal picture.

One of the three central findings of the Strengthening of America Commission, which I cochaired with Senator DOMENICI, was the need to balance the budget by the year 2002 without using theSocial Security surplus. The Commission did not advocate a adoption of a balanced budget amendment, but the balanced budget amendment we have before us, as amended by the Reid amendment, would be consistent with the recommendations of our Commission: balancing the budget by the year 2002 without using the Social Security surplus. Our Commission, however, believed that getting to a real balance without using the Social Security surplus would require 10 years rather than 7.

I believe solutions for Social Security's long-term problems can be found and enacted in a fashion which will

preclude cuts in benefits for current retirees or those about to retire, and provide for the long-term fiscal soundness of the Social Security system. But if we ignore the long-term challenges facing the Social Security system, its future is at risk.

I think it is important to note that the Reid amendment does not make Social Security a constitutionally protected benefit. It merely excludes it from the calculations under this amendment. The challenge of finding a way to keep the Social Security program solvent into the 21st century remains, with or without the Reid amendment. Indeed, even a constitutional amendment that did purport to guarantee Social Security benefits would be futile. The only guarantee that future benefits can be paid is future economic growth. No amendment can guarantee people a slice of a pie that does not exist.

I do not view this amendment as a vote to make a particular Government benefit program a constitutional right. I certainly do not view it as the first step in an effort to place one program after another outside the bounds of the budget process, exempt from scrutiny. Social Security is a unique program with a unique demographic and financial situation. It has a large surplus today, and it will have even larger deficits in the future. My vote for the Reid amendment is in recognition of the fact that we need two solutions: a long-term solution for Social Security, and a long-term solution for the rest of the Federal budget.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we have had a good debate on this amendment, as we promised the distinguished Senator from Nevada we would have.

I do believe now we have come to a point where we would like to conclude action on this very important legislation this week. We have been on it now, this is the 11th day, as I calculate. And I hope, I think, the votes are there. Or they are not there. The 67 votes are there or they are not there.

I think there is broad bipartisan support for protecting Social Security, though I must say, personally, sometime—the Entitlements Commission pointed out earlier—we will have to face up to some of these issues. Senator Danforth and Senator KERREY issued a report last December. But I think for the moment, everybody is willing to protect Social Security. We voted 83 to 16 to adopt a sense-of-the-Senate amendment stating we should not raise Social Security or cut Social Security benefits in order to balance the budget.

On Friday, we adopted a motion reaffirming that commitment by a vote of 87 to 10. We will be putting forward—and in fact, Senator DOMENICI is working on it right now—a 5-year plan to put the budget on a path to balance by 2002.

Our plan will not raise taxes. Our plan will not touch Social Security. Everything else, every Federal program, from Amtrak to zebra mussel research, will be on the table, including agriculture, which talk show hosts always ask me about, since I am from Kansas. Everything will be on the table.

I urge my colleagues on both sides of the aisle to vote to table the Reid amendment.

Mr. President, I move to table the Reid amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

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. ASHCROFT] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—57

Abraham	Frist	McConnell
Bennett	Gorton	Moseley-Braun
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Packwood
Campbell	Gregg	Pressler
Chafee	Hatch	Robb
Coats	Hatfield	Roth
Cochran	Helms	Santorum
Cohen	Hutchison	Shelby
Coverdell	Inhofe	Simon
Craig	Jeffords	Simpson
D'Amato	Kassebaum	Smith
DeWine	Kempthorne	Snowe
Dodd	Kerrey	Stevens
Dole	Kyl	Thomas
Domenici	Lott	Thompson
Exon	Lugar	Thurmond
Faircloth	Mack	Warner

NAYS—41

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	McCain
Bingaman	Graham	Mikulski
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Feingold	Leahy	

NOT VOTING—2

Ashcroft	Moynihan

So the motion to lay on the table the amendment (No. 236) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HATCH. I object.

The PRESIDING OFFICER. There is an objection.

The legislative clerk continued with the call of the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOLE. 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 House Joint Resolution 1, the constitutional balanced budget amendment:

Bob Dole, Orrin G. Hatch, Larry Craig, Trent Lott, Bill Frist, R.F. Bennett, Kay Bailey Hutchison, Alfonse D'Amato, Jon Kyl, Fred Thompson, Ted Stevens, Olympia J. Snowe, John Ashcroft, Craig Thomas, Conrad Burns, Mike DeWine, Judd Gregg, Rick Santorum, Rod Grams, Lauch Faircloth.

Mr. DOLE. Mr. President, we have had, I think, now 10 or 11 days of debate. Nobody has been crowded. Everybody has been given all the time they need.

It seems to me, if we are going to continue with our work in the Senate—we have a number of matters we would like to bring up—we need to come to a vote one way or the other, a final vote on the balanced budget amendment. Knowing it takes 67 votes, and knowing there is bipartisan support, we have tried to approach it on that basis. I congratulate the Senator from Utah, Senator HATCH, and others, Senator SIMON and others who have been debating some of the very important issues—including Senator REID who has just completed I think 3 days of debate on an amendment.

What we would like to do—obviously we want to finish action on this measure by Thursday evening, this Thursday evening, if at all possible. That will be our intent. If not, we will come back on next Wednesday and finish it next week. I do not believe anybody—there was some misunderstanding on unfunded mandates. We thought we understood what was happening but then there was this big flap about there was not any committee report, even though

we thought we had it understood if it would be printed in the RECORD that would satisfy concerns. So in this case it was the intention of the leadership on this side to make certain that would not happen. We did not want any misunderstanding. We wanted to protect every Member's rights.

Hopefully we have done that. Some just do not want the balanced budget to ever pass. They could care less if we ever vote on anything as long as we are eating up time. But we have the line-item veto, we have other measures that we would like to take up. So I hope, if the Senator from California intends to offer an amendment, we can get a time agreement. If not, we will have no recourse but to move to table amendments from here on to try to bring this matter to a conclusion. I think we have spent ample time. Some people have criticized us for spending too much time. I hope we could have some agreement to bring this matter to a conclusion by Thursday evening.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Mr. President, the majority leader is certainly within his rights to offer the cloture motion. We understand his reasons for doing so. But I must say I am disappointed that he has seen the need to do so this soon. This is not just another bill. This is not just another amendment. This is a proposal to amend the Constitution of the United States for the first time in 200 years to directly affect the fiscal policy of this country.

We have only had the opportunity thus far to offer two amendments. As I have watched the debate I have been very pleased with the extraordinary participation on both sides on both issues. We debated the right to know for several days. We had a good vote. Unfortunately we did not get any Republican support for the effort to propose the right to know.

We then had a very good debate on the Social Security amendment that has just been completed. Again we had very little Republican support. But we have only had those two amendments, two very significant amendments. We have amendments relating to capital budgeting, additional amendments relating to natural disasters—issues that have a very consequential effect on how ultimately this amendment may be proposed to the Constitution. I certainly hope we could hold off on cloture votes and some effort to curtail debate, given the consequence of this amendment, given the legitimate concerns expressed, I think, by people on this side of the aisle with regard to just what ought to be a constitutional amendment on balancing the budget.

So I urge the leader, with all of the concerns he has with scheduling—legitimate as they are—to give us an opportunity to have the debate that this amendment deserves. As I say, we will debate a lot of issues in this session of Congress relating to virtually everything. But to have a debate longer on unfunded mandates or on congressional coverage than we have on a constitutional amendment to balance the budget would certainly not serve the country and not serve this body.

I certainly hope we can continue to have the kind of debate we have had, now, for several good days on issues that are of direct concern to the American people and certainly affecting the people in this body as we continue to come to some conclusion on this amendment itself.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am advised this is the 12th day, not the 11th day. I stand corrected. It will be 3 weeks Thursday we have been on this. I think we have spent far too much time on congressional coverage and unfunded mandates. It took 1 hour and 20 minutes in the House, we spent at least a week on congressional coverage. Unfunded mandates, we had people extending debate when they were for unfunded mandates. It passed 86 to 10. You kind of wonder what all the fuss was about. That took a couple of weeks. Now we are in almost 3 weeks on the balanced budget amendment.

What it will mean is we will not have any recesses this year. I can say very clearly, we can eat up all the time we want but it is going to come out of the calendar. It is not going to come out of anything else. If that is the wish of the membership—my view is we get paid for being here every day and we will be here every day. You can count on that, as I think one ad used to say, if we cannot move this legislation.

People are opposed to this amendment. They do not care if they talk for a week. They do not care how long they talk if they think they can kill the amendment and frustrate those who are for it on both sides of the aisle.

This is a bipartisan effort. I have not gone back to check to see the length of debates we have had in previous years on this amendment, but I doubt it has taken any more time or as much time as we have spent now.

So I would just say to the Democratic leader, I certainly understand the need for full debate. But I am prepared now to have a time agreement, if there is going to be an amendment by the Senator from California, for 2 hours for the Senator from California, 30 minutes on this side, and then have the vote.

If not, we will just have to move to table at the earliest possible time and that time will come sometime today or sometime during the night. So I hope we can work it out. Those who are opposed to the balanced budget amendment, we know they do not want to do anything but to frustrate the efforts of a clear majority in this body, hopefully 67 or more, who support the amendment.

So I ask the Senator from California if she intends to offer an amendment, and if so, if she is prepared to enter into a time agreement?

Mrs. BOXER. If we could have a quorum call then perhaps we can discuss it?

Mr. DOLE. 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. SPECTER. 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. SPECTER. Mr. President, I thank the Chair and thank my colleagues, Senator DORGAN and Senator BOXER, for agreeing to a brief comment by me and also a brief discussion with the manager of the bill, the senior Senator from Utah, Senator HATCH.

I favor the balanced budget amendment and have on three votes since I have been in the U.S. Senate in the past 14 years. I think it is very important that the Government of the United States live within its means, just as every other government has to—the Commonwealth of Pennsylvania and every county in my State, every city and every other State in the Union, just as we must all do so as individual citizens. But I have a considerable problem with the amendment which we just voted on where I voted in favor of excluding Social Security from the computation.

Although I know my vote was on the losing side I wanted to express myself briefly on the subject and perhaps have a comment or two with Senator HATCH.

I have consistently voted to exclude Social Security from a constitutional amendment, going back to a vote on July 29, 1982, August 4, 1982, March 12, 1986, and March 1, 1994. I have also voted to keep Social Security off budget, a subject which was explained by my late colleague, the distinguished Senator John Heinz.

The concerns that I have are when we have a trust fund established for a specific purpose and specific contributions as a very basic principle of law, those funds ought to be used for no other purpose. And when the Secretary of the Treasury, James Baker, invaded the trust fund, I took the floor and said that, if this were a matter within the jurisdiction of the district attorney's office when I was district attorney of Philadelphia, this would be an appropriate matter for criminal prosecution because it is fraudulent conversion. You have a trust fund established for a specific purpose and when that purpose is violated by having the funds used for something else it is in fact a fraudulent conversion.

When we have a balanced budget amendment, I think it is very important that we not spend more than we take in. It is not truth in accounting where you have other funds, a trust fund like Social Security, figured into the accounting process, or we have the accounting processes on other trust funds, such as the airport trust fund

and the highway trust fund where again, in my judgment, they ought not to be used in the computation of the balancing of our budget. Those are not funds for general revenue purposes. They ought not to be taken into consideration because they are set up for a specific purpose, like Social Security, the highway trust fund or the airport trust fund. I believe there is a very, very basic fundamental principle of law of such a nature that I would put it in the constitutional amendment recognizing the very high level of legal procedure which is embodied in a constitutional amendment.

I thank my colleague from Utah for being willing to have a brief discussion. The essence of my question to Senator HATCH is, is it not true that under the law the Social Security trust fund is set up for a specific purpose, to receive revenues, contributions made by citizens, contributions made by employees and employers for the specific purpose of paying benefits to those employees when they have reached the eligibility status at age 62 or 65, or whenever?

Mr. HATCH. The Senator is correct.

Mr. SPECTER. Will the Senator from Utah agree with me that the truth in accounting to have a balanced budget would be that we ought to calculate the revenues, the taxes which the U.S. Government receives and deduct from that the expenses of the U.S. Government without including the artificial raising of the revenues which are Social Security revenues, or for that matter even the highway trust fund or the airport trust fund?

Mr. HATCH. I would agree with the Senator—certainly as to the Social Security trust fund—as does the Senate. We voted last week 87 to 10 to direct the Budget Committee to find ways of balancing the budget without touching Social Security.

Mr. SPECTER. I thank my colleague for that answer. I appreciate the vote we had last week. I supported the amendment by the distinguished majority leader, Senator DOLE, to have that direction. But my followup question is: Is there any assurance that that direction will be carried out?

Mr. HATCH. There is assurance by the vote on the unfunded mandates bill concerning a resolution to this effect, which Members are on record as favoring overwhelmingly; and, the vote last week on the Dole motion to refer to the Budget Committee which was also overwhelmingly supported by both sides of the aisle; and the assurance that has been made on the floor by many that the implementing legislation will also work to establish what the distinguished Senator would like to have established, which is the protection of the Social Security trust fund.

Mr. SPECTER. I thank my colleague for that answer. When it comes to the unfunded mandates, I would suggest that is a significantly different category.

Mr. HATCH. If the Senator will yield so I may add a little bit more.

Mr. SPECTER. I so yield.

Mr. HATCH. Nothing under the balanced budget amendment will keep us from segregating accounts or running a surplus equal to or exceeding the value of the trust fund surplus. We have other trust funds like the crime trust fund, the highway trust fund, as the Senator has mentioned, and things can and will continue on as they have in the past; that is, we protect Social Security as we have always wanted to do, and I believe will do. So the amendment does not stop us from doing it as we have done in the past.

Mr. SPECTER. I agree with my colleague that it does not stop us from doing that, but the concern I have is that it does not tell us to do that.

Mr. HATCH. It does not; it does not require us to make any changes in the protections Social Security now enjoys.

Mr. SPECTER. I ask the distinguished Senator from Utah one other question about a field that I have had perhaps more experience than some, having been a district attorney for Philadelphia for 8 years.

Would my colleague agree with me that on the general principle of law where you have a trust fund set up for a specific purpose, such as contributions and specific beneficiaries, that if someone takes money from that trust fund for a purpose other than specified it is in fact a fraudulent conversion?

Mr. HATCH. I agree generally, except the Government is doing that every day as they give IOU's to the Social Security trust fund and take the money and use it for other expenditures in the Government; that is the law, and that is how the trust funds are dealt with under current law: the trust fund loans money to the Treasury in return for Treasury bonds. But I think the Senator makes a good point. I do not know whether we should call it fraudulent conversion as such. But I think we can certainly call it a fraud on the taxpayers to take moneys out of the Social Security trust fund that are dedicated to those who have paid into the trust fund on a monthly basis, and dedicated to those who deserve those funds.

Mr. SPECTER. I would accept my colleague's statement that it is a fraud on the taxpayers which is about the same thing as a fraudulent conversion, which I think is the technical term.

Mr. HATCH. The technical term would be a fraudulent conversion.

Mr. SPECTER. That would be a fraudulent conversion.

I find it is of great interest that my friend from Utah said except that Government does it every day, a multitime offender. It is not a 3-time loser or 33-time loser. It is a 33,000-time loser, maybe a 33 million-time loser, or 33 billion-time loser. That is the concern I have.

I have a very deep concern that there is not truth in accounting when, instead of taking our revenues and expenditures to balance the budget, we add other funds which are set up as a trust fund. It seems to me that this is such a very basic principle of law, trust law, criminal law, that it is worth embodying in the Constitution.

And then, of course, you have the concerns which the senior citizens of America talk about; whether they are being treated fairly and whether their trust funds are being segregated so that they will have funds when they seek to retire. That is an enormous concern with many, many of the elderly who worry about every political statement which is made and every 30-second campaign ad, let alone a constitutional amendment for a balanced budget which does not isolate and protect their funds.

I thank my colleague from Utah for engaging in this discussion. I thank my other colleagues for interrupting the regular schedule.

Mr. President, I support the amendment offered by the distinguished Senator from Nevada. In order to fully protect the earnings of our senior citizens and the generations that follow, I believe we must keep the Social Security trust fund set apart as it was meant to be.

I have consistently supported the interest of older Americans and future generations as a U.S. Senator. In March 1994, the Senate considered a substitute balanced budget amendment offered by Senator REID which would have, among other things, exempted Social Security from budget calculations. After very care consideration, I decided to vote for that amendment. I believe the Social Security trust fund is a self-financed program that must be preserved and protected. It is supported entirely by employer and employee-paid payroll taxes, and more importantly, it is a contract between Americans and their government. In addition, by law the fund must be self-supporting because it has no claim on general tax revenues.

My Senate voting record on the Social Security issue has been consistent. When the Senate considered a balanced budget amendment in 1982, I voted in favor of an amendment offered by Senator MOYNIHAN to exempt Social Security. A few days later I voted for another amendment authored by Senators Cranston and MOYNIHAN to exempt Social Security, and veterans' benefits, which our senior citizens depend upon. When the Senate considered a balanced budget amendment to the Constitution in 1986, I voted against tabling a Metzenbaum amendment to exempt Social Security. As I mentioned, in March 1994, I voted for the substitute amendment offered by our colleague from Nevada, Senator REID. And most recently, in January of this year, when the balanced budget amendment was being considered by the Senate Judiciary Committee, I voted against tabling an amendment to exempt Social Security authored by Senator FEINSTEIN.

I have voted several other times on the Senate floor to preserve the integrity of Social Security. In 1990, I voted in favor of an amendment by Senator Heinz to remove Social Security from inclusion in deficit calculations. In that same year, I voted for an amendment offered by Senator HOLLINGS to exclude Social Security trust funds from inclusion in budget deficit calculations.

I believe there is a prevailing view that we ought to leave Social Security alone and not subject it to budget cuts. I appreciate the need to reduce the Federal deficit while keeping Social Security fiscally sound because confidence in the stability of the program is of great importance to current and future retirees.

In conclusion Mr. President, we must protect Social Security or we run the risk of jeopardizing the futures of young and old Americans alike. I believe this amendment will enable us to balance the budget in a way that will protect the hard earned savings Americans have set aside for their twilight years. I urge my colleagues to support the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that at 10:30 a.m. Senator BOXER be recognized to offer an amendment regarding disasters and that the time prior to the motion to table be limited to 3 hours 15 minutes to be divided in the following fashion, with no second-degree amendments in order prior to the motion to table: 2 hours 45 minutes under the control of the distinguished Senator from California [Mrs. BOXER] and 30 minutes under the control of the Senator from Utah [Mr. HATCH]. I further ask that at the conclusion or yielding of time today the majority leader or his designee be recognized to make a motion to table the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, Mr. President, I agree with this. I think it is an excellent time agreement. I want to clarify because a couple of my colleagues would like to speak as if in morning business. If they should go over the 10:30 time by just a few minutes—I do not think it is their intent to speak too long—we can adjust this so that we still have the time. We may be starting later than 10:30.

Mr. HATCH. I am certainly amenable to that, as long as the majority leader is.

I ask unanimous consent that those who are talking in morning business, if they go beyond the hour of 10:30—and I hope they will not—that the time will be adjusted so that the distinguished Senator from California will still have her 2 hours 45 minutes and I will still have 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I want to thank the Senator.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. HATCH. If the Senator will yield, as I understand it, there is a definite time when this is to take place and that will start at 10:30 and there will be 3 hours and 15 minutes for the debate. The definite time is scheduled for a 3:30 vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for the next 10 minutes.

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

Mr. DORGAN. Mr. President, it is my intention to yield to my friend, Senator CONRAD from North Dakota, when I finish speaking. But for 1 minute, let me yield on a matter of national importance to my friend from Connecticut, Senator LIEBERMAN.

UNIVERSITY OF CONNECTICUT BASKETBALL

Mr. LIEBERMAN. I thank my friend from North Dakota. This is a matter of national importance.

Mr. President, I have had the honor for the last 6-plus years to stand and speak on many occasions on behalf of the people of Connecticut. Today, I stand to crow on behalf of the people of Connecticut because of the extraordinary accomplishments of the University of Connecticut men's and women's basketball teams.

Mr. President, Connecticut, a small State, is proud of its many firsts: The world's first written Constitution; the world's first warship and nuclear-powered submarine; the world's first American dictionary was published in Connecticut.

But another first today: The first time that a university's men's and women's basketball teams were rated No. 1 in the country at the same time.

Connecticut is a small State, but these extraordinary athletes and their fine coaches have made us all feel 10 feet tall today. We congratulate them. We know it has not come easily. They have worked hard and played by the rules.

In the spirit of the amendment under discussion, they are an extremely balanced team, and they have been rewarded with the victory and recognition they have now received.

Mr. President, I thank my colleagues. I hope this debate moves expeditiously during the day so that it will allow Senator DODD and I to go to the UConn-Georgetown game at the arena tonight.

A NEW DIRECTOR FOR THE CONGRESSIONAL BUDGET OFFICE

Mr. DORGAN. Mr. President, let the record show that my colleague from Connecticut crowed, as he said he would.

It is probably appropriate that he talked about basketball because he will understand that one important element of the game is a referee. Nobody would go to a basketball game and wonder about the results, if he did not think the referee was going to be fair. Give me a referee, and I will win any game I ever played.

I want to talk about referees for a second, though. One of the most important appointments that we are going to make in Congress is going to be the appointment of somebody to head the Congressional Budget Office. This person will, in effect, be the referee on budget issues, tax issues, economic issues. The referee. How can our referee, the Congressional Budget Office, discharge its obligation effectively? Well, by having the confidence of the Members of the Senate that the CBO will do so impartially and in a manner that is eminently fair.

For that reason, the law with respect to the Congressional Budget Office says that the Director of the Congressional Budget Office shall be chosen ''without regard to political affiliation and solely on the basis of his fitness to perform his duties.'' That language is not an accident. That is written into the law for a very specific purpose. This is a critical appointment, and the appointment must be of someone of great substance, first of all, and second, somebody who will be respected as fair, nonpartisan.

We understand that the majority has decided to appoint Prof. June O'Neill to that post. I will not stand here and in any way try to tarnish the reputation of Professor O'Neill. I have never met her and I do not know her. I come to express great concern about this appointment and to say, along with my colleague, Senator CONRAD, I am sending a letter to the President pro tempore asking that he not effect this appointment of Professor O'Neill to head the CBO.

Senator EXON, the ranking minority member of the Budget Committee, said in his letter to the chairman of the Budget Committee: ''It has been our recommendation that we should seek additional applicants before reaching a decision.''

They are not comfortable with this appointment, and I am not comfortable with it for several reasons. I do not know much more than what I have read, but if what I read is accurate, then I am very concerned with the notion that they are finding someone who believes that when you score issues, they ought to be scored dynamically.

What is dynamic scoring. This theory says that if you cut tax rates, economic activity will increase to such an extent that the Government will actually collect more revenue. If you cut capital gains taxes, for instance, the

Federal Government will supposedly collect a lot more money. Well, we have seen that sort of dynamic scoring in the past. This theory held sway in 1980 and 1981, and the result—$3½ trillion later—was massive hemorrhaging of red ink in our Government. That is the result of dynamic scoring.

Well, that is the kind of refereeing I do not want to see happening at CBO. I want scoring to be professional and to be nonpartisan. There is a question about the Consumer Price Index—do we put somebody at the head of CBO who believes the CPI radically overestimates inflation, as Alan Greenspan said? The consequence would be to reduce the deficit, if you can say the CPI is overstated. And you can cut Social Security payments and increase taxes, as well.

I am concerned about this appointment, and I hope it will be held at this point until other Members of the Senate can review the records and determine whether they think this candidate has the credentials and capability and the nonpartisan approach we would expect for somebody to head the Congressional Budget Office.

Mr. President, I yield to my friend, Senator CONRAD from North Dakota, for further comments on this issue.

CONCERN ABOUT CONGRESSIONAL BUDGET OFFICE APPOINTMENT

Mr. CONRAD. Mr. President, I thank the Chair and I thank my colleague, Senator DORGAN, as well. I think this is a very serious matter. The appointment of the head of the Congressional Budget Office is supposed to be nonpartisan. This is supposed to be done with both sides working together.

For the first time since I have been in the U.S. Senate, that is not what is occurring. Instead, the majority has decided they are going to put in the scorekeeper, the person who makes the forecast for the Federal Government, for the Government of the United States, and they are doing so on what appears to be partisan basis. That is a break from the past; that is a break from tradition; that is a break from what the law provides.

Mr. President, I think this is a very serious matter. If we are going to work collegially, if we are going to cooperate, if we are going to work together, then there has to be a basis of trust. Always in the past, part of that basis of trust is the person who is made the head of the Congressional Budget Office is somebody of very high professional standards, someone who is above being considered partisan.

I can say, in terms of the Democrats, since I have been here, they have had Bob Reischauer, Rudy Penner, Alice Rivlin, all of them broadly respected, all of them above partisanship. As a matter of fact, I cannot remember a concern that has been raised by the majority side while I have been in the Senate about CBO scoring on partisan basis.

But now, Mr. President, the majority has decided to impose on the Congress their choice, without the kind of agreement, without the kind of consultation, without the kind of, I think, nonpartisan working together that this position requires. And so, Mr. President, what is at stake? I can say that I am on the Budget Committee and the Finance Committee, and we are very dependent on what the Congressional Budget Office says the results of policies will be.

We now have before us someone, frankly, who does not have a national reputation, someone who is not of the stature that one would expect of someone appointed to be the head of CBO. And even more disturbing than that is that this is someone who has indicated they are willing to consider so-called dynamic scoring.

Well, what is dynamic scoring? It is largely make-believe. It is make-believe. It says if you cut taxes, you get more money. We tried that back in the 1980's in this country, and it was an absolute unmitigated disaster for this country. We saw people saying we could cut taxes, we can increase spending, and somehow it would all add up. It did not add up. It did not come close to adding up.

Instead of adding up, we got an explosion of the national debt; we got an explosion of deficits that have put this country in a deep hole that we have yet to climb out of and now it appears we are about to repeat the exercise.

I understand that this is a matter that should be handled in a different way. The appointment of the head of the Congressional Budget Office ought to be done together, both sides putting someone in place who is of the highest professional reputation, of the highest professional standards, and someone who both sides recognize will not do forecasts in a partisan, political manner. Unfortunately, Mr. President, that is not the suggestion for an appointment that we have before us.

I have joined my colleague from North Dakota in asking the President pro tempore that he not go forward with this appointment until and unless there is broad bipartisan agreement with respect to the appointment.

I thank the Chair.

Mr. DORGAN. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is their objection to the unanimous consent request?

Mr. CRAIG. Mr. President, reserving the right to object—and I do not object to the Senator's additional 2 minutes—let me amend that to add 3 minutes for the Senator from Montana and that this additional 5 minutes does not come off from the total time agreed upon for the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I just want to make sure that the vote would now be 5 minutes later, or at 3:35. If that is part of the agreement, that is fine.

The PRESIDING OFFICER. The Chair would observe that would be 3:37.

Is there objection? Hearing none, the Senator from North Dakota is recognized for 2 minutes.

Mr. DORGAN. Mr. President, let me simply underscore, in my 2 minutes remaining, the point that Senator CONRAD just made. We are asking the President pro tempore of the Senate to withhold action on this appointment, to withhold action on this appointment to give the Senate and other Senators time to get some answers about this candidate.

We are not talking about just any appointment or a run-of-the-mill appointment or some general candidate being appointed to some office or another. The CBO Director is the referee who will score every economic decision, every financial judgment that will be made on legislation. And when they pick a referee—when I say ''they,'' those who have effected this, the congressional majority—when they pick a referee who gives me the impression that this referee is on the home team, then I say, ''Wait a second. That is not the kind of game we play.''

We have very aggressive games around here that are played for real and for big stakes. We need to have referees who are fair and impartial and who do not owe their allegiance to either side.

This appointment is not—it is not—in the genre of an appointment of Mr. Reischauer or Mr. Rudy Penner, as an example, both of whom would be considered to have been generally nonpartisan and very well qualified. This appointment falls short on that.

And my interest is not in tarnishing this person. I do not know the person. But, based on what I have read, I certainly want to find out more about the person before this Senate would decide that this person shall become our referee.

That is the purpose of our making this request to the President pro tempore. I hope he and the majority would honor that request so that we can understand more about this candidate. And if this candidate does not meet the test of fairness, does not meet the qualifications test, then I think we ought to find someone who does and who would be acceptable on a bipartisan basis to this body. That I think is the fair way for us to proceed. I hope the President pro tempore will agree.

Mr. President, with that I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

IWO JIMA

Mr. BURNS. Mr. President, on this date 50 years ago, a formidable American armada moved even closer to another objective in the Pacific. While that was going on, long-range bombers

were in the air and continued to bombard an 8-mile square chunk of volcanic rock and ash known as Iwo Jima. The Japanese high command was acutely aware of the island's strategic and psychological importance and their forces on Iwo Jima constructed elaborate defenses that would be the toughest encountered by forces of the United States, in particular the United States Marine Corps, during the war of the Pacific.

Our Army, Navy, and air forces subjected Iwo Jima to the longest and most intensive preparation given any objective in the Pacific during World War II. Beginning June 15, 1944, American air attacks continued steadily through the summer and the fall, culminating in a 74-day round of continuous strikes by Saipan-based bombers. These air attacks, plus heavy naval gunfire 3 days before the assault, destroyed everything, or almost everything, above ground on Iwo Jima. But most of the Japanese underground guns and defenses were relatively untouched.

Against Iwo's rocky terrain and caves, naval gunfire could do only so much and victory or defeat would rest with the fighting spirit of 70,000 men of the 5th Air and Amphibious Corps, under the command of Maj. Gen. Harry Schmidt. This force included the 3d, 4th, and 5th Marine Divisions, many of whose members were battle-hardened veterans of earlier Pacific assaults.

Facing them on Iwo was a force of around 20,000 dedicated Japanese soldiers, every one of whom was under orders to make it his duty to take 10 of the enemy before dying. In a matter of days, the opposing forces would clash in a struggle that would prove decisive in the war in the Pacific. It was here on this island atop Mt. Suribachi, where the most famous of all photos was taken from the Pacific—the raising of the flag. It has been a symbol of American gallantry, the symbol of pride and dedication of the U.S. Marine Corps, and all of those who shared in that pride with that uniform. And I, not being one of those that went on Iwo, have I shared that uniform.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 240

Mrs. BOXER. Mr. President, thank you very much. And I thank my colleagues for working with me to get a time agreement, which I hope will enable all of our colleagues who have various views on the amendment I shall offer an opportunity to express them today before we have a vote.

Mr. President, my amendment, which has been coauthored by Senator LEAHY of Vermont, will enable the Congress to respond to a federally declared disaster should the balanced budget amendment become part of the Constitution.

I am proud that we have a number of cosponsors. They include Senator FEINSTEIN, my colleague from California; Senator BUMPERS from Arkansas; Senators INOUYE and AKAKA from Hawaii; Senator MURRAY from Washington, and there are others.

Mr. President, balancing the Federal budget is a goal we should attain. You know, I saw this national debt go from $1 trillion to $4 trillion in the decade of the eighties and there was a very clear reason why this happened—huge increases in the military, huge tax cuts to the wealthy. And I will tell you, it does not add up to a balanced budget. It led to a terrible situation which finally, under President Clinton, we were able to get our arms around when, unfortunately on straight party lines, we did have a vote to reduce that deficit, and the deficit is now about half of where it would have been. So we are making progress.

There are those who believe we must have this amendment in the Constitution in order to continue progress. I think the facts belie that. I just want to make sure that if we do have this amendment, it is in fact a flexible one. We should be able to act to meet the needs of our people. Why else are we here if we cannot do so?

The only exception in this amendment that would enable Congress to take the budget out of balance with a simple majority vote rather than a supermajority vote is a declaration of war. Of course, that makes sense. But there are other times that it should take a simple majority.

For every other emergency right now in this amendment to the Constitution, we would have to have 60 votes in the Senate out of 100 Senators and 261 out of 435 votes in the House of Representatives to respond.

In other words, Mr. President, we would need a supermajority to take the budget out of balance for the particular year in which a disaster struck. We are not just talking about a small problem here. We are talking about a federally declared disaster. We would take a supermajority to take us out of balance to fund that disaster emergency.

Now, Mr. President, I believe that creates a dangerous situation that flies in the face of reason. It flies in the face of reason. It is dangerous. I believe it is reckless, because I believe responding to disasters and emergencies is one of the most honorable and dutiful obligations of this U.S. Senate.

Many Members have felt the pain of seeing our States damaged very badly. Our people dislocated, families mourning the dead and the injured because of a natural disaster. Floods, tornadoes, hurricanes, earthquakes, severe storms, volcanoes.

Many have gone to the shelters. I think the most haunting memories of all those trips that I have made, unfortunately, on too many occasions in my State in the north and the south and everywhere, the most haunting memories to me are the faces of the elderly and the children who were so disoriented when something like this happens. They are rooted out of their homes and they are afraid. We need to respond in those kinds of desperate circumstances.

Now, I think a reasonable question to ask me is, Senator, how big a problem is this in the Nation? Are you just talking about your State of California? Some might say we could understand why you would feel this way, but what about the rest of the United States?

I think the chart I have up here will explain that there truly is not a State that is immune from the possibility of disaster, and as a matter of fact, the likelihood. Before I point out what this chart means, I want to say that today there is not a State in the Union that is not vulnerable to flooding.

This report from the National Research Council states, ''Floods occur more frequently in the United States than any other natural hazard. All 50 states have communities at risk from flooding which occurs primarily as flash floods caused by thunderstorms, rapid melting of ice and snow and storm surges.'' It talks about the great Midwest floods.

The point I am making is that this chart does not even show the flooding possibilities, because basically the chart would be covered, because every single State has the possibility of disastrous floods.

Looking at the chart, here are the earthquakes in this teal color. The light teal color shows the low risk of earthquake, and we see it is all over the country. If we point to the various teal colors here, all through the country. We are not talking about merely in California. Now, the medium risk, we can see where that lies, pretty much through the country. There is actually a high risk here in the Midwest for earthquakes.

Now, looking at tornadoes we see the whole midsection of the country over to the east and the extreme risk of tornado here in the midsection of the country.

The blue and yellow shows the hurricane, some risk for hurricane, and the dark blue is extreme risk for hurricane, which we see on the coastal areas and of course over in Hawaii.

There is also volcano risk, which many can never forget Mount St. Helens, that is in the West. And tsunami risk, the entire west coast of the Nation, including the islands as well.

As we look on this chart we can see that this country is magnificent. It is also quite vulnerable to disasters if we look at this risk profile.

While many of my colleagues here truly believe that responding to the needs of his or her people is not a requirement to ensuring domestic tranquility. I always go back to the preamble of the Constitution. We read it

as kids in school, but it is very meaningful, or it should be quite meaningful to everyone.

When we say we are to ensure domestic tranquility, I can say when a person is forced out of their home because of an earthquake, a flood, a drought—many things by the way, not even on this chart; droughts we do not even show—but you are forced out because you cannot get water or farm your land, let me assure you, you do not have a situation of domestic tranquility when so many of your people are dislocated. It is pretty basic.

Now, I asked my colleagues, who would ever want to be a Senator in Japan after the Kobe disaster? Many have seen the elected officials and the people in the government going to various town hall meetings and gatherings throughout Kobe, and looking at the memorial there and saying ''I am sorry. We are powerless to act. We do not have a plan in place. We cannot act.''

I assure Members that without the Boxer-Leahy amendment, we are in effect, I think, unilaterally surrendering this body's commitment to disaster relief. I will prove it. I will prove it. If we need a supermajority to act we are simply not going to be able to act.

Our amendment provides a critical safety valve. It says that in any fiscal year in which spending occurs as a result of an emergency declaration by the President and the Congress has also said, ''Yes, it is an emergency,'' the provisions of the balanced budget amendment may be waived by a majority vote of those present and voting in each House.

I want to make a point here. We purposefully constructed it such that it is not a 51 vote, but those present and voting. When we have a disaster we need to act fast. Suppose there happened to be a couple of seats vacant in the Senate, or people are ill and not here in the U.S. Senate. We should be able to move with the majority. Majority vote is a very important concept.

This amendment does violence to—not my amendment, but the balanced budget amendment to the Constitution—-does violence to that notion of fairness of majority rule. When we require a supermajority to act, whether it is a recession period, a depression situation, a natural disaster, if we require a supermajority we are giving a huge amount of power to the minority. When we do that we can tie this body in knots. We have seen it happen here many, many times.

By the way, I know what I am talking about. I voted to end the filibuster, although I am now in a minority in this body. I think inaction is inexcusable. We should not put ourselves in a situation where we cannot act. Full debate, absolutely. But at some point we decide we have had the debate, and we move on.

As I said at the outset of this debate on the balanced budget amendment, our States are not colonies of the Federal Government. Neither are they separate fiefdoms. When disaster strikes, we should be, as the words above the beautiful Capitol dome, e pluribus unum, from the many, one. What a beautiful thought that is. From the many, one. E pluribus unum. We help each other. That is the way it should be. One nation, under God, indivisible. That is what I believe in. From the many, one. We pull together, in times of crisis, in times of disaster. And we do not allow one State—whether it is in the middle of the country or at either end or anywhere in between—to stand alone in that circumstance.

We talk a lot about family values here and caring and compassion. My goodness, when we are in the midst of one of these disasters, that is the time to pull together. And we should not create hurdles in this balanced budget amendment which will make it impossible or very difficult for Members to move to resolve and to move quickly.

I believe that without the Boxer-Leahy provision, we will not be from the many, one. We will be divided. We will be stressed. We will be incapable of acting, because getting 60 votes to fully respond to a disaster will be extremely difficult. If we cannot get that, we will need to get offsetting moneys to fund the disaster. Budget cuts right on the spot, turning sensible budgeting out the window.

We will throw sensible budgeting out the window because of a disaster. If we cannot get 60 votes, we will have to cut the budget elsewhere. We will have to cut into the bone of education, transportation, health research, defense, things we need to do in this country to respond to a disaster.

Let me tell you, Mr. President, we have had those votes, and every time it has failed. Every time we have tried to get offsets to pay for an emergency, we never got the votes. It did not work. Why? Common sense tells you, an emergency is unexpected. It happens to us in our families. We should have a rainy day fund—of course we should—and we try to give FEMA a rainy day fund. But sometimes the rains keep on coming. And I can tell you they are coming right now again in Los Angeles today, and we hope we will not experience the kind of problems we did last month.

So you plan for a rainy day, but you do not know when it is going to happen and to what extent it is going to happen. That is not something to be upset about. It is something to be ready for. It is life, and life does throw us some curves sometimes in our personal lives and here sitting in the U.S. Senate.

Why do I say that it will be very difficult to get 60 votes or a supermajority to respond to a disaster? The Republican leadership in the House of Representatives has given us a preview in a letter dated February 7, signed by House Speaker NEWT GINGRICH, House Majority Leader RICHARD ARMEY, House Budget Committee Chairman JOHN KASICH, and House Appropriations Committee Chairman BOB LIVINGSTON.

Mr. President, let me talk a little bit about this letter. Their letter threatens no action on disaster relief. Right now, forget about waiting for a balanced budget, they are right out here. They are already on the record.

The President has asked for funding for an emergency supplemental to meet the needs of several disasters. He has asked for emergency funding in the supplemental to deal with the Midwest floods and the Northridge earthquake. He also asked for emergency funds to deal with unexpected military obligations and the House leadership is not objecting to that. They have found some offsets, as I understand it, in the military. But when it comes to the emergency supplemental which, in the main, has this money for California and the Midwest—and by the way, 40 States, as I understand it, still need to be paid for emergencies—what do they tell us? I am quoting from the letter:

> We will not act on the balance of requests until you have identified offsets and deductions to make up for the funding. Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Now, here it is, here it is. So this is not any guessing game we have here. The House leadership says it is their policy, and you know they seem to be able to control the votes over there. I think they had about seven or eight people who went off the party line on one vote, and they got called to the woodshed. This is discipline, my friends. They are not interested in going out of balance to meet these needs, and I can assure you, this emergency supplemental is going to be in trouble. So if we do not act and we get this balanced budget amendment into the Constitution requiring 60 votes, we are in deep trouble.

I am going to repeat what they said:

> Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Mr. President, since a large proportion of FEMA's funding for disasters supports repair and recovery of public buildings, more reliable estimates of the actual dollars that would be necessary for the Northridge recovery were not available when the revised supplemental was transmitted to Congress last year. Here is the point: A lot of these supplemental requests come before we know the extent of the damage. You do not want to go out there with estimates, you want to go out there with real numbers.

So many times there is a time lag. We had in California 120,000 schools, hospitals, city buildings, and other businesses and residences with damage from the quake. It takes time. You cannot judge the extent of the damage to a structure by looking at the exterior. You need to go in there, and then you can find out what the damage is. It takes time.

Look what happens after it takes time. After the rush of sympathy is over, what do they tell us?

Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Meaning they are going to seek offsets, and I will tell you, Mr. President, it is going to be hard to find those offsets when we already are in tight budgetary times.

An example of this late discovery of damage is California State University at Northridge. The library appeared only to have minor damage, but once the inspectors got behind the drywall, they found all 86 steel beams were sheared in half.

I am talking about California clearly because I know it the best. But it is not the only State that would lose if this attitude and this balanced budget amendment passes without the Boxer-Leahy language.

The disaster supplemental, again, requested by the President includes funds, as I said, for 40 States and territories. James Lee Witt, the Director of the Federal Emergency Management Agency, has warned us that without these supplemental appropriations, the agency will not be able to meet any disaster requirements by May 1 and no further spending on current relief programs after July.

I will tell you, Mr. President, get down on your hands and knees tonight because if you have a disaster in your State and you see those looks on people's faces when they are living in shelters and they cannot go home and they are afraid to enter their home because of fear of flood or earthquake, you stand up there and say, ''Gee, I didn't realize it when I voted against Boxer-Leahy.''

I ask you this: Will disasters go away because we want them to, because we are in a tough time right now? Will they go away because of this balanced budget amendment?

Let us look at my second chart called ''Probable Costs of Future Natural Disasters.'' I want to make this point to my friends because, again, those people who say, ''Well, sure, Senator BOXER is up here speaking about disasters. It is her State,'' let us take a look at the east coast and take a look at the largest disasters that we are looking at across the country.

Let us take a look at this. We are talking here about the predictable future. I want to make a side point that a lot of this work that was done, so that we know what our future holds in our country, was done by the U.S. Geological Survey. I think it is important to point that out because in the Republican Contract With America, they want to do away with the funding for the U.S. Geological Survey, which is where we get our information as to where the high risks are so we can share this information with others, but I will not get into that debate today because there will be other times to raise that question.

But let us take a look across the country. If you look at the Northeast, a $45 billion class 4 hurricane, and that is really the whole Northeast. Then a $52 billion class 4 hurricane out of New York which would impact that region. Out of Hampton, VA, a $33.5 billion class 5 hurricane is predicted.In Miami, a $53 billion class 5 hurricane is predicted; in New Orleans, a $25.6 billion class 5 hurricane. And I wanted to note that Senator JOHNSTON is also a cosponsor of this amendment.

In the Midwest, the real big earthquake. It is very interesting, my friends. It is not predicted for California. We do have a couple of huge ones here and also in Seattle, but the real big one is predicted in the midsection of our Nation, a $69.7 billion loss, an 8.6 earthquake predicted on this fault.

Here, moving to Galveston, TX, a $42.5 billion class 5 hurricane. In past disasters, we have had some very conservative Members of the Senate on this floor demanding that we act fast not to get offsets but to take care of their people. Why? Because they looked at their faces. It is real easy to say, well, we will vote against Boxer-Leahy, but wait until it comes to your State and you cannot act. And that is what I am trying to get colleagues to think of on both sides of the aisle. This is one that comes back to haunt you, not maybe but probably. Remember, the whole country is subjected to floods, serious floods. We do not even show that.

Now we get over here to Honolulu, a $30 billion class 4 hurricane. How we can ever forget the last one that hit there? Los Angeles, a 7.0 earthquake, $57 billion; San Francisco, $84 billion, 8.2; and up in Seattle, where a lot of people do not think of it that much, a 7.5 earthquake costing $33 billion.

(Mr. KEMPTHORNE assumed the chair.)

Mrs. BOXER. So let us not kid the American people; disasters are not going to go away. And I have to tell you again no disaster supplemental appropriation has ever been passed with offsetting spending required. It just has not. It is on the books. We have the votes to show you. It does not happen. And why? Because these are emergencies, and we do not want to destroy everything else we need to do for this country when one of our States is in trouble. So we come together, e pluribus unum, come together from the many as one, and we help and we do not destroy the rest of the budget. And then the next year we look back and we say, yes, we had some of these disasters; we are going to be even tougher on our budgeting, but we do not force 60 votes because it is not going to happen. Disasters are beyond our planning.

Mr. President, I am not a constitutional scholar, but I do know a little bit about the origins of our Government. I know that the Constitution was not the first fundamental law governing this Nation; the Articles of Confederation preceded the Constitution. But that document regulating the relations among the States proved weak and inefficient. The articles provided for a supermajority vote before the National Government could request revenue from the States. And do you know what James Madison called that? A ''radical infirmity''—a radical infirmity to require a supermajority. Without careful change to ensure flexibility, this balanced budget amendment is a radical infirmity of the 1990's. It is an infirmity. It is a condition. And it is radical because it takes away the rule of the majority.

Now, I know a lot of people said this election was about a revolution. Maybe it was. But I hope we respect the Founding Fathers here and realize that there is a reason we have majority rule in most cases in this body. We should not shackle the ability of the Congress to respond to emergencies by requiring a supermajority vote.

Now, a measured attack on the budget deficit is a priority of the Congress. I am on the Budget Committee. I have been on the Budget Committee over on the House side, now on the Senate side. I am proud to be here. And I was proud to vote for the largest deficit reduction package in history that has worked. We are on the path. We should restrain spending for the benefit of generations to come, but we must not allow this constitutional amendment to turn the back of the Senate on decent Americans. And listen to this one. If you think about who is impacted by disasters, they are decent Americans who usually, if you look at all these areas, pay their fair share in taxes, who probably have never asked the Federal Government for anything else in their life.

I have seen it. I have seen people who said, ''I never asked the Federal Government for anything. All I want now is a chance to get back on my feet,'' because they were hit with a flood, a hurricane, an earthquake, frost, drought, and they are knocked off their feet. And they are saying, yes, I have some insurance, but I need to have my Government be a partner in helping me continue to be productive.

It seems to me that is reasonable. That is why we are one nation, to act as one when there are serious emergencies, and that is what we do with our amendment, the Boxer-Leahy amendment.

From fiscal year 1988 to fiscal year 1993, Congress has passed six major disaster relief supplemental appropriations bills. I wish to explain this. They totaled $17 billion in budget authority—since 1988, $17 billion in budget authority. In 1994, Congress passed a supplemental that included $8.4 billion for disasters. That is a lot. But compare it to the military budget that is about $280 billion every year. You can see we spend a great deal defending this Nation, as we should. We have to defend our Nation when we are struck with

the hurricanes, the floods, the devastation of earthquakes, tsunamis, whatever are predicted to happen—$17 billion since 1988.

Now I am going to show you some photographs from some of these disasters because I think again we have to put a human face on what we are talking about here. This is what happens to America in these times. And the funding that I show here basically is a small proportion of the funds that went for FEMA programs because these were put together by the Federal emergency people. There are other dollars that are added, and I will go into that.

But here is South Carolina, Hurricane Hugo, 304,369 victims. You can see the child, the mother, the ruination, the shock. I have been to too many of these.

Here is the Cypress Freeway in Oakland. I am really familiar with this because my husband takes his car over this freeway, or did, every day for 20 years plus. An hour before it went down, he was on that freeway. This is not something that is far away from my heart.

This happened on the night of the World Series between two California teams, and everyone was sitting in their seats waiting for them to play ball. We did not have a baseball strike. That is a local other issue. But they never did play ball that night because the earthquake struck. People died. There were 896,245 victims—meaning not deaths, victims—people touched by this. And I want you to know something. It took us a while to get the plans to rebuild the Cypress structure because, guess what, we did not want to build it the same way it was built originally because it would have fallen down again. So we had to go back and get the engineering done and do it in a way that would not hurt the community. So it took a while.

There was a move on this Senate floor to deny the funds to rebuild this freeway. I remember it because I had to fight it. And I won that vote by a vote of—I think we had 53 votes, not 60, friends. If this supermajority requirement had been in place, forget it; we would be looking at disaster. Now, tell me something, is that what we want to see in our communities?

Here is Hurricane Andrew. This is extraordinary. There were 219,825 victims, in other words people hurt directly by this disaster. The homes are literally gone.

Do we want 60 votes to be able to make these people have a chance at life again? I hope not. We would be like they are in Kobe, Japan, going to community meetings saying, ''Gee, we're sorry, we cannot act. Move to another place, move to another town.''

I can imagine the American people's reaction. Forget it. We are not reserved here. Anybody who has had community meetings, you stand up and you are sent to protect the people of your States and help them—if you stand up at a community meeting and say, ''Sorry, I could not get 60 votes''—it is not even a viable thought.

Here is Hurricane Iniki. This literally looks as if a bomb dropped on this house; the magnificent blue sky and a complete, total wreck of a home. That is what it looks like. This is what we are talking about. I am not up here because this is an unimportant issue. I want to show you some more pictures.

Missouri floods, 168,340 victims. Their dreams, their hopes, their memories, their wedding book pictures—destroyed.

Northridge earthquake, Los Angeles area. I will never forget the first thing I heard about was a policeman rushing out to help people and he could not see that the freeway was gone. He was one of the first deaths. I have to go get 60 votes if this amendment passes without the Boxer-Leahy language.

I hope my colleagues on both sides of the aisle will help me with this one. Let us not do another party line vote here. My God, I do not ask people if they are Republicans or Democrats when they are faced with this. I do not care. We are Americans when these things happen. We help each other. Let us not put something in the Constitution that ties our hands, whether Republicans or Democrats, that ties our hands and says you cannot act in a disaster except if you have a supermajority.

After this election, half the people said, ''What's going to happen in the Senate?''

I said, ''You know what is going to happen? We are not going to be partisan here. It is not like the House that tends to be very partisan. We are going to see reasonable people here come together.''

I am waiting. This is a good one. Reasonable people should say that we should not require a supermajority to act in times of disaster.

Here is one that was unbelievable, the volcano eruption in Washington State. That does look like a bomb went off. 1,891 victims.

Then let us look at Houston, TX—horrible floods, 34,000-plus victims. This looks literally like something dropped on this house. You say a flood? This is a picture of what happens when the water is so high.

I have to tell you, I visited northern California in the last flood that we had. I was driving down the road and I looked out the window and I said there is the Russian River. Somebody said the Russian River has never been there, it is on the other side of the bank. In other words it had made a second river.

These things happen. Does it mean we should not require that people who live in a floodplain have insurance? Of course, and we do. We should have insurance programs in place. I am on a task force looking at how better to meet these needs. But the bottom line is with insurance, with savings, with all the things we do, once in a while we are going to have a disaster that is beyond our ability to plan for. Do we then turn our backs because we need a supermajority? Or do we in fact make it possible for us to respond in a reasonable fashion, a majority of those present and voting? I hope that makes common sense to my colleagues.

I want to give my friends a picture of the number of times we have had to respond to disasters, and I will show the chart of the predicted disasters. We are here talking about the whole Nation, not just California. Between 1977 and 1993, the Federal Government responded to 578 disasters or emergencies, totaling $120 billion in inflation-adjusted dollars. The reason I say that is you need to know that we are just talking about very large numbers here, of people across the Nation and not just in California.

I want to make a point. With all these disasters that we have had in the past, this is what will probably happen in the future. When Senator LEAHY gets here—and I expect that he is on his way and will be here shortly to talk about it from his perspective on the east coast. It is going to be hard to believe this, but experts have told us that with all the horror stories and all the photos I showed, in many ways they say we have been lucky. How can they say we have been lucky? Because if Hurricane Andrew in Florida had struck just 25 miles further north into the heart of Miami, there would not have been 350,000 homeless but 1.6 million homeless. So, 25 miles made a difference between 350,000 homeless, which is horrendous, and 1.6 million homeless. The damages would not have been $20 billion but what have been $62 billion, according to the study by the Miami Herald.

The Northridge Earthquake severed eight major roads right here leading to downtown Los Angeles. Gas and water lines ruptured. I flew over that area hours after the disaster happened, and it was the most extraordinary thing you ever did see. For miles it was pitch black, no electricity, people not able to function. Again, the elderly and the children are the most vulnerable. We always talk about them here—the elderly and the children, the most vulnerable, the most dislocated. And many of the children still have what they call the post-traumatic symptoms: After the trauma.

We talked about gas and water lines ruptured, fires, power failures. I talked about water service disruption. More than 50,000 homes and apartments were damaged, nearly 170 schools were damaged. And as bad as this disaster was—and it was horrible, hard to imagine—I have to tell you that disaster struck at 4:31 a.m. on a holiday. Had it struck on a school day, you can just imagine what could have happened: 700,000 school children, 6 million commuters. So when these things happen we wonder why, we ask ourselves why, and then we say, ''My God, the experts say it could have even been worse.''

Looking at the future, we do not know where the worst could occur. It could happen anywhere—east, west, north, south. I am saying to my friends here, please—this has been my decade to see the disasters. Somebody started calling me Calamity Jane because I am coming down here and telling these stories about what happens to my people. But the next decade it could be someone else's decade. I do not wish that on any of my friends here or the people that they represent.

I wish it were possible to say this is not true. They say there is nothing certain except death and taxes. I think we can say death, taxes, and natural disasters are going to happen. The question before this body with the Boxer-Leahy amendment is: Do we want to put ourselves in a circumstance where it is so difficult to respond that people suffer while we try to get 60 votes or find offsets in an already tight budget?

I see my friend, the coauthor of this amendment, has arrived. So I am going to wind down and finish my remarks for this time in the next few minutes while he gets ready to address the Senate.

I mentioned before, I say to my friend from Vermont, that all 50 States are at risk of flooding and tornadoes and about 40 are at risk for earthquakes. There are 65 active or potentially active volcanoes in the United States. Most of the Pacific Northwest, Alaska and Hawaii, and the entire west coast is subjected to tsunami risk—which are these incredible waves that are caused from an earthquake which is out at sea. A study by the University of Southern California on the probable cost of future natural disasters estimates that an earthquake at 7.0 in the Richter scale in LA, West Los Angeles, would cost $57 billion. You see that reflected on this chart.

I think it is important to note that James Lee Witt, Director of FEMA, the Federal Emergency Management Agency, noted recently another earthquake along the New Madrid fault in America's heartland has a 50–50 chance of occurring in the next 5 years. If such an 8.6 earthquake struck at Memphis, the cost would be $69.7 billion. I say to my friend from Vermont, it is extraordinary, everyone thinks of earthquakes as being a California phenomenon. The next large earthquake predicted to hit, the largest one, would be in the middle of our country.

So the Boxer-Leahy amendment is not about California and it is not about any one State. It is about America. I have to tell you that in this very sobering information a 7.0 earthquake along this fault, that is along the New Madrid, that is even smaller than the 8.6 they expect, could kill 14,000 and cause 240,000 homeless. That is unbelievable. These are not fantasy figures. Earthquakes estimated at greater than 8.0 struck the Mississippi Valley in late 1811 and early 1812. In 1990, a 4.7 earthquake struck the new Madrid region.

So I show these charts, and my colleagues will do so as well, not to frighten anybody but to say that we need to be prepared for this. It is very immature to close your eyes to problems.

Mr. LEAHY. Mr. President, I wonder if the Senator will yield?

Mrs. BOXER. Yes.

Mr. LEAHY. Mr. President, I would like to add one thing to what the distinguished Senator from California said. She reminded us that this is not a California amendment; it is not only for earthquakes in California. In fact, one of my colleagues asked me walking through the halls this morning, ''Why is this a Boxer-Leahy amendment? You don't have earthquakes in Vermont.'' For a practical matter we do have very mild ones. But I said this is not a Vermont amendment. This is not a California amendment.

There are a lot of areas, whether it is the flooding in the Midwest that we saw last year, that this amendment addresses. I remember, Mr. President—and the distinguished Senator from California and I have discussed this—the time when I first became chairman of the Senate Agriculture Committee. We were in a massive drought, unprecedented drought throughout the Midwest. There were Time magazine cover stories. Networks were doing special segments on it. I took the Senate Agriculture Committee staff else in an airplane and we went around for 3 days to view what was going on and see the extent of the disaster.

I recall one place in North Dakota where they were digging a well down through the soil to where they first found moisture. They found moisture about 2½ feet down in this particular place, and the crop has a root system of only 2 or 3 inches.

We came back here and with bipartisan support we wrote a disaster bill, a very significant disaster bill. But had we not been able to move quickly through the House and the Senate, we would have seen not only thousands of farms go out of business but the ripple effect of thousands of other businesses, everything from the tractor dealers to the clothing stores to the shipping companies to those who export to other parts of the world. It would have affected our balance of payments, especially in a country like ours where we have had now for a number of years balance of payment deficits except in agriculture and some of the intellectual property areas. That was a disaster.

Mrs. BOXER. I say to my friend, I am about to yield to him as much time as he wishes on this subject. He is such a respected Member of this Senate. I am so proud that we are working together. I wanted to conclude my portion right here at this time—or course, we have time reserved until approximately 3:30—to say that according to the report by the National Research Council for the World Conference on Natural Disaster Reduction, and I am quoting:

There are more people and investments at risk, natural disasters today, than ever before. More than half of the U.S. population live in coastal zones or along fault lines.

Therefore, I say to my friend, my colleague, a coauthor of this amendment, that this is not the time for the Federal Government to bind itself from responding to disasters. And without the Boxer-Leahy amendment to this balanced budget provision I think we are doing just that.

I yield as much time as he may consume to the Senator from Vermont.

The PRESIDING OFFICER. Will the Senator from California send the amendment to the desk?

AMENDMENT NO. 240

(Purpose: To provide Federal assistance to supplement State and local efforts to alleviate the damage, loss, hardship, and suffering caused by disasters or emergencies by exempting spending that is designated emergency requirements by both the President and the Congress)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. INOUYE, Mr. AKAKA, and Mrs. MURRAY, proposes an amendment numbered 240.

At the end of Section 5, add the following: ''The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists.''

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The Senator from California has yielded time to the Senator from Vermont.

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. The Senator from Vermont is recognized for up to 10 minutes.

Mr. LEAHY. Mr. President, I ask again for the yeas and nays on the pending Boxer-Leahy amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, is my understanding correct that the Senator from California has yielded to me such time as I may require?

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, how much time is remaining under the control of the Senator from California?

The PRESIDING OFFICER. The Senator from California has 114 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, I might ask one more question of the Chair, I was not here when the unanimous consent was entered into. What time was the Senate to recess for the party caucuses?

The PRESIDING OFFICER. The Senate, under the previous order, will recess at 12:30.

Mr. LEAHY. I thank the Chair.

Mr. President, I rise in strong support of the Boxer-Leahy amendment to House Joint Resolution 1, the constitutional balanced budget amendment.

In fact, I think those of us who are concerned about such issues as natural disasters and our country's response to them have to commend the distinguished Senator from California for her leadership. She has been the spearhead in this area. I also thank Senator BUMPERS and others who have come with their support.

Senator BOXER has stated more passionately and eloquently than I ever could the reason why this amendment would give Congress the authority to waive the balanced budget amendment if we need Federal relief for major disasters and emergencies, but only if they have been declared so by the President of the United States. And even then, if it had been declared so by the President, Congress would still—while it would have the flexibility that it needs—require a majority vote of those present and voting in each House of Congress for Federal relief.

I would like to think that we would never have such an emergency. The fact of the matter is that we all know from even recent history that the Federal Government has been called on to give critical aid to supplement State and local efforts to protect the public health and safety in response to major disasters and emergencies. Much of this aid has been paid for by supplemental appropriations not only because of the unexpected nature of the disasters but also because of the size of the disasters.

Flooding in the Midwest a year ago was of a size and severity that nobody had predicted. Certainly the terrible scenes of the earthquake in Los Angeles are such that even as we watched them, most of us—certainly here in the East—could hardly believe what we were seeing, and I expect the same could be said of the inhabitants of Los Angeles. To just show you what happened, the chart I have here displays supplemental appropriations from fiscal years 1989 through 1994. In those years, Congress had to appropriate supplemental major disaster and emergency relief in every year but one. Look what we have.

In 1989, the administration requested $200 million. We ended up with a supplemental of $1,108,000,000. In 1990, $1,150,000,000 went for disaster relief. These were, incidentally, votes cast overwhelmingly by Republicans and Democrats alike, realizing that the Nation faced, in parts of the country, such disasters that we could address them only as a Nation, and that no one State or region could address it. The Nation had to come together to do it.

In 1991, we were fortunate. There were no supplemental appropriations. But in 1992, the supplemental was $4,136,000,000. Again, Mr. President, I ask, is there any part of the country, any one State that could, in facing a disaster, come up with $4 billion by itself? Not even the 10 most populated States could do that. Certainly in areas like my own—a State of under 600,000 people—we could not begin to respond like that. In 1993, it was $2 billion. And last year, $4,709,000,000 in supplemental. That is a pretty significant supplemental, especially when it came up to total outlays of $5,001,000,000.

To give you some idea of where this went, in 1992, over $4 billion in supplemental appropriations went to a number of areas: the Los Angeles riots; Chicago floods; Hurricane Andrew. In 1993, it was $2 billion. That went to help victims of the Midwest floods. In 1994, as we have already said, it was $4 billion to help victims of the Northridge earthquake in Los Angeles.

In each one of these years, certainly it was my feeling that —and also from the calls and letters that came to my office and the reaction from around the country—people realized that as a Nation we had to come together. We had to spread the pain and the efforts to take care of these disasters.

I know firsthand the devastation of a major disaster and the benefits of swift Federal relief. Let me speak of one not the size of California or the Midwest, but I use as example my home town of Montpelier, VT, the capital of our State. It is a beautiful capital, I might say, Mr. President. But it is a city of only 8,500 people. If it is not the smallest in population of any capital, it is certainly among the smallest.

I was born and raised in a home right on State Street, almost diagonally across the street from our State capitol, a lovely marble building—a little like a miniature version of this Capitol. It is nestled in the hills of Vermont, with a beautiful river running along it. But that river becomes the rub, because in 1992 we were hit by enormous amounts of rain, ice jams, and a flood—the worst flood in my lifetime in Vermont. In fact, it was the single greatest catastrophe to hit Montpelier since the floods of 1927.

I mention that because one of our country's largest newspapers reported after those floods that Vermont would never be heard from again, that this natural calamity was such that it could wipe out the State of Vermont. We had been hit with a number of problems during the Civil War. We had one of the highest mortality rates of any State, on a per capita basis. Many of our soldiers that joined the Union during World War I—again, a case where Vermonters had answered the call so strongly—never came back. And now this devastating flood. At that time, the President of the United States went to Vermont and declared help and we had it.

In this case, in the downtown part of Montpelier, VT, virtually everything is on the same level. The town is surrounded by hills. The State House and everything are on the same level. All the stores along the streets downtown, on which I had walked back and forth to school, where I delivered newspapers, were badly damaged and some were destroyed. The printing shop that my father and mother had in downtown Montpelier, where we had been raised, was in that damaged area.

Again, there are 8,500 people, and unless you live there, that may not seem like an enormous amount or anything in the grand scheme of things. It obviously was to those of us from Montpelier, those of us who lived there. I use the example of Montpelier not out of some parochial interest but because it showed what can go right in this country when there is a disaster.

I talked with the President about the floods. He was not a President of my own party. It was President Bush, who I want to say responded immediately and showed great concern and talked with me about it. He sent Federal officials up to Montpelier. The President declared Montpelier and five surrounding counties a major disaster. He took a personal interest in it. I want to commend President Bush for that.

The Federal Government swiftly provided disaster relief at a critical time in the local cleanup effort. Major figures within the Bush administration that were involved in disaster relief went to Montpelier, and when the cleanup effort was finally completed, the Federal Government had provided $4 million. That may not be much compared to disasters in other parts of this country, but it was $4 million that the people of Vermont and the State of Vermont could not have provided. And to the people of Vermont in Montpelier and other areas, that relief came at the darkest moment. Today, Montpelier is back as the beautiful capital it once was and will always be, and it enjoys a thriving downtown.

Now the current version of the balanced budget amendment would make it much harder for future Congresses to help victims of major disasters and emergencies like the Montpelier floods. Instead of a simple majority, the balanced budget amendment would require a supermajority of both Houses of Congress to help major disaster and emergency victims through supplemental appropriations that might throw the budget out of balance.

In fact, a small minority of both bodies could hold critical disaster and emergency relief hostage, making it impossible for the majority to speak on such things.

And I might say, Mr. President, if your State is hit by a major disaster or emergency, do you want, as a Member of this body, to have critical Federal assistance hang on the whims of 41 Senators? I will fight for the 51, but I

would hate to have to have a supermajority.

I think relief for major disasters and emergencies has to be flexible, especially as it is often the aid that comes immediately that is most valuable and most needed, as compared to the aid that might come a year or 2 or 3 years later. Disaster and emergency relief by constitutional mandate is a prescription for gridlock, not for swift action, not for the help people need.

The Founding Fathers of this country rejected requirements of supermajorities, and I think we ought to ask why. I mean, this was the time that allowed this country to become the most powerful, most respected democracy in history. We have to look at their sound reasons for rejecting supermajority requirements before we impose on our citizens a three-fifths supermajority vote to provide Federal relief for major disasters and emergencies.

Go back to the Federalist papers, I believe it was No, 22, where Alexander Hamilton painted an alarming picture of the consequences of the ''poison'' of supermajority requirements. Mr. Hamilton said that supermajority requirements served ''to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority.''

I could not say it better myself, Mr. President; would not even pretend that I could come close.

But Alexander Hamilton said it very well in speaking of the supermajority requirements as a recipe for increased gridlock and not more efficient action.

Let me read again from Hamilton. He said: ''Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.''

In fact, I would go somewhat further, I say to my friend from California, even further than what Mr. Hamilton said. I would say that the supermajority requirements reflect not only a basic distrust just of Congress, but of the electorate itself. I reject that notion. I reject the notion that somehow the majority of the people in this country cannot be expected to do what is right.

I fear that if you require a supermajority requirement, in effect, saying we do not trust democracy, we do not trust a democracy and the rules of democracy that made us the greatest, most respected power on Earth, then you are going to lead Congress to play politics with critical relief from disasters and emergencies; you will have them playing politics with those very things that bind us together as a nation.

It is a question of a person in Vermont helping to respond to a disaster in Colorado or Idaho or California, or vice versa. These are the things that remind us why we have come together as a Union and why, as a democracy, even with the individual identities of our 50 great and different States, those 50 great and different States come together to help each other when needed.

Even today, where we have a simple majority requirement for supplemental appropriations for disaster and emergency relief, we have seen the potential for partisan politics. And even with a simple majority, if you have a chance at partisan politics, imagine what it would be with a supermajority.

In fact, last Friday's Wall Street Journal reported that:

> A multibillion-dollar disaster-aid package for California is caught in the budget wars between President Clinton and House Republicans.

The Journal article reported that the House Republican leadership was delaying action on a request from the President for $6.7 billion in supplemental appropriations for emergency relief for victims of the California floods and Los Angeles earthquake.

Now, Senator BOXER, our distinguished colleague from California, well documented this gamesmanship. Earlier today, she read from the House Republican leadership's letter. That, plus the Wall Street Journal article, shows exactly what can happen with the politics of a simple majority. Can you imagine what it would be like if you are talking about a supermajority? If you would have to clear that supermajority hurdle to pass disaster emergency relief, what we have seen in that letter and what we have seen in the Wall Street Journal article would look like child's play.

I am no fan of the balanced budget amendment. As I have said before, I worry why we should even have to start amending the Constitution for everything. I worry that some of the strongest supporters of the balanced budget amendment are the same people that voted for the enormous deficits of the Reagan era, and now say we need a constitutional amendment so in the year 2002 somebody will pay off the bills we ran up in the eighties, and of those who speak of a deficit today without realizing those deficits are basically just paying interest on the debt they voted for in the last decade. But I digress.

Even as bad an idea as the balanced budget amendment is, this amendment would improve what is a flawed balanced budget amendment. I think we should tear down as a requirement the supermajority barrier. Otherwise, you are telling future Congresses they are not going to be able to provide the critical disaster and emergency relief that would be needed by those in other parts of our country.

So, Mr. President, I commend the Senator from California. I thank her for yielding me this time. I strongly support the Boxer-Leahy amendment. I am pleased and proud to have had my name joined on her amendment.

Mrs. BOXER. Mr. President, parliamentary inquiry. I just want to make sure we reserved the remainder of the time.

Mr. LEAHY. Mr. President, I reserve the remainder of the time of the Senator from California to her or to her control.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, at this time, I will only speak briefly to the Boxer amendment. But I think it is important that the record of the Congress, as it relates to dealing with emergencies in our country and disasters in our country so declared by our President, be very clear for the record.

The Senator from California and the Senator from Vermont are absolutely correct. There has not been a time in the Congress of the United States, when we were faced with a natural disaster that had badly damaged a State or region of the country and put our citizens in peril, that we did not respond.

And so, when I was looking at crafting a balanced budget amendment, along with a lot of other Senators and Representatives, one of the things we needed to recognize was the very thing the Senator from California is speaking about; that the amendment itself and the requirement, because we wanted to put it in the Constitution, could not be so rigid as not to respond to the needs of the public. And so we provided the supermajority to be the escape valve, if you will. But only under a critical situation could it be applied, not under the simple majority, not even the constitutional majority that I am surprised the Senator did not require in her amendment.

Be that as it may, here is what the record of the U.S. Congress has been like for the last decade in responding to natural disasters. In 1989, for Hugo, pictures 1 and 2 so demonstrated on that display by the Senator from California, the Senate voted 97 to 1, almost 37 votes beyond the supermajority required by our amendment, to fund Hugo.

There was no question in the mind of any Senator that this was not something that we ought to respond to.

The House voted 321 to 99, clearly beyond the supermajority target that we have spoken about and that is embodied within the Constitution.

It causes us all to think. It causes us all to be tremendously dedicated to looking at the details of the proposal as presented by the Budget Committee or by the President for us to consider an emergency, and that we should do. It ought not be the snap of a finger and a simple majority here, not even a constitutional majority, to do so. But clearly, we fell under the purviews of the amendment as it is proposed, not the Boxer amendment, but Senate Joint Resolution 1, the true constitutional amendment.

Again, in 1990, the Hugo supplemental, the Senate voice voted it. It was so easy to get through the Senate,

so understanding that there was a crisis down there that had to be adhered to that we voice voted it. The House, 362 to 59, an even larger vote than the initial supplemental appropriation for the Hugo disaster.

In 1992, Andrew, Senate, 84 to 10; House, 297 to 124, once again, well beyond the supermajority that is required under the Constitution.

The Midwest floods, in 1993, the House voted 400 to 27; the Senate voice voted it. We recognized the magnitude of that disaster, and we responded to it.

In essence, what I am saying is, in every case I cited, what the Senator from California is proposing simply was not necessary and, at the same time, under the amendment as I and others have drafted it, we allowed this kind of flexibility and the standard was met, though it could have been waived. But what our amendment would do would cause the Senate and the House to seriously consider and work with the States to make sure that the money was being well spent, that the States could not handle their particular disaster and that, in the end, if it was absolutely necessary, the general public of this country, the general taxpayer, would respond through the General Treasury of our Federal budget.

The 1994 L.A. earthquake, the very kind that the Senator from California is talking about that has brought her to the floor with her concern—and I do not question that concern in any sense—what was the vote in the Senate? 85 to 10, well beyond the 60 that would be required under the constitutional amendment. The House voted 337 to 74.

From 1978 down through 1994, time and time again, and as I look at the voting record I find in only one situation in the Senate where, under the supplementals as they were proposed, the supermajority would not have been acquired. And in most instances, where the House had a recorded vote, the Senate voice voted it. What does that voice vote express? That without question, this was something that the Senate jointly, in a majority, in fact with a unanimous vote, agreed to.

Having said that and looking at the details of the amendment as proposed by the Senator from California, what we find here is a waiving by a simple majority for an entire year of any moneys that might be necessary. I believe that is an opening up of this amendment that cannot be accepted.

I also believe that the premise, not the emotion, not the concern and not the dedication by which the Senator from California has offered this amendment, but under the premise of what she has offered the amendment, that the supermajority could not be acquired, simply does not exist on the record. The record clearly shows that this Senate time and time again, by a supermajority vote in the seventies and eighties and nineties and unanimously, has voted out the supplemental moneys to fund the emergencies that she talks about because she, like I, understands that what can happen to California might some day happen to the State of Idaho or it might happen to the State of Vermont, as the Senator from Vermont spoke.

Where we may differ is on different funding programs. On these national disasters where the lives and the properties of our citizens are truly in peril, we have always stood united. It is on the extra where it is really questionable whether the money can be wisely spent do you find the House or the Senate backing away.

In fact, in the instances of California, it has been the Governor of California over the last several years that has been saying to the Federal Government, ''Get out of my way, back away from your regulations and your obstacles and your controls, we can do it for less money. Your Feds and your regulators have created environments that are much more costly in responding to the needs of the citizenry.''

As it happened in the California earthquake, it has happened in the California floods recently where the Governor has had to say to the Federal Government, ''Back away, let us do it quickly and let us do it right and we can save hundreds of millions of dollars.''

While that is not directed at this amendment or the amendment that the Senator is amending, my point is, with restraint and with the current understanding of the Congress of the United States, these problems can be handled through the current amendment as it was crafted. Both the House Judiciary and Senate Judiciary Committees understood these problems, and it is my premise, my firm belief that it is dealt with in the amendment and the amendment by the Senator from California simply is not necessary to deal with her concerns or the concerns that I have as it deals with national disaster.

I retain the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield myself such time as I might consume.

The Senator from Idaho is a wonderful debater and he fights hard for his State and he makes his points well. I have to say to the Senator, he is incorrect in some of the things he has just stated, and I would like to particularly point out that when the Senator from Idaho says that the Governor of California says to the Federal Government, ''Back away,'' when it comes to disasters, you have the wrong Governor.

Pete Wilson is here after every disaster or calling, as well he should, Members of the Senate, Members of the Congress on a bipartisan basis saying, ''Help us in this disaster.''

So where the Senator from Idaho gets the idea that former Senator Wilson, currently Governor Wilson, does not want the Federal Government's help in a disaster, I do not know because I have never seen that happen. As a matter of fact, I would say to my friend——

Mr. CRAIG. Will the Senator yield?

Mrs. BOXER. Let me finish and then I will be happy to yield to you. I say to my friend, not only does he want help 90 percent of the way, he asked us to waive the law so we can pay for California 100 percent of the way. I will be glad to yield.

Mr. CRAIG. I was not referencing the money, and that is exactly what the Senator from California was talking about. What I was referencing are the rules and regulations, the web of regulations that causes the rebuilding of freeways at twice the expense it ought to cost or the replacing of a bridge in Monterey, CA, that costs twice as much because you have to do environmental impact statements and all of those kinds of things.

Mrs. BOXER. Let me just take—do you want to take it on your own time? Would the Senator like to take it on his own time?

Mr. CRAIG. My point is, the Governor from California asked those rules be waived.

Mrs. BOXER. Parliamentary inquiry. Who has the time at this point?

The PRESIDING OFFICER. The Senator from California has the floor. The Senator may yield if she wishes.

Mrs. BOXER. I am not going to yield on my time. If the Senator would like to yield on his time.

Mr. CRAIG. If I can complete my statement on my time.

Mrs. BOXER. Absolutely.

Mr. CRAIG. You and I do not have any disagreement. I was referencing Federal rules and regulations that the Governor of California did ask that the Feds back away from so they can complete the freeway rebuilding way ahead of schedule. That is exactly what happened. I was not referencing money. You are absolutely right, the Governor of California was here and by a supermajority of the U.S. Senate, completely within the compliance of the amendment we have proposed, the Governor of California got the money he asked for.

Thank you. I retain the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Let me say to my friend, perhaps my friend does not remember this, the Governor from California almost did not get the money because to rebuild this Cypress structure, let me tell you what the vote was. The vote was 43 to 52. We only got 52 votes to rebuild this structure.

I want to make the point, when I started my rebuttal to my friend, that the facts are not what they are alleged to be by my friend from Idaho. He makes a great debating point. He says we always vote a supermajority. Wrong, we do not.

The vote to rebuild this structure, a direct result of the Loma Prieta earthquake, was not a supermajority. And I say to my friends who are going to vote against this amendment, beware, because you may not get the 60 votes.

Now, the Senator from Idaho makes the point that he corrects the record. He said, oh, yes, Governor Wilson did not back away from the money; he wanted you to back off on regulations. Let me again say for the record the cooperation between the Clinton administration's Federal Emergency Management Agency and the State disaster team headed by Dick Andrews is superlative. They worked together, as they should, and they were able to be flexible enough to rebuild freeways in record time. But to say that the Governor of the State of California was up here telling us to back away does not make any sense whatsoever in this regard because what this is about is getting the funding. Of course, that is what this is about. This Boxer-Leahy amendment is about getting the funding.

I see that my friend from Maine is in the Chamber. I have had the privilege of working with her for many years over in the House. And, believe it or not, we do work together on some things, and I hope sometime in the Senate soon we will be able to do that again.

I call to her attention the facts about Maine, that between the years of 1989 and 1994, Maine received disaster funds nine times for flooding, ice jam, severe storms, Hurricane Bob, coastal storms, heavy rains, ice jams—these are all the different incidents—snow, severe blizzard conditions, the Yellow Mine fire.

I am sure she knows of all of these things very, very well. It is important to point out to her and all my colleagues here because I think when we talk about disasters and we look at this chart again, we see they have been all over the country. I would say to my friend from Maine, I hope she is never in a position that I was in where I almost was unable to get the funding from this Senate to complete this horrible problem where the Cypress structure fell down. Also, it is an economic issue if people cannot get to work.

Ms. SNOWE. Will the Senator yield?

Mrs. BOXER. I will be glad to yield on her time.

Ms. SNOWE. I would like to make a point.

How much time does the majority have?

The PRESIDING OFFICER. The majority has 20 minutes 15 seconds. The Senator from California controls 87 minutes 39 seconds.

Ms. SNOWE. I thank the Chair. I will do it on my time.

I just want to respond to the Senator from California because the Senator is correct in suggesting that the State of Maine has benefited from emergency supplemental assistance in times of disaster, as have many States throughout the country, including her State of California.

I think the point is that Congress has risen to that occasion, has demonstrated its compassion when it has been necessary to respond to emergencies and disasters as they have occurred in this country over the past years. And unfortunately and regrettably, California has had more than its share. I think the point is that we do not want to obviate the need for a balanced budget amendment, because I think what the Senator's amendment is doing is essentially, by requiring just a majority vote in each house, definitely eliminating the requirements of the three-fifths majority to raise the debt ceiling. So a simple majority could remove the requirements for a balanced budget amendment in making the decisions on supplemental appropriations. So really it is circumventing the entire intent of the constitutional amendment to balance the budget.

As the Senator from Idaho indicated with his examples, time and time again the House and the Senate, far beyond a three-fifths requirement, have in fact approved many of the emergency supplementals to respond to the disasters that have occurred in California, Maine, and elsewhere. So we have demonstrated that on many occasions.

I think the concern that I and many of us have about the amendment of the Senator is that basically it is going to undermine the effectiveness of the balanced budget amendment because it only requires a simple majority in the dead of night to remove the three-fifths requirement of the balanced budget amendment. That would really preempt the effectiveness of a balanced budget amendment, not to mention the amount of money that we might indebt ourselves because it would only be a simple majority.

So I would like to respond to the Senator from California in that regard. We certainly understand what she is trying to do. But I think the point is here that the balanced budget amendment will take care of that with a three-fifths majority. In many cases that is exactly what has happened in the House and Senate without a balanced budget amendment. We have done that and will do that in the future. And a balanced budget amendment will not preclude our compassion in instances of disasters and when we recognize a justifiable need.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from California.

Mrs. BOXER. Madam President, I will make a couple of remarks and I will yield to my friend, or let him take as much time as he wishes.

I wish to say to my friend from Maine I never ever have questioned her compassion. I do not worry about her vote in an emergency. But we are putting an amendment into the Constitution here, and when the Senator from Maine talks about an exception for a disaster "just a majority vote in the dead of night," I am stunned with that phrase. Just a majority vote. I would assure the Senator if she won by just a majority vote, which she did, and fairly so, and a nice majority—I do not think it was 60 percent. I might be wrong. Was it 60 percent? She did.

Well, this Senator won by a margin of 6 percentage points, a little bit under, but I do not think that the Senator from Maine would question the fact that a majority vote is a hallmark of democracy. So to talk about "just a majority vote in the dead of night" is astounding to me.

As a matter of fact, I say to my colleague from Vermont, it makes me feel so much stronger about this amendment than I did before because if that is the attitude of the other side of the aisle, "a majority vote in the dead of night," that is a statement against majority rule and against democracy and for tyranny of the minority, and it gives me great trouble in my heart and soul to hear that kind of language on the Senate floor—"just a majority vote in the dead of night."

I say to my friend, we did not get a supermajority to rebuild the Cypress structure.

Show me the next chart here. Let me show you what else did not get "a majority vote in the dead of night" or middle of the day—this, the Midwest flood, an amendment by Senator Durenberger to offset the money, not to leave these people without help—a majority vote, just a majority vote. Fortunately, it did not prevail. If we have a balanced budget amendment, it is not a majority vote. It is a supermajority vote. I have shown you two occasions where that did not happen. And had the balanced budget amendment been in place, we could not have rebuilt the Cypress structure and we could not have helped the people in the Midwest floods because there was a requirement for an offset.

I am going to yield to my friend from Vermont and then my friend from Washington before we have the break for the various conferences, but I want to again let my colleague know, maybe she is unaware, that the House Speaker signed on to a letter—I wonder whether the Senator's State is even affected by this—talking about the emergency supplemental that is coming up which deals with natural disasters.

> Whether these activities are emergencies or not, it will be our policy to pay for them rather than add to the deficit.

Which means in plain, simple language they are going to have to cut other programs, and I assure you, we may have a lot of trouble getting funding for those States. As I understand it, 40 States are involved in that.

So I yield to my friend from Vermont as much time as he needs; saving some time for my colleague from Washington.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I will be very brief. I have suggested over and over again on this floor as one who reveres the Constitution, I worry very much when we add anything to the Constitution at all, but I especially worry when we add supermajorities.

This is not a case, when we have matters involving great disasters, where somehow we slip in here in the dead of night and pass them. One of the things I cherish about the House and Senate is that they are open to the public and the press at every hour when we are in session. People can see, especially with television, exactly what we vote on and how we vote on it. That is, of course, as it should be.

But my concern on supermajorities again is what Alexander Hamilton said when he spoke: ''Hence, tedious delays; continual negotiations and intrigue; contemptible compromises of the public good.''

Madam President, I have managed more bills on the floor of the Senate, I believe, than anybody who is presently on the floor. I have managed a number of major bills, including disaster bills. I know by the time we come to the floor, there have been all kinds of negotiations or other steps before the bill even gets here on the floor. Sometimes it has been joked that more legislation gets passed in the Cloakrooms or the elevators than on the floor.

But the fact of the matter is on a major bill you have Senators of both parties and members of the administration going back and forth negotiating what might be done. Those negotiations would be seen in an entirely different light if anybody involved in them knows whatever you have to do requires a supermajority.

I have won close elections and I have won landslide elections. I have been fortunate that every single time I have run for office in my native State I have gotten more votes than I did the time before. I appreciate that kind of trust that the people of Vermont have shown.

I also remember the statement of my father, God rest his soul, that it is better to win by one vote than lose by a landslide. But what he was doing was referencing that under our system of democracy one vote makes you a majority.

In a country that has seen the benefits of adhering to democratic principles of majority votes, we should be always very, very hesitant when we do anything to change the requirement of just a majority vote and especially hesitant to write it into that sacred covenant, our Constitution.

So I hope we will think back to what Alexander Hamilton said. As we stand here almost in indecent haste, wanting to amend our Constitution, think of a little bit of history. Think of a little bit of history.

We have only amended the Constitution 17 times since the Bill of Rights. Already in this session alone there have been about 75 proposals to amend it. Somehow this country, this great, wonderful, powerful democracy, the model democracy for the world, has been able to survive for 200 years with only 17 amendments after the Bill of Rights. Somehow since the elections of November the country has gone to such hell in a hand basket because we now need 75 new proposals to amend the Constitution.

Madam President, I do not believe that is happening. My State was not one of the Thirteen Original—it was the 14th State. But I know people in my own State feel we should go slowly in making changes.

I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield so much time as she may consume to the Senator from Washington [Mrs. MURRAY].

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from California for sponsoring this amendment, and I am honored to be here today as a strong cosponsor of this amendment, to add my voice of support to those of my distinguished colleagues, Senator BOXER and Senator LEAHY.

One's decision on this amendment can be made very easily. If any of my colleagues can foresee their state's future forever free of disasters and emergencies, then their opposition to this amendment will be understood. Lacking the powers of Nostradamus, though, all of us must realize the unfortunate certainty of natural disasters and unpredictable emergencies.

A balanced budget, we all agree is a goal we must work towards rapidly. I am concerned however, that House Joint Resolution 1 would block the ability of the Federal Government to respond immediately in the event of a national disaster. The current proposal's only exception from the requirement of a three-fifths vote to approve spending above a balanced budget is upon a declaration of war.

This flexibility is needed, however not only to defend our national security, it is just as needed to defend our security against natural disasters and unforeseen emergencies that would require an immediate response by Congress and the President.

I have come to know the tragedy of natural disasters through the heavy and devastating tolls they have placed upon the residents of Washington State. From the unusual volcanic eruption of Mount St. Helens to seasonal fires and floods, Washingtonians have responded to these increasing emergencies through the support of our Federal Government. The Federal Emergency Management Agency is the only body prepared to handle disasters of this magnitude. Their ability to quickly respond is the key to emergency management.

FEMA's mission is to provide national leadership and support to reduce the loss of life and property. This endeavor serves not only those impacted by the disaster but begins the economic steps of rebuilding the community.

I am sure many of my colleagues have toured disaster sites immediately following an emergency. These are the memories we should recall when deciding whether a balanced budget overrides the concerns of our constituents in need. I had the unfortunate opportunity to visit the fire-ravaged lands of my State last summer. Hearing the stories of those left homeless, of firefighters burned while saving others, puts a very real face on the numbers we hear in the news. A few moments ago my colleague from California, Senator BOXER, put up a chart by Air, Risk Engineering, Inc., that predicted that a Seattle earthquake may occur in the very near future of 7.5 magnitude, costing as much as $33-plus billion.

I cannot imagine going back to my State in those times of pain and suffering and explaining to my neighbors that a balanced budget amendment prevents them from receiving assistance. Just as we mandate that hospitals can not turn away those in need of medical attention, the Government of the people cannot turn its back on those ravaged by unforeseen natural disasters.

Sadly, none of us are immune from nature's wrath. Fires in my State are no different from hurricanes on the gulf, flooding in the Midwest, ice storms in the East, or earthquakes in California. In 1994 alone, FEMA responded to 36 major disasters totaling over $3.6 billion. Remember that 90 percent of all disasters are funded through supplemental appropriations. No budget can prepare for the destruction, the death, or the injury caused by these unforgiving tragedies.

All of our hearts are extended to the citizens of Kobe, Japan who have experienced one of the greatest disasters of recent history. If any lesson can be unearthed from that devastation, it is a sign of our feeble attempt to control nature. Technology and preparedness can not combat the unrelenting will of the Earth.

At best, in an emergency we can respond and cope. Our ability to aid disaster victims and rebuild fallen communities must not be held hostage by political amendments. I urge my colleagues to support the Boxer-Leahy amendment and remember their constituents who may well be the victims of their State's next natural disaster.

I thank my colleague from California and I yield her back the time.

Ms. SNOWE. Madam President, I want to respond to a couple of points of the Senator from California. I will be very brief.

The point is she makes reference to one project with respect to the fact they did not receive a supermajority

vote. Yet, time and again, as I mentioned earlier in my remarks, the House and the Senate voted on emergency disaster funds with overwhelming votes. The fact is that out of 14 occasions since 1978, all but 2 were passed by voice vote here in the U.S. Senate. They were passed by overwhelming votes in the House every time there was a recorded vote taken. And I have before me a resolution that passed on October 26, 1989, a joint resolution, by a vote of 97 to 1 here in the Senate. It provides specifically for funding for reconstruction of highways which were damaged as a result of Hurricane Hugo in September 1989 and the Loma Prieta earthquake of October 17, 1989. In fact, that section refers to the fact that the $100 million limitation contained in that section shall not apply to the expenditures with reference to the reconstruction of those highways in either one of those disasters.

The point is that time and time again the House and the Senate have demonstrated their compassion and their acknowledgment of the serious damage that has been done by the events beyond one's control. I think it is important to reference that.

I know the Senator was making reference to my comments about a simple majority the other night. I should remind the Senator that often I was reminded in my campaign about the midnight pay raise that occurred here in the U.S. Senate a few years ago. But it did occur in the dead of night. And it may have been off the budget. But no one was informed of the fact that vote was going to be taken. The point in all of this is that we have been on record in recognizing disasters and that we were willing to take the action necessary.

The Senator's amendment would really bypass and I think really render the balanced budget amendment ineffective by only requiring a simple majority—a simple majority—to waive the requirement of the balanced budget amendment. That is the issue here. We well know that this could easily circumvent the intent and the purpose of the balanced budget amendment.

Madam President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I know that sometimes in debate both sides might use overstatement. But I have to respond to this one. To say that this exception for disaster—by the way, there is already an exception in the balanced budget amendment. Let us not get away with not recognizing that—declaration of war. I assume that my friend fully supports that exception. I am sure she does because she supports the amendment as it is. There is an exception because, yes, in the dead of night we might declare war, and we do not want to see that a minority could stop us from funding that national emergency.

So let us not make it seem that the Boxer-Leahy amendment is opening up an exception in and of itself because it is not. What we are saying is in time of war, says the amendment, there is an exception to the three-fifths vote, the 60 votes. We agree. What the Boxer-Leahy et al., Senator FEINSTEIN, Senator JOHNSTON, Senator INOUYE, Senator AKAKA, and others are saying, sometimes our people are in deep trouble. Let us take a look at this.

This is deep trouble. There is deep water. They are trying to survive a hurricane. Guess what? That is a disaster too. People are killed, I say to my friend from Maine, in disasters as sure as people are killed in national emergencies that see us bringing home coffins from far away places. What we are saying is it is time to make sure that we do not take the Constitution that has worked so well and go back to the days of the Federalist papers, when the Articles of Confederation did not work so well—they were called radical—when we said we have to get a supermajority vote to act. We are saying no. We are not opening up an exceptions clause here. There already is an exceptions clause. This looks like a war, I say to my friend. This looks like war. So does this. So does this. So does this. It is a war on our people which comes from a natural disaster. We are saying let us not require a supermajority.

What I find amazing is that the argument is made over and over that it is easy to get these supermajorities. The fact is my colleagues are ignoring specific votes that just took place in which we failed to get a supermajority to help the people in the flood and we failed to get a supermajority to rebuild this freeway. So I am not making up some doom and gloom scenario. And my friends are ignoring a letter from the Republican leadership in the House saying—my friends, it is in black and white; it is in the RECORD; read it—they are not going to act on that emergency supplemental until they can figure out what they are going to cut in Maine, in Texas, in California, wherever they decide they are going to cut.

So my friend from Maine is engaging in a wishful thought when she says we will always respond, that it is easy to get 60 votes. I show her the RECORD. I show her in the RECORD. As a matter of fact, one of those was led by Senator DOLE. I think it is going to be very interesting when he comes to northern California. I am going to take him to see the Cypress Freeway. He led the fight not to fund it. I had to fight against Senator DOLE. That was hard. We won, though. We were able to make our case, despite his eloquence, that in fact this was a disaster and it needed to be funded. But I could not get 60 votes on that vote. What did I get? Fifty-two. So it was a bare two-vote majority. We could fix this freeway.

I see my friend from Hawaii has come on to the floor, a major sponsor of this amendment. I have a picture here to share with him from Hurricane Iniki in Hawaii. If this does not look like a war zone, what does?

I thank my friend from sponsoring the amendment. I would like to yield to him at this time.

Mr. INOUYE. Madam President, will the Senator yield?

Mrs. BOXER. I yield.

Mr. INOUYE. Madam President, the amendment by the Senator from California is deserving of most serious consideration because nature's work and God's work are unpredictable, for one thing. In the case of Hurricane Iniki, if that hurricane had proceeded just one-quarter of a degree to the west, it would have devastated the city of Honolulu. And the cost of that would have been astronomical. It would not have been $1 billion, $2 billion, or even $3 billion. It would have exceeded $50 billion. To suggest that this is not an unusual cost item would seem rather strange.

Thank you very much.

Mrs. BOXER. Madam President, I want to again thank the Senator from Hawaii. He is a leader in this U.S. Senate making sure that our country is prepared for defending itself. He is the ranking member on the Defense Appropriations Committee. And to have his support, his active support, is very meaningful to me as well as Senator AKAKA. Let me tell you why. They have seen the faces of the children and the old people and the young people and the families who get into these situations.

Madam President, it is my understanding that we are going to stop this debate momentarily and then come back after the conferences for lunch.

I ask at this time that I retain the balance of my time.

How much time remains on both sides?

The PRESIDING OFFICER. The Senator from California has 56 minutes and 21 seconds, the majority side has 15 minutes and 13 seconds.

Mrs. BOXER. Thank you very much, Madam President. I look forward to resuming this debate when we return from the caucus lunches.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 being 1 minute away, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until the hour of 2:15 p.m. Whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is certainly my honor, under the previous order, to continue debating an amendment that I have offered on behalf of myself, Senator LEAHY, and several other Senators, which essentially would say that should the balanced budget amendment become part of the Constitution, in addition to a waiver for a declaration of war, where you would no longer have to have 60 votes to go out of balance but a majority vote, that you would add to that exception a federally declared, Presidentially declared, congressionally declared, natural disaster—an emergency.

I think it is very important because if you really look around the country, you can see that we really live in a country where we are at risk. If you look here on the chart, here are the earthquake risks. We can see them not just in the West, by the way, but here and all the way across. The tornado risks are centered here, some of these quite extreme in the smaller circle. The hurricane risks are here; some are noted over here and, of course, closer to the coast is a tremendous risk of hurricanes. On the entire west coast here, as well as the islands, the risk of tsunami, which is a terrible, overpowering wave that occurs because of an earthquake in the ocean floor.

So as we look at our Nation—the most beautiful Nation on Earth, the most prosperous Nation on Earth, the most wonderful Nation on Earth—we do have times when we have disasters, and if ever there was a time to pull together as one, it certainly would be during those times.

In the course of the debate this morning, there were those who said: Senator BOXER, you are totally right, we do have these problems, but there has not really been any time when the Nation has not responded and the Senate has not responded overwhelmingly, as well as the House. The truth is that there have been occasions where we have not received 60 votes to move ahead when there was earthquake rebuilding or, frankly, recovery from flood. I have documented that on at least two occasions in the Senate where we did not get 60 votes. We got 52 on one occasion and 54 on another occasion. Today I read into the RECORD excerpts of something from House Speaker NEWT GINGRICH and the leadership of the House which says very clearly that they are not interested in funding these emergencies off budget. In fact, they will not even consider funding them until they are offset.

What does this mean? It means that if there is a horrible disaster anywhere in our Nation—and it could occur anywhere—and if the view of the new Republican Speaker of the House prevails—and he seems to have the votes over there on everything he has done—there would have to be offsets, and you could not, in fact, take care of an emergency the way we have done it in the past.

I want to make it clear that in the past, under every single Budget Act we have had, we have always exempted emergencies. I think this is a very important point to make at this time in the debate.

The Republican-controlled Office of Management and Budget in 1990 said, in the budget summit agreement of 1990, that ''for a Presidentially declared emergency request for supplementals or regular appropriations bills, the across-the-board offset would not apply to the extent the fund requested by the President * * *.''

In other words, that is bureaucratic language to say that when a supplemental appropriation does come down to the Senate floor because we have run out of money for an emergency, it will not have to be offset, as everything else would have to be. In other words, if, in the middle of the budget year, a Senator comes down to the floor with a great new idea on how to teach our children and has a great grant program that he or she wants to put forward, that would have to be offset with spending cuts.

But, under the bipartisan agreement of that 1990 Budget Act and, as I stated before, agreed to by the Office of Management and Budget, which was a Republican Office of Management and Budget, emergencies would not have to have offsets.

Additionally, under Gramm-Rudman-Hollings, which amended the Budget Act, the same thing was true. There was an exception from ordinary budget rules and ordinary budget caps for disaster emergencies.

So, basically, the Boxer-Leahy amendment, which would give this constitutional amendment more flexibility, is actually in line with all the other budget laws.

One of my colleagues said today, in opposition, ''Well, Senator, your amendment would do violence to the balanced budget amendment.'' And I am quoting her, I think, directly. She said ''In the dead of night, you could come in here and, with a mere majority, take this budget out of balance.''

The fact of the matter is, in a bipartisan way, ever since the 1980's, we have been working with the assumption that when an emergency strikes, we would meet that emergency and not wait until we identified other parts of the budget to cut. Under the balanced budget amendment as it is before us, without the Boxer-Leahy amendment added, we would need 60 votes, my friends, to act in an emergency.

I want to go over these charts one more time. One of my colleagues will be arriving shortly, at which time I am going to yield him the floor.

This is a chart that shows the probable costs of future natural disasters, because many times we look back and we learn from history. And that is very important. What we learn from history now is we do not always get 60 votes to respond to a disaster. That is why I find this Boxer-Leahy amendment so important, because we would have been in big trouble if that 60-vote requirement had been before us.

But let me show you what is predicted here by the experts. Starting on the east coast, we are looking at class 4 hurricanes here in the Northeast. This looks like one is out of New Jersey and one is out of New York. These would impact on all these States here, up and down the Northeast, $45 billion here—that is the loss that would be incurred—$52 billion, a class 4 hurricane here in New Jersey; in Virginia, a class 5 hurricane, costs $33 billion. Remember, just because it starts here does not mean it does not impact the whole coast. It impacts the whole coast and I would say inland areas, as well.

In Miami, looking at another huge class 5 hurricane, $53 billion in losses; in New Orleans, a class 5 hurricane, $25 billion; in Texas, a class 5 hurricane at $42 billion.

Centered in Memphis—it is interesting because people think about earthquakes being a California phenomena—one of the largest predicted earthquakes in the future, 8.6 on the Richter scale, $69.7 billion, is centered in Memphis, again affecting all these midsection States.

And in Seattle, a 7.5 earthquake—something else that is not really thought about, the Northwest, an earthquake here; a predicted earthquake in San Francisco, in Los Angeles; in Honolulu, a class 4 hurricane.

So we see, these are just the biggest, most expensive disasters.

I want to point out to my friends that in fact, every single State in the Union, according to a report that I read into the RECORD, is subjected to floods—floods that could be very, very damaging.

So I say that the Boxer-Leahy amendment, which has many cosponsors at this point and gaining all the time, speaks to an issue that is of great import to the entire Nation. Again, there is a change in atmosphere now. That is why this amendment is so important.

We have the Speaker of the House, the new Republican Speaker, proudly sends a letter, saying to the President, ''Do not bother sending up an emergency supplemental''—by the way covering 40 States, 40 States that need this money in the emergency supplemental—''unless you cut spending elsewhere.''

Now, all of us want to be fiscally responsible. I cast one of the toughest votes of my life when I voted for the deficit reduction bill. The fact of the matter is it passed by one vote and, as a result, we have cut the deficit in half from where it was supposed to be. That was a tough vote.

The balanced budget amendment vote, that is an easy vote. That is an easy vote. You are not voting to cut anything. You are just going to go home and tell your constituencies that you are a fiscal conservative.

Well, I think the question Americans have to ask, and I think they need to ask, their Senator and their Congressperson is this: ''Do you vote for an amendment to the Constitution that is going to take effect in 2002 if the States ratify it?'' Or, ''Do you have the guts and the courage to vote to cut spending now?'' And, ''Are you going to vote for an amendment that ties the hands of the Federal Government to respond to ensure domestic tranquility?'' Which is so important it is in the preamble to the Constitution.

And do you have domestic tranquility when you have situations like this?

Hurricane Hugo in South Carolina. You can see the faces of these victims. The Cypress Freeway in Oakland, which, by the way, we could not get 60 votes to fix. So unless Boxer-Leahy passes, the Cypress Freeway could have remained this way.

Look at this, Hurricane Andrew in Florida. It looks like any war zone you could imagine.

And the beautiful blue sky of Hawaii, look at what was once a beautiful home after Hurricane Iniki.

These are times when you want to help people, whether you are from Indiana or California or anywhere else.

I will show you some more photos. The flooding in the Midwest. They cannot even take their eyes off it, because they cannot believe here right in front of their house they are knee deep in water. The Northridge earthquake, where a police officer, rushing to help people, did not realize the freeway was down and lost his life, one of the first lives lost there.

Mount St. Helens in Washington; and the Houston, TX, floods. It almost looks like—it actually looks like a bomb dropped on this House. We need to be able to respond to that.

So, Mr. President I see that my friend, my adviser, my colleague from West Virginia is here. I know he wishes to speak on this amendment. I would ask him if he is prepared at this time to begin.

Mr. BYRD. I am.

Mrs. BOXER. I am prepared to yield to him as much time as he might consume, just assuring that we do save 5 minutes. If he does intend to take that much time, that is fine with me. I just want to make sure 5 minutes are reserved to close.

At this time, I am very honored to yield to my colleague, Senator BYRD.

The PRESIDING OFFICER. The Senator from California yields all her remaining time, with the exception of 5 minutes, to the Senator from West Virginia.

Mr. BYRD. Thank you, Mr. President. I thank my friend from California, Senator BOXER, for yielding to me at this time.

Mr. President, mankind has always been plagued with floods, famines, droughts, plagues, and other pestilences of one kind or another, which we refer to ordinarily as acts of God or natural disasters.

The first flood for which there is any record was that which is chronicled in the Book of Genesis, when God caused it to rain 40 days and 40 nights upon the Earth.

The hills and mountains were covered, and all flesh died that moved upon the Earth, both of fowl, and of cattle, and of beast and of every creeping thing that creepeth upon the Earth and every man. All in whose nostrils was the breath of life, of all that was in the dry land, died. Only Noah remained alive, and they that were with him in the ark; namely, his wife and his three sons—Shem, Ham, and Japheth; and his sons' wives.

The first fire that I found recorded was the fire that was rained upon the cities of Sodom and Gomorrah. God destroyed those cities with fire out of Heaven, and he destroyed all the plain and all the inhabitants of the cities and that which grew upon the ground. Only Lot, his wife, and two daughters were spared destruction in the fire, and Lot's wife later was turned into a pillar of salt because she disobeyed God's warning.

The first famine of which I can find any record occurred in Egypt, and it was 7 years of duration. Joseph opened all the storehouses. The famine was sore in all lands.

Most of us are familiar with the plagues of Egypt during the sojourn of the Israelites in that country. The Israelites came into Egypt somewhere between 1,700 and 2,100 years before Christ, and their sojourn lasted 430 years. We have long been familiar with the plagues in Egypt which were chronicled by Moses, the author of the Pentateuch, the first five books of the Bible—Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. The waters were turned to blood, and all fish in the river died. There were subsequent plagues of frogs, lice, flies, a plague on all cattle, the plague of boils on human beings, and the plagues of hail, locusts, and darkness, followed by the deaths of the first born.

The first tidal wave of which I can find any record was the tidal wave in the midst of the Red Sea which covered the chariots and the horsemen and all the host of Pharaoh that came into the sea in their attempt to overcome and subdue the Israelites who were being led by Moses, and there remained not so much as one of them.

As to earthquakes, I turned again to that history of all histories, the Bible. There was the earthquake which occurred when Elijah fled from Jezebel, and while Elijah stood upon a mountain, the Lord passed by and a great and strong wind rent the mountains and broke in pieces the rocks, and then the earthquake occurred. In the Book of Amos and also in the Book of Zechariah, we read of the earthquake which occurred in the 27th year of Uzziah, King of Judah. Josephus says that this earthquake was so violent as to divide a mountain in half, which lay to the west of Jerusalem.

Subsequent such disasters have occurred in our own times. There was the great Galveston, Texas, tidal wave in 1900. Charleston, South Carolina, suffered an earthquake in 1886, when most of the city was destroyed, and we have heard of the great San Francisco earthquake of 1906, about which songs have been written.

History tells us of the Black Death of the Middle Ages, a very, very virulent form of plague that ravaged Asia and Europe in the 14th century. It raged in England during the years 1348–1349, and again in 1361–1362, and again in 1368–1369 causing a mortality in some places probably as high as two-thirds of the population.

There was the Great Flood of 1927—that was the year in which Lindbergh flew across the Atlantic in the Spirit of St. Louis. He flew 3,600 miles in 33½ hours. He carried five sandwiches with him and ate 1½ of them. Sometimes he was 10 feet above the water, and sometimes he was 10,000 feet above the water. And as he took off and flew over Cape Breton, those with powerful glasses, according to the New York Times, could see the number 211 on that little plane which carried a load of 5,500 pounds.

Nineteen hundred and twenty-seven was also the year in which I first saw a radio. I was living in a coal mining community in southern West Virginia, a community named Stotesbury, and my foster father, a coal miner, had promised me that on that occasion we would listen to the second Dempsey-Tunney prize fight and we would listen to it on the radio. So, we walked about a mile from where I lived in the upper end of the coal mining community, down the road, to what we referred to as the community grill, where one could buy a bottle of Coca-Cola, if he had a nickel. And there, upon that occasion, upon that night—I can see it as though it were last evening—there was Julius Sleboda, the operator of the community facility, and there were a group of men and boys—I do not recall any ladies being there—they were gathered around waiting to hear the fight.

Jack Dempsey was my idol when I was a boy. I was 10 years old at that time. I am still a boy, but I am 77 years old now. So, I stood there with open eyes and open ears and open mouth waiting to hear Jack Dempsey put Gene Tunney out of the ropes and into the floor with the crowd. But it did not happen. I went away that night a disappointed lad. I was disappointed because Jack Dempsey did not win the fight and I did not hear the radio. There was only one set of earphones. And so Julius Sleboda listened to the fight. He wore the earphones. The rest of us could not hear it. Finally, the general manager of the operation came into the grill, and he was Mr. C.R. Stahl. He took the earphones from Julius and put them on, and he gave to us

a blow-by-blow description of one of the greatest fights of all times.

So that was 1927, and in that year there was a great flood that overflowed the Mississippi from Cairo, IL, to the Gulf of Mexico.

Then came 1937. That was the year in which I married my high school sweetheart. We were still in the throes of the Great Depression. And speaking of my high school sweetheart, there was a boy in my class by the name of Julius Takach. His father had a grocery store down at Ury, commonly called Cook Town in Raleigh County.

Every day when Julius came to school, he would fill his pockets with candy and chewing gum from his father's grocery store. He would hand out the candy and chewing gum, and I made it a point, Mr. President, to be the first always to greet Julius when he arrived at the schoolhouse door. He would give me some candy and chewing gum, and I did not chew the gum or eat the candy, may I say to my colleague, Senator HATCH. I always waited until the class had changed and gave the chewing gum and candy to my sweetheart, Erma James.

If I may advise some of these youngsters around here, that is the way you court your girl—with another boy's bubble gum! And it stuck, as you see. I am still married to that same girl now 57 years later. And the Good Lord willing, if we can live another 3 months from the 29th of this month, then we will have been married 58 years.

Well, in 1937, the Ohio and the Mississippi Valleys were overrun by the rivers; 400 people died, 1 million were left homeless, and $500 million worth of property destroyed. That was $500 million in 1937. So one might imagine what it would be now.

In the Book of Matthew, we were told by Jesus that ''Ye shall hear of wars and rumors of wars * * * there shall be famines and pestilences and earthquakes in divers places.''

He knew what he was talking about. We have had them 2,000 years later, throughout the 20 centuries, and we will continue to have them.

In just the last few years the Congress has appropriated billions of dollars for disasters caused by fires, floods, hurricanes, earthquakes, and drought right here in our own country.

Mr. President, no one except the Almighty has any control over the timing, the frequency, or the magnitude of such natural disasters. They sometimes seem to come just in batches. Who is to say we will not have more frequent and more costly natural disasters in the coming years? No one can say. What will the next earthquake cost in terms of damages and lives, the destruction of buildings and towns and cities, highways, railways? When will it occur? Where will it occur? No one can say. They cannot be anticipated by the Office of Management and Budget. OMB cannot tell us when there will be an earthquake, a flood, a drought, a fire, a hurricane, a tornado, a cyclone. They cannot be predicted by any Senate committee. Their cost cannot be forecast in any State of the Union Address prior to their happening. They cannot be budgeted for in advance with any accuracy. That is why it is so important we provide a means to quickly pay for the costs of natural disasters. We have to protect the victims and the area economies from the devastation.

Now, this chart to my left sets out a number of natural disasters that have occurred in the United States during the last 15 years.

The Mount St. Helen's volcano eruption, which occurred in May 1980, required appropriations totalling $1,015,337,000. Hurricane Hugo occurred in September 1989 and the budget authority and loan authority amounted to $2,826,522,000. It wreaked havoc along the Atlantic Coast. And who paid the bill? The Federal taxpayers, as I say, were called on to provide more than $2.8 billion for needed assistance to the victims who had lost their jobs, their homes and their livelihoods.

Also, in 1989, we had the Loma Prieta earthquake, for whose victims Congress appropriated $3,027,155,000. Then we were spared further major disasters until the summer of 1992 when we suffered the destruction from both Hurricanes Andrew and Iniki and Typhoon Omar which required appropriations of $10,449,513,000. That is a lot of money—$10,449,513,000. In 1993, we had the terrible floods of the Mississippi, for which $6,886,433,000 has been appropriated. And finally in January 1994, we had the Northridge earthquake which required $10,127,583,000 in Federal appropriations.

Mr. President, our Nation has responded immediately to each of these natural disasters with the enactment of emergency appropriations bills to help their victims and to restore the devastated communities which resulted from each of these freaks of nature. We had to act quickly.

I was chairman of the Appropriations Committee at the time we appropriated the moneys for Hurricane Hugo, at the time we appropriated the moneys for the Loma Prieta earthquake, at the time Congress appropriated moneys for Hurricanes Andrew and Iniki and Typhoon Omar, and, of course, I was chairman and brought the emergency supplemental appropriations bills to the floor to deal with the Mississippi flood in 1993 and the Northridge earthquake in 1994. We responded quickly, and my distinguished colleague, Senator HATFIELD, who was the ranking member at that time, who is now the chairman of the Appropriations Committee, and his colleagues on the Republican side, responded quickly, and we worked together and brought these bills to the floor to give help.

We could not afford to wait until we could have a long debate about which areas of the budget to cut in order to fully offset these unanticipated costs. Can you imagine the outcry if the Senate became mired in debate for weeks or even months about how to offset the costs of a natural disaster, while victims were left to twist in the wind and drown in the swirling waters while local economies perished? That is exactly what could happen if the balanced budget amendment to the Constitution ever becomes part of the national charter.

It was precisely to avoid such delay and such misery that emergency funding was exempted by statute from any requirement for funding offsets. We made that decision at the budget summit in 1990 during the Bush administration, that such disasters would be provided for by emergency funds that would be exempted from any requirement for funding offsets. But this is no loophole for frivolous spending. To qualify for this exemption, appropriations for emergencies must meet certain requirements; namely, such funding must be:

A necessary expenditure—An essential or vital expenditure, not one that is merely useful or beneficial;

Two, such funding must be for an emergency that has occurred suddenly—quickly coming into being, not building up over time;

Also, it must be urgent—pressing and compelling need requiring immediate action.

We are talking about what qualifies for the designation ''emergency.''

It must have been unforeseen—not predictable or seen beforehand as a coming need (an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, would not be ''unforeseen''). So it has to be unforeseen.

And it must not be permanent—the need is temporary, it is urgent, it is necessary, unforeseen, and it is not permanent in nature.

In addition, as I have previously stated, to qualify as emergencies, appropriations must be so designated by the President and by Congress. They must agree on designating the appropriation as an emergency. So it has to be designated in law, passed by Congress.

To further emphasize the utter confusion we will face if the balanced budget amendment is enacted, let us examine more closely the funding requirements for such unforeseen emergencies and natural disasters.

Specifically, section 251(b)(2)(D) of the Budget Enforcement Act reads as follows:

> Emergency Appropriations.—(i) If, for any fiscal year, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all years from such appropriations.

This very important provision of law allows us to quickly respond to natural disasters such as earthquakes, floods, hurricanes, typhoons, and forest fires. It enables the President and Congress

to provide emergency funding for the victims of such disasters expeditiously, without having to find funding offsets from other programs.

We do not have time to tarry around. We do not have time to wait and to quibble. The people who have been hit with these sudden terrible disasters need help.

It enables the President and Congress to provide emergency funding for the victims of such disasters expeditiously, without having to find offsets from other programs.

Mr. President, as Senators are aware, the constitutional amendment to balance the budget now before the Senate does not include any such exemption for emergencies and natural disasters.

That is what the very distinguished and eloquent Senator from California, Senator BOXER, is concerned about. She is trying to correct that by offering the amendment which is at the desk.

But we are told by the proponents not to worry. ''Don't worry, be happy,'' they say. They claim that surely we will be able to muster the 60 votes necessary to waive the balanced budget requirements of this amendment for such important things as earthquakes and fires and hurricanes and droughts, tidal waves, and floods. Indeed, one such proponent has even stated that he has researched the past votes of the House and Senate on funding for natural disasters and found that those emergency appropriation bills passed by larger margins than the 60-percent supermajorities required under the balanced budget amendment. Are we, therefore, to conclude that, indeed, Congress would follow that pattern in every case in the future and thereby we could expect to continue to be able to exempt funding for natural disasters from the balanced budget amendment requirements?

I wish that I could share that kind of optimism. However, I have, I believe, good reason to question his conclusions.

As my colleagues are aware, last Monday Congress received President Clinton's budget request for fiscal year 1996.

There is a part of the President's budget upon which Congress has been asked to act immediately. That part of the budget is the President's request for 1995 supplemental funds for emergencies for defense totaling $2,557,000,000 and for FEMA disaster relief totaling $6,700,000,000. The FEMA request, Mr. President, is to enable the President to continue to meet the continued funding needs of some 40 States in connection with disasters which have already occurred.

For the Northridge earthquake, which occurred on January 17, 1994, and devastated southern California, affecting over 700,000 people and 120,000 structures, including schools, hospitals, municipal buildings, and private residences, the President is requesting an additional $4,865,603,000. Remember now, this is 1 year later and the costs are still coming in.

The balance of the request is to fund and complete projected requirements from previously declared disasters in at least 40 States; and ensure that adequate funds are available to address future disaster assistance requirements during the current fiscal year that already well exceed FEMA's 1995 disaster relief fund appropriation of $320 million.

I ask unanimous consent that this statement which deals with the FEMA disaster relief fund and indicating the States and territories affected, and the additional requirements for each State and territory, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF FUND

[Dollars in thousands]

	Number of States	Additional requirements
State/territory		
Alabama		$2,683
Alaska		947
Arizona		54,978
Arkansas		2,019
California		5,286,240
Florida		7,576
Georgia		10,479
Hawaii		40,575
Illinois		47,491
Indiana		1,155
Iowa		34,663
Kansas		5,518
Kentucky		201
Louisiana		948
Maine		720
Maryland		788
Massachusetts		4,598
Michigan		449
Minnesota		13,570
Mississippi		1,647
Missouri		15,384
Montana		902
Nebraska		16,285
New Hampshire		368
New Jersey		18,757
New Mexico		804
New York		60,338
North Carolina		1,050
North Dakota		5,526
Oklahoma		856
Oregon		10,394
Pennsylvania		2,336
Rhode Island		665
South Carolina		3,301
South Dakota		8,911
Tennessee		3,074
Texas		111,794
Utah		50
Virginia		435
Washington		14,049
Subtotal, States	41	5,791,924
District of Columbia	1	196
Territories		
Guam		2,760
Micronesia		11,309
North Mariana Islands		299
Puerto Rico		14,537
Samoa		19,716
Virgin Islands		21,254
Subtotal, territories	6	69,875
Total, States and territories	48	5,861,995

Mr. BYRD. Mr. President, in past years, we have been able, on a bipartisan basis, to quickly enact emergency appropriations for such important disaster relief efforts. We do this in order to get needed relief to the victims of such natural disasters as quickly as we can, even though we fully recognize that we will often have to add more funding later, once the full extent of the damage caused by each earthquake, flood, hurricane, and so on is known. That is the purpose of the President's latest $6.7 billion emergency FEMA request.

I am sorry to say, Mr. President, that the new leadership of the House of Representatives has now taken a position that these emergencies should no longer be exempt from funding offsets. I have here a letter to the President, dated February 7, 1995, on the stationery of the Speaker of the House, which I will read into the RECORD.

Here to my left is a replica of the letter addressed to the President on February 7, 1995, by NEWT GINGRICH, Speaker of the House, RICHARD ARMEY, the majority leader of the House, JOHN KASICH, chairman of the House Committee on the Budget, ROBERT LIVINGSTON, chairman of the House Committee on Appropriations, and the letter reads as follows. It is written by the Speaker of the House of Representatives, as all who view the charts can see. So I will read the letter:

DEAR MR. PRESIDENT: The Fiscal Year 1996 budget which you transmitted to Congress contains an additional $10.4 billion in supplemental budget requests for Fiscal Year 1995. Your budget submission further reflects only $2.4 billion in rescissions and savings for FY 1995. Most of these requests are for emergencies.

The House Appropriations Committee will proceed to review and act on these requests. But highest priority will be given to replenishing the accounts in the Department of Defense badly depleted by contingencies in the Persian Gulf, Somalia, Rwanda, Haiti and other activities. The committee in the House in turn will act only after offsets for these activities have been identified.

However, we will not act on the balance of the request until you have identified offsets and deductions to make up the balance of the funding. Whether these activities are emergencies or not it will be our policy to pay for them rather than to add to our already immense deficit problems.

We, therefore, ask you—

Meaning you, Mr. President, the President of the United States—

to identify additional rescissions as soon as possible so we can move expeditiously on your supplemental request.

Mr. President, unless I misunderstand the intent of this letter, it lays down a marker that its authors do not intend to even consider funding the $6.7 billion in emergency FEMA disaster relief funding until the President recommends offsets.

Could this mindset with the likely impact of a constitutional amendment to balance the budget and I believe what emerges is a nation which may be totally unable to help its people at a time of national disaster.

Imagine that! Another California earthquake occurs, a flood in Iowa, a hurricane in Georgia or South Carolina, thousands of homeless children injured, death, devastation, sadness, whole communities wiped out and the response of the Nation is, tough luck! Never mind the misery. Never mind the sadness. First things first, And first things first means we will have to find

a way to pay for every dollar, offset every dollar, before we lift a finger to help the victims.

Where is the Christian brotherhood in that approach?

Oops, sorry Mr. and Mrs. Taxpayer. The hurricane in Florida will actually cost us $10 billion instead of $5 billion so we are out of budget balance and you owe us some more money for last year's tax bill. Or do we just say, tough it out Florida? We cannot afford the hurricane bill. Maybe you could petition Japan for a little disaster assistance.

Because of its ill-crafted, rigid inflexibility, I believe that this budget amendment will have us careen from budget crisis to budget crisis.

Think of what the Desert Storm conflict could have done to our budget situation. We began the military deployment in August 1990, I believe. It was never a declared war. We do not declare wars any longer. But, it was certainly a hotly debated issue here in the Senate. We were out trying to rustle up dollars from our allies in order to help pay for that action, and we did not know until the conflict was nearly over to what extent our costs would actually be reimbursed by contributions from our friends and allies. Even though we were reimbursed, it was necessary for the United States to pay for substantial costs at the outset of the deployment.

The full cost of Desert Storm was unknown for months, for the very good reason that it was impossible to predict how difficult the conflict would be and how long it would last, how easy it would be for us to prevail, what our casualties would be, how well the coalition would work together, and other variables which are always uncertainties in any armed conflict. Can we be sure that future important international involvements, undeclared wars, but important military actions, can be declared a threat to national security by a joint resolution adopted by the whole number of each House? That is talking about a majority of the whole number of each House.

How in the world are we ever going to know what conflicts we are going to be able to afford in the future? First, we will have to be sure that we can waive the provisions of this amendment by having a serious threat to national security declared by a joint resolution and adopted by a majority of the whole number of each House, which becomes law. How will the Department of Defense ever be able to adequately plan? Will our allies ever again rest easy knowing that we may have to hedge on our commitments to them because of uncertainty about our financial ability to fully engage our forces in their behalf? How will we ever be sure that we can come up with the money should the fiscal year have ended in the middle of a conflict, and the costs had thrown the budget badly out of balance?

Suppose the conflict became unpopular after it had begun and support for paying to complete U.S. responsibilities had ebbed. Talk about a bouncing ball of fiscal uncertainty. We could become unable to be certain of our ability to handle any emergency either abroad or at home.

In a perfect world, there are no uncertainties. In a perfect world, storms do not rage, famine and drought never occur, and all inconvenient problems abroad end before the close of the fiscal year with money left over to pay the bills.

But we do not live in a perfect world. We live in a dangerous, crisis-ridden, unpredictable world, and we will rue the day that we handcuff our fiscal policy to the fallacies and flaws of this most imperfect and thoroughly misguided balanced budget amendment.

Mr. President, I ask unanimous consent that a letter to the President from the House Republican leadership be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Fiscal Year 1996 Budget which you transmitted to Congress contains an additional $10.4 billion in supplemental budget requests for Fiscal Year 1995. Your budget submission further reflects only $2.4 billion in rescissions and savings for FY 95. Most of these requests are for emergencies.

The House Appropriations Committee will proceed to review and act on these requests. But highest priority will be given to replenishing the accounts in the Department of Defense badly depleted by contingencies in the Persian Gulf, Somalia, Rwanda, Haiti and other activities. The Committee and the House in turn will act only after offsets for these activities have been identified.

However, we will not act on the balance of the requests until you have identified offsets and deductions to make up the balance of the funding. Whether these activities are emergencies or not it will be our policy to pay for them, rather than to add to our already immense deficit problems.

We therefore ask you to identify additional rescissions as soon as possible so we can move expeditiously on your supplemental requests.

Sincerely,

NEWT GINGRICH,
Speaker of the House.
JOHN KASICH,
Chairman, House Committee on the Budget.
RICHARD ARMEY,
Majority Leader of the House.
ROBERT L. LIVINGSTON,
Chairman, House Committee on Appropriations.

Mr. BYRD. Mr. President, I congratulate the distinguished Senator from California, Senator BOXER, for offering this amendment. I support her amendment, and I hope if there is a motion to table the amendment, that motion will be rejected.

I return any time I may have remaining to Senator BOXER.

Mrs. BOXER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from California has 9 minutes and there are 15 minutes remaining on the other side.

Mrs. BOXER. I ask my friend, does he have anything to contribute? I would like to, first, if it is all right, yield 4 minutes to my friend from Arkansas at this time and I will retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. I thank the Senator from California for yielding me 4 minutes. Let me preface my remarks by saying I will never forget this. I had been Governor of my State I guess about 3 months. Arkansas is part of what we call ''tornado alley.'' We have a terrible tornado in Brinkley, AR, and my staff said, ''You have to go over there.'' I said, ''They would think I was trying to politicize their plight.'' They said, ''You do not understand it; they are desperate and they want to see authority figures. They want to know somebody is going to help them.'' They finally talked me into going, even though I thought it was a political thing to do. I never failed to go immediately to every flood and tornado after that, because when those people saw me, they crowded around me and wanted me to hear their stories, wanted me to assure them that everything was going to be all right. It was one of the most gratifying things I ever did in my life.

Senator BOXER's amendment is the exemplification of simplification. It just simply says that if we have a big disaster in this country, by a majority vote—and who could quarrel with that? By a simple majority vote, we can spend the money to alleviate the terrible plight of people in California, southern California or northern California, who had been hit by a terrible earthquake; or we can cover 10 States in the Midwest, whose homes, farms, cities had been wiped out. Can you not just see us sitting here and people dying, water washing their homes away and saying: Well, we tried. We got 59 votes but we just could not quite cut the mustard. You people just do the best you can.

How silly can you get? That is not what this country is made of. I admit that a flood in Arkansas gets my attention more than a flood in West Virginia or California. You know, some day, if you look at this map, you will see that the New Madrid fault in Northeast Arkansas is one of the most dangerous areas in the United States. The maximum risk of earthquake is along the New Madrid fault. The Presiding Officer knows where it is because Tennessee is part of it, too. To sit here and say that, in the interest of killing every single amendment, we are going to kill this one, too, and we are not

going to allow a simple majority vote in the Senate to determine whether we are going to help American citizens who through no fault of their own have been decimated, it would be the height of irresponsibility to vote to table an amendment as well conceived and sensitive as this one is.

So, Mr. President, I applaud the Senator from California for offering the amendment. I am very pleased to cosponsor it, to vote for it, and I hope the people who walk in this Chamber in about 15 minutes will not just vote that knee-jerk vote we have been watching ever since we started this amendment, but stop and reflect. If you cannot go home and tell the people of your State that you voted for this because you want to take care of them in case of emergency, you do not deserve to be here.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized.

Mr. SANTORUM. Mr. President, I yield myself such time as I may consume. I wanted to make a couple of comments about some of the arguments that have been made today with respect to this amendment. I think it is a good amendment in the sense that it brings the very important issue to light of how we will deal with natural disasters under the strictures of the balanced budget amendment.

I will first state that we have 7 years before we have to get to a balanced budget. And during the first 6 years, there are no strictures at all placed on either body, other than the ones now in place with respect to the Budget Act, to passing supplemental emergency appropriations bills. For the first 6 years, we are pretty much under the same rules we have been, which I see as an opportunity, as Senator SIMON suggested, with respect to the overall budget, but I think even more particular with respect to emergency appropriations, for us to be able to build up reserve funds over the next 6 years, specifically targeted for this kind of emergency. We know emergencies will occur. We have had votes on emergency supplementals just since my election in 1990 to the House. We have had 16 such votes in the House and Senate. Under the 1990 Budget Act, which put in a high hurdle to get an emergency supplemental appropriation passed, we have done that. I think what we should do is understand that emergencies will occur and we should set aside some funds to be available for that purpose. We have 6 years between now and the year 2002 when we have to get to the balanced budget to accumulate money in that account.

So I suggest that that might be an effort that the Senator from California and others from other States who are subject to more natural disasters than other States would work on and hopefully implement.

The other point I wanted to make is with respect to the margin with which all of these supplemental appropriations since the 1990 Budget Act have passed. We have had 16 such votes in the U.S. Senate. All 16 passed with greater than a 60-vote margin. Every single one of them would have passed under the constitutional amendment that we are now considering, which requires a 60-vote margin here in the Senate, requires three-fifths.

All of those would have passed here and we would have, in a sense, waived the constitutional requirements for a balanced budget here in the Senate. All but two would have passed in the House of Representatives. The only two that would not have passed is one having to do with the Los Angeles riots; and it was a very controversial aid package because of some of the measures that were put in it, controversial measures that were put in for the city of Los Angeles. I do not think anyone had any problem with providing financial assistance to the riot-torn areas of Los Angeles, but there were some measures that were included that caused some controversy; but that was a close vote, relatively close. The other had to do with extension of unemployment benefits in 1993, which was a relatively close vote in the House.

Both of which, I think you can make the argument with respect to some of the pork that was in the Los Angeles riot bill and the need in 1993 when in the middle of the President's debate on passing his deficit reduction package that we were going to throw more money to unemployment benefits without paying for it, both had legitimate reasons for objections in the House.

But I think it just goes to show you that when this country, when this body and the other body is faced with a natural disaster, such as the earthquake that Senator BOXER has been referring to, we stepped to the floor and in overwhelming numbers passed the disaster assistance.

I will refer to the Northridge, CA, earthquake last year, the disaster in 1994, 337 to 74 in the House and 85 to 10 in the Senate. The Midwest flood, a flood in the Mississippi River and other rivers in the Midwest, 400 to 27 in the House, and it was voice voted in the Senate, which shows fairly unanimous support here in the Senate.

When the disasters are serious, when people are in need, we understand we have an obligation to respond to that and we do in overwhelming numbers. We do not need an amendment to this constitutional amendment to solve this problem. We will solve it on our own and we have met and will continue to meet the expectations of the public when such disasters occur to this country.

So, while I support the intention of the amendment of the Senator from California, I think it is unnecessary. And I believe if it truly is a disaster the House will go ahead—they do not have a supermajority provision right now; they can pass bills over there with a simple majority. Here in the Senate, we, in a sense, have a supermajority requirement already. We have filibusters here and we have cloture votes. Most legislation around here, if it is somewhat controversial, has to get that 60-vote requirement to pass. And so we already have what the constitutional amendment would require of us here in the Senate.

Really, all this constitutional amendment does is put a little higher burden on the House. And I do not think that is a bad idea. I think, in fact, it may screen out some ''emergencies,'' like some of the ones I described here, make those bills that respond to those emergencies be cleaner and directly targeted to the aid, as opposed to Christmas treeing it with a whole bunch of other projects that Members of the Senate and House may want to attach.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time do we have remaining?

The PRESIDING OFFICER. Eight minutes and forty-five seconds.

Mr. HATCH. Mr. President, I really appreciate the comments of my distinguished colleague from Pennsylvania. He spoke great truth here. He has made it very clear why this amendment needs to be defeated.

Naturally, I am opposed to this amendment, because it is one more proposed loophole to the balanced budget amendment.

As the distinguished Senator from Pennsylvania said, and Senator CRAIG and Senator SNOWE demonstrated this morning when they reviewed congressional votes in recent years approving various disaster relief measures, Congress has never been reluctant to approve, by overwhelming margins, emergency relief for Americans suffering the effects of natural disasters—never. The balanced budget amendment is not going to stop Congress from continuing to do that, and so there is no need for this amendment.

But the amendment that the distinguished Senator from California sincerely is putting forth here actually would open a loophole as wide as a barn for any kind of spending program to go through.

House Joint Resolution 1 would not deprive the Congress of the ability to continue to respond to such emergencies, since it already contains a mechanism for dealing with fiscal emergencies.

First, when the balanced budget amendment goes into effect, implementing legislation can address the prospect of unexpected developments. It can set aside a contingency fund, available for use in such emergencies, as part of a balanced Federal budget.

Second, in drafting the balanced budget amendment, the authors have anticipated the possibility of sudden and unexpected emergencies, such as

natural disasters, requiring prompt action by the Congress and the Federal Government to provide needed relief to disaster victims or people who suffer from disasters.

For that reason, the amendment already includes mechanisms which give Congress the flexibility necessary to respond in emergencies by providing relief to disaster victims:

Under section 1 of the amendment, three-fifths of both Houses can vote a specific excess of outlays over receipts.

Under section 2 of the amendment, the Congress, by three-fifths vote of each House, would have the power to increase the debt limit where necessary in order to provide emergency relief and assistance in the wake of any natural disaster.

The amendment proposed by our friend from California, however, does not simply create a mechanism by which Congress, reacting to a sudden and unexpected emergency, may waive the debt limitation provision of the balanced budget amendment in order to provide emergency relief to disaster victims.

Let us be very clear about this. What is being proposed in this amendment is not a waiver for emergency disaster relief only. Read the fine print. Senator BOXER's amendment provides that in any money, even $1, is spent ''as a result of a declaration made by the President—and a designation by the Congress—that a major disaster or emergency exists ''the Congress, by the smallest of margins, a simple majority not of the whole congress but only of those present and voting at a particular moment, may completely waive the balanced budget amendment for that entire fiscal year.

Under the language of the Boxer amendment, there is no link whatsoever between the amount of emergency disaster relief and the increase in the debt ceiling. This goes way beyond being a loophole through which Congress could slip a few billion dollars in new debt whenever it chooses. Once a so-called disaster relief waiver is passed by a simple majority of those present and voting, there would no longer by any limitation on increasing the national debt in that fiscal year. Actually, none. What a loophole. The door is open; the roadblocks are removed; the Federal pork-barrel, deficit-spending express is back on track, cleared once again to run full speed ahead, carrying the American people to economic ruin.

This amendment would not only permit future Presidents and Congresses to evade what would otherwise be a constitutional mandate that the Federal Government finally live within its means, it would be an open invitation to such evasion, precisely because it would make such evasion so very easy.

The fact is that in every fiscal year after the balanced budget amendment goes into effect, there will be sufficient pretext for a spending-minded President and simple majority of Congress to invoke the disaster relief waiver and thereby eliminate the prohibition on new debt if they so choose. And that is exactly what they will choose—we have 25 straight years of deficit spending since 1969, with 5 more years and another trillion dollars of debt to come according to President Clinton's 1996 budget proposal, as proof of that contention.

Talk about disasters; if this amendment passes, the balanced budget amendment dam will be broken, releasing a further flood of red ink which will drown the American people in an ever-rising sea of debt.

Congress does not need the debt limitation waiver mechanism proposed by this amendment in order retain its ability to respond, as it always has, to the needs of disaster victims. The American people, however, cannot afford to have dangling before future Presidents and Congresses what would almost certainly prove to be an irresistible temptation to circumvent the necessary discipline of a balanced budget amendment. This amendment is not only unnecessary, but potentially fatal to our economic future. I urge that it be defeated.

If you read the language of this amendment, the language is just unbelievably broad.

> The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President and a designation by the Congress that a major disaster or emergency exists.

Once the President declares an emergency or disaster, Congress could spend any amounts it wants—on any programs—during that whole fiscal year, according to the way this is written.

I have to say that there was another amendment filed on this subject that at least did not go that far. It was more narrowly tailored than this one. But this one goes so far that it would allow any big-spending President and any big-spending Congress to deficit-spend whenever they want to do it, and without any consideration whatsoever to the taxpayers of America.

So this amendment deserves to be defeated, and we are going to move to table as soon as the distinguished Senator from California finishes her concluding remarks.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the rewriting of history that goes on around here is really incredible. The Senator from Utah gets so worked up about the idea that a majority of the Members of this body could vote to say that an emergency that kills people, that is happening in our country, could say to this Senate, ''Yes, we are going to pay for that and we are going to do it now.''

Do you know that every year since the Republicans had control of the Senate, Mr. President, that has been the rule. Where has the Senator from Utah been? I never heard him complain about it before, when Republican Presidents said, ''Yes, a disaster should be an exception by a majority vote, and we should not have to find offsets.'' It happened in a Republican Senate.

So my amendment is the conservative one. Without this amendment, we are being radicalized by this U.S. Senate into a position that we cannot respond. I was happy to hear the comments of my friend from Pennsylvania, and I agree with him. We will have some time to work on this problem, and we are. I am appointed to a task force, and I hope the Senator can join us.

Senators should know we do have rainy day funds now that are in the budget. The problem is some years it rains more than the rainy day fund. And that is the definition of a disaster emergency. You do not know where it will hit and how much it will hit.

I ask if we could have a final chart on the newspaper story. By the way, I want to say to my friend from Pennsylvania, in his own case in Pennsylvania in 1993, $24 million for severe snowfall winter storms; in 1994, severe winter storms, snow and rain, $72 million the Senator's State received. I hope and pray you do not have this experience again, but I also hope and pray if you do, you do not have to count on 60 votes, because unlike what was said by the Senator from Pennsylvania and others today, twice on this very floor we failed to get 60 votes for emergency spending for disaster relief. We fell short. We got 52 votes. But guess what, this is America, majority rules. But not if you vote for this balanced budget amendment to the Constitution. You are giving the power of the American people to a minority in this U.S. Senate.

Let me show you this headline. L.A. Times, February 5: ''FEMA Chief''—that is the Federal Emergency Management Agency—''Warns of a Kobe-Like Quake in the United States. Visiting disaster area, James Lee Witt says chances of temblor in Midwest are growing. He declines to criticize Japan's emergency response,'' which is a very interesting story in and of itself. This is what he said:

> If a quake the size of the Kobe temblor struck along the New Madrid, the eastern part of the United States could be deprived of much of its petroleum supplies, Witt says.
>
> * * * ''And if [an earthquake] hits in the wintertime, we're in big-time trouble,'' Witt said.
>
> Witt said his agency has been trying to persuade operators of pipelines to install safety shutoff valves.
>
> The percentages gets higher and higher every year for a major earthquake on the ''New Madrid. By the year 2000, it's more than a 50–50 chance that you could have a major earthquake,'' he said.

I want to get to Kobe. I want my colleagues here, Republicans and Democrats alike, to think about what it would be like to stand in front of a group of constituents in your hometown and tell them, ''Sorry, I couldn't

get 60 votes, move to another city.'' And to my colleagues who get up here and say this is a terrible amendment, this is going to ruin America, let me tell them that more people died in two earthquakes in California than died in Desert Storm. We are talking about terrible, terrible outcomes here. We have an exception for war, and we should. I did not write that exception. The Republican Congress wrote that exception. I am saying we ought to add an exception for an emergency like this because dead is dead is dead.

Now I want to tell you:

About 250,000 refugees are still living in parks or government-managed evacuation centers in unheated gymnasiums.

This happened in Kobe.

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

Mrs. BOXER. I further say people died in those shelters because they did not have enough doctors to take care of them. At this point, I yield the floor. I understand there is going to be a motion to table. I urge my colleagues to vote against that motion.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time do we have left?

The PRESIDING OFFICER. Two minutes.

Mr. SANTORUM. If the Senator will yield, I have a question for the Senator from California [Mrs. BOXER]. She keeps referring to a 52 vote on something. I am looking at all these disasters since 1987. I do not see anything here that says 52 votes.

Mrs. BOXER. I am very glad that the Senator asked me that. I already placed it in the RECORD. I will give you exact dates. On February 10, 1994, last year, by a vote of 43 to 52, the Senate defeated the Dole amendment to strike funding to repair the Cypress freeway which was destroyed in the 1989 Loma Prieta earthquake—we have a picture of it—and to find offset budget cuts. That failed and also another vote failed——

Mr. SANTORUM. Can I reclaim my time?

Mrs. BOXER. On the floods as well.

Mr. SANTORUM. That was the 1984 earthquake supplemental which passed 85 to 10 which would have met the scrutiny. What you are referring to is an amendment that failed. That, obviously, would not require a three-fifths vote. An amendment to a supplemental appropriations would not be violative of the balanced budget amendment. What finally happened——

Mrs. BOXER. The Senator is incorrect on that.

Mr. SANTORUM. What happened is 85 to 10 on final passage of that bill.

Mrs. BOXER. The Senator is incorrect. Had that amendment been before this body under the rules of the balanced budget, we could not have rebuilt this freeway on which people died, period, end of quote. We would have needed 60 votes. I could only get 52 votes. Thank the Lord, we were able to rebuild this freeway. The same thing happened with the Midwest floods.

Mr. SANTORUM. If I can reclaim my time. The fact of the matter is that bill passed 85 to 10, which is well in excess of two-thirds. An amendment is not under the strictures of a three-fifths majority. I believe the Senator from California is aware of that. I will be happy to yield back the time.

Mr. HATCH. We yield back the remainder of our time.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by by my friend and colleague from California, Senator BOXER, which would allow Congress to respond quickly and responsibly to Presidentially declared emergencies.

Mr. President, on September 11, 1992, Hurricane Iniki struck the island of Kauai and the Waianae shore of Oahu with the force of a sledgehammer. Sustained winds of 140 miles per hour, with gusts of up to 226 mph, were recorded. In a few nightmare hours, the lives of Kauai's 51,000 permanent residents and thousands of tourists had been radically transformed for the worse. On Kauai alone, 7 people died and over 100 were injured, and $2 billion in damage was recorded in private and public property loss.

More than 14,000 residences were destroyed or damaged, leaving thousands homeless or poorly sheltered from the elements. Five thousand utility poles were knocked down, leaving residents without electricity or the ability to communicate with themselves or the outside world. The loss of power also meant that no water could be pumped to faucets. Tons of debris blocked roads, shutting down transportation island-wide. Harbors, schools, offices, and other government infrastructure sustained heavy damage. And the local airport, the island's major link with the rest of the State, was knocked out of commission, preventing immediate relief and evacuation.

Today, 2½ years later, thanks to the quick reaction of Federal, State, and local officials, the energy and enthusiasm of volunteer agencies, and to the courage and fortitude of the people of Kauai, Kauai is slowly recovering. Unemployment is still unacceptably high, and the rebuilding is not complete by any stretch of the imagination, but a semblance of normalcy has returned. Roads are open, the phones are working, and tourists are returning to newly refurbished hotels and beaches.

Yet, Mr. President, little of this would have been possible without the $1.2 billion in Federal disaster assistance that Congress appropriated in the months following Hurricane Iniki. That funding ensured that a tiny island like Kauai, and a small State like Hawaii, which on its own would never have been able to raise the necessary funds to avert massive homelessness and unemployment, would in time recover.

And this is what the Boxer amendment is all about, Mr. President. It is about helping your neighbor when he is in need. It is about extending a helping hand to those who, through no fault of their own, are struck down by disaster, natural or otherwise. It is about pulling together as a country when the chips are down. It is about Californians helping Missourians cope with floods; it is about Missourians helping South Carolinians rebuild after a hurricane; and, it is about South Carolinians aiding Californians when the Earth shakes.

Mr. President, I have previously articulated my opposition to a constitutional balanced budget amendment. But if we must adopt the measure, we must ensure that Congress has the necessary flexibility to respond quickly and responsibly to emergencies that are well beyond the means of localities and States to address. We must avoid the risk of undermining the very reason for the Union itself. Our national motto is and remains United We Stand, not United We Stand, Unless We Run a Fiscal Deficit.

So, for the sake of unity and compassion, for the sake of shared responsibility, I urge my colleagues to support this important, prudent, and altogether necessary amendment. Let us not sacrifice our sense of common purpose on the altar of fiscal expediency.

I yield the floor.

Mrs. FEINSTEIN. I am pleased to cosponsor this amendment which will waive the provisions of the bill before us when the President of the United States declares a Federal disaster.

Over the last few years the United States has experienced more disasters than at any other time—the Loma Prieta earthquake in California; Hurricane Hugo which struck the Carolinas; Typhoon Omar which struck Guam; Hurricanes Andrew, Bob, and Iniki; the floods that covered much of the Midwest; the more recent floods that devastated Texas; the wildfires which struck southern California; the Northridge earthquake in southern California just over 1 year ago; and the floods that are still plaguing California.

In California, earthquake activity has dramatically increased. Leading seismologists have predicted that there is an 86-percent chance of a 7.0 quake in southern California in the next 30 years.

California can do more and will do more to prepare for future disasters, but as we saw in Kobe, Japan, even what is considered good planning can be ripped apart.

But much more than California is at risk. It is inevitable that Florida and the eastern seaboard will see another hurricane. Hawaii will see another hurricane or a volcano. A tornado, floor, or deep freeze will hit the Midwest, and on down the list. Currently, there are outstanding requests for disaster assistance in 40 States. Every State in the Union is at risk from Mother Nature.

This exemption is not frivolous. More times than not, FEMA has had the capability to cover the costs of a federally declared disaster. FEMA has provided assistance in cases of heavy snow, tornadoes, floods, and many other situations, and has not required additional funding from Congress. People should not be under the impression that FEMA marches up to Capitol Hill after every disaster and request more money.

We need this exemption for those infrequent instances when the size and scale and destructive force of a disaster is simply too overwhelming for the affected local and State officials to handle.

Twelve times since 1974 the administration has requested a supplemental appropriations bill to pay for the costs of disasters. Seven of those twelve times, the supplemental request has been less than $1 billion. In no instance has Congress required these bills to be offset by cuts in other funding, which would be the required course of action if this amendment fails.

Congress passed the Robert T. Stafford Disaster Relief and Emergency Assistance Act to outline in what ways the Federal Government should supplement State and local efforts in times of disaster.

Through the Stafford Act, the Federal Government has recognized that it has a vital role in responding to disasters. We must maintain that commitment, and this amendment will ensure that we do so.

Oftentimes we in the Senate do not move quickly to pass bills. Thankfully, we have moved quickly to pass bills to help restore the lives of disaster victims. In such cases of catastrophic disasters, when local officials cannot meet the needs of the victims, we must not let budget debates and haggling over how to achieve 60 votes slow our effort to meet our commitment.

Some may argue that the Federal Government is too intrusive in our lives—but when disaster strikes, trust me, even the greatest government cynic is glad to see someone wearing a FEMA jacket.

In response to the Northridge earthquake in my State of California, Congress passed a bill that included $8.6 billion in Federal emergency assistance. This money has been absolutely vital in getting Los Angeles back on its feet. Federal disaster relief funds have played a critical role in Hawaii, and Florida, and the Midwest as well.

Some will argue that if these billions of dollars are so small in comparison to our Federal budget, why should they be so difficult to offset? Let me address that question. Last week the House Appropriations Committee approved a measure to offset the supplemental spending bill that was requested by the President to bay for military operations in Haiti and elsewhere. This $3.2 billion bill was offset with $1.8 billion in cuts in defense spending, and $1.4 billion in nondefense spending. The $1.4 billion in cuts in nondefense cuts, had little if any hearing and were cut at the expense of programs totally unrelated to the purposes for which they were going to be sacrificed.

Will we use bills to help victims of disasters as a vehicle to wantonly cut unrelated programs with little or no thought? If this becomes the case, when these disaster bills finally wind their way to the floor, as victims wait for our assistance, the programs that have been cut in committee will be the subject of debate, and the victims of the disaster will sit and wait. The debate on disaster bills should be about the victims, not about the budget.

There is another point I would like to make with respect to the Budget Act of 1990. Under the provisions of balanced budget amendment, 60 votes in the Senate would be necessary to waive the requirement of balancing the budget. The Budget Act of 1990 specifically gave the Congress the authority to consider bills deemed to be emergency spending by both Congress and the President, without subjecting the bill to a point of order. Once a bill is the subject of a point of order, it takes 60 votes to waive the provisions of the budget act. By subjecting emergency bills to the balanced budget amendment, we would be requiring 60 votes the amendment, the same requirement that emergency bills were specifically exempted from in 1990.

Additionally, there has been criticism in the past that these bills have been loaded up with pork unrelated to disasters. I have cosponsored a bill with Senators MCCAIN and FEINGOLD to eliminate amendments to these bills that are unrelated to the disasters so emergency funding bills are only for emergencies. I hope that bill will see swift passage.

Disasters are unexpected, and can cause, in some cases, tremendous amounts of damage. We cannot plan for them, and funds for assistance must not be delayed because of our fear of throwing the budget out of balance, but the speed with which we pass these bills can be vital to an effective recover effort.

As an aside, I would like to make a suggestion to my colleagues with respect to helping to prevent the need for emergency disaster bills in the future. FEMA will have approximately $320 million this year for its disaster relief fund, a figure based on an old average of yearly needs, when in fact the average outlays from the disaster relief fund from fiscal year 1985 through fiscal year 1996 projected—is $1.527 billion. I would suggest to my colleagues that we use this figure as a new baseline instead of the $320 million. These funds if not expended, can build up, so we would be better prepared financially for future disasters. I recognize that we would need to find an additional $1.2 billion annually to cover the difference, but perhaps that would be easier than finding the much bigger sums that we have to produce all in 1 year in the face of huge disasters such as Northridge.

To close, I would like to say, disaster bills will not break the budget, but will help put the lives of the thousands of disaster victims back together.

I urge my colleagues to support this amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I appreciate the debate we have had. I listened to part of it in my office. It seems to me this amendment would create a gaping loophole in the balanced budget amendment. According to the language of the amendment, if the President declares that a major disaster emergency exists ''a simple majority vote in both Houses of Congress would waive the balanced budget requirement for that year.''

The balanced budget amendment already contains a safety valve. If there is a major disaster emergency, a three-fifths supermajority vote could raise the debt limit to cover the potential cost of disaster relief.

I think, as everybody pointed out on the floor, I think I voted for every disaster we had in America, whether it was California, Florida, or the Midwest. It is not difficult to achieve the three-fifths vote. After all, we are going to be responsive wherever the disaster may be. I think that will be true in both Houses of Congress.

So it seems to me we want to move on with this effort. We would like to pass the balanced budget amendment this week and get it out to the 38 States. I think you will see the States quickly ratify the amendment. They understand the importance of it. I hope we can speed up the process. Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from California.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

The PRESIDING OFFICER (Mr. KYL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—70

Abraham	Bryan	Coverdell
Ashcroft	Burns	Craig
Baucus	Campbell	D'Amato
Bennett	Chafee	DeWine
Biden	Coats	Dodd
Bond	Cochran	Dole
Brown	Cohen	Domenici

PExon	Kassebaum	Reid
Faircloth	Kempthorne	Robb
Frist	Kerrey	Roth
Gorton	Kohl	Santorum
Graham	Kyl	Shelby
Gramm	Lieberman	Simon
Grams	Lott	Simpson
Grassley	Lugar	Smith
Gregg	Mack	Snowe
Harkin	McCain	Specter
Hatch	McConnell	Stevens
Hatfield	Moseley-Braun	Thomas
Heflin	Murkowski	Thompson
Helms	Nickles	Thurmond
Hutchison	Nunn	Warner
Inhofe	Packwood	
Jeffords	Pressler	

NAYS—28

Akaka	Feinstein	Levin
Bingaman	Ford	Mikulski
Boxer	Glenn	Murray
Breaux	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerry	Wellstone
Dorgan	Lautenberg	
Feingold	Leahy	

NOT VOTING—2

Bradley	Moynihan

So the motion to lay on the table the amendment (No. 240) was agreed to.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 241

(Purpose: Proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and the senior Senator from Pennsylvania, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mr. SPECTER, proposes an amendment numbered 241.

The amendment is as follows:

On page 1, beginning on line 3, strike ''That the'' and all that follows through line 9, and insert the following: ''that the following articles are proposed as amendments to the Constitution, all or any of which articles, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:''.

On page 3, immediately after line 11, insert the following:

''ARTICLE—

''SECTION. 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

''SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

''SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

''SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation.''.

Mr. HATCH. 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.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 400 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Feingold amendment be the next amendment and that the pending Feingold motion be limited to the following time prior to a motion to table and that no amendments be in order prior to the motion to table: It will be 60 minutes under the control of Senator FEINGOLD and 30 minutes under the control of Senator HATCH. I further ask that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Feingold motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following the disposition of the Feingold amendment vote, the Hollings amendment No. 241 become the then-pending amendment; that it be limited to the following time prior to a motion to table, and that no amendments be in order prior to the motion to table: 60 minutes under the control of the distinguished Senator from South Carolina; 30 minutes under the control of Senator HATCH. I further ask that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Hollings amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, and I will not object to the request, but it is my understanding that the unanimous-consent agreement would lead to two votes, the last of which would occur somewhere around 7:30 or 7:45?

Mr. HATCH. The Senator is correct. There would be two amendments pursuant to these unanimous-consent requests. Both will be 1½ hour in length with a motion to table and votes following.

Mr. DORGAN. Will those be the last votes today?

Mr. HATCH. Not necessarily. I have no knowledge about where we go from there.

Mr. DORGAN. Those two votes will occur consecutively?

Mr. HATCH. No. They will occur at the conclusion of each 1½ hours of debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MOTION TO REFER

Mr. FEINGOLD. Mr. President, on behalf of myself, Senators BUMPERS, ROBB, MURRAY, HOLLINGS, MOSELEY-BRAUN, EXON, and WELLSTONE, I send a motion to the desk to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BUMPERS, Mr. ROBB, Mrs. MURRAY, Mr. HOLLINGS, Ms. MOSELEY-BRAUN, Mr. EXON, and Mr. WELLSTONE, proposes a motion to refer.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The motion is as follows:

On behalf of myself and Senators Bumpers, Robb, Murray, Hollings, Moseley-Braun, Exon, and Wellstone, I move to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and at the earliest date possible to issue a report, the text of which shall be the following:

''The Committee finds that—

(1) the Congress is considering a proposed amendment to the Constitution to require a balanced budget;

(2) the Federal budget according to the most recent estimates of the Congressional Budget Office continues to be in deficit in excess of $190 billion;

(3) continuing annual Federal budget deficits add to the Federal debt which is projected to soon exceed $5 trillion;

(4) continuing Federal budget deficits and growing Federal debt reduce savings and capital formation;

(5) continuing Federal budget deficits contribute to a higher level of interest rates than would otherwise occur, raising capital costs and curtailing total investment;

(6) continuing Federal budget deficits also contribute to significant trade deficits and dependence on foreign capital;

(7) the Federal debt that results from persistent Federal deficits transfers a potentially crushing burden to future generations, making their living standards lower than they otherwise would have been;

(8) during the 103rd Congress, the annual Federal deficit declined for two years in a row for the first time in two decades and is projected to decline for a third year in a row;

(9) the progress in reducing the Federal deficit achieved during the 103rd Congress could be reversed by enacting across-the-board or so-called middle class tax cut measures proposed in the 104th Congress;

(10) enacting such tax cuts is inconsistent with and contrary to efforts being made to achieve further Federal deficit reduction during the 104th Congress and the goal of achieving a balanced budget; and

(11) It is the Sense of the Committee that reducing the Federal deficit should be one of the nation's highest priorities, that enacting

an across-the-board or so-called middle class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit and that enacting such tax cuts would be inconsistent with proposals to adopt a Constitutional amendment to balance the budget.''

Mr. FEINGOLD. Mr. President, this is a motion to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith in status quo and require the Budget Committee to issue a report at the earliest possible time which would include the text of a sense-of-the-Senate resolution and which, Mr. President, I had originally intended to offer directly to House Joint Resolution 1 at the appropriate time.

The procedural situation before us makes it difficult to have a sense-of-the-Senate resolution considered directly because we are considering the language of a possible constitutional amendment.

The instructions attached to the motion to refer that we have here have the effect, however, of allowing us to vote on the substance of what would have been a sense-of-the-Senate resolution if a regular legislative measure had been pending.

Mr. President, the language of the instruction is intended to put the Senate on record for the first time with respect to the issue of whether an across-the-board tax cut or a middle-class tax cut is consistent with efforts to balance the Federal budget and reduce the Federal deficit. And the motion goes through some of the issues that all of us know to be involved in not having a balanced budget, issues having to do with the fact that the Federal deficit is still in excess of over $190 billion a year despite the efforts we have made in the past couple of years.

The fact is that the Federal debt within the next couple of months will, for the first time in our country's history, exceed the astonishing figure of $5 trillion. This motion points out that the Federal budget deficits and the growing Federal debt have a strong tendency to reduce savings and capital formation in this country. We also point out that the Federal budget deficits contribute, very unfortunately, to a higher level of interest rates than would otherwise occur. This raises capital costs. It has the consequence of hurting our economy by curtailing the total investment that we have in the economy.

Add to this, the failure to balance the Federal budget contributes to significant trade deficits and dependence on foreign capital. And worst of all, the point that is perhaps most often made on this floor having to do with the issue of balancing the budget and the balanced budget amendment, the failure to deal with the Federal deficit and the Federal debt is very likely to leave a potentially crushing burden on future generations that would make their living standards lower than they otherwise would have been.

As we have pointed out frequently on this floor, Mr. President, during the 103d Congress, the annual Federal deficit actually declined. It declined for 2 years in a row for the first time in two decades. And now, under the current estimates, it is projected to decline for a third straight year in a row. This has not happened for many, many decades, I believe as far back as President Truman.

Our concern in offering this motion is that the progress in reducing the Federal deficit achieved during the 103d Congress could be very quickly reversed if we do not have the will to say no to either an across-the-board tax cut or a middle-class tax cut. If we do not say no to these tax cuts—a difficult thing to do politically—the legacy of the 104th Congress will not be the passage of a balanced budget amendment. The legacy will be dropping the ball and forever making the Federal deficit and the Federal debt unsurmountable barriers.

Quite simply, our motion says that enacting such tax cuts is inconsistent with and contrary to efforts being made to achieve further deficit reduction during the 104th Congress and that tax cuts are clearly, Mr. President, contrary to the goal of achieving a balanced budget.

So, Mr. President, the motion concludes by saying it is the sense of the committee—this being the Budget Committee—that reducing the Federal deficit should be one of the Nation's highest priorities, and that enacting across-the-board or so-called middle-class tax cuts during the 104th Congress would hinder efforts to reduce the Federal deficit, and that enacting such tax cuts would be inconsistent with proposals to adopt a constitutional amendment to balance the budget. So that is our intent.

I believe that this is an opportunity for both sides of the aisle, Republican and Democrat, to go on record for the first time on this very key issue. And the issue is whether or not the November 8 elections were really about tax cuts.

People have a lot of theories about what was intended by the electorate in that election. One theory is that people wanted a tax cut, that was the driving force, and that is why the President, supposedly, offered a middle-class tax cut, and that is why the Republican contract offers an even more dramatic and surprisingly large tax cut at a time of major Federal deficits.

I believe, based on my reading of this issue—and I think my cosponsors agree—that is not what the electorate meant at all. The people of this country were not calling for a tax cut, because they know the hard and difficult facts. They know who they are stealing from if we do not reduce the Federal deficit. They know that a tax cut today means a larger deficit and larger debt for tomorrow for their children and grandchildren. And the numbers bear it out very well.

Mr. President, one of the charts I have here today describes the impact of the smaller tax cut proposal, the proposal by the President for a $63 billion tax cut over the next 5 years. As the chart shows, if we go through with the President's proposal, by fiscal year 2000 the deficit would still be hovering at almost $200 billion after we, under the leadership of that very same President, finally got the deficit below that figure for the first time in many years.

What this chart suggests is that if we do not enact the President's tax cuts, and add to it the interest savings that accrue from not making the deficit worse, you net out about a $25 billion difference in the fifth year alone. In one year alone, not doing this tax cut could mean a $25 billion improvement in our deficit picture. And that is not something to sneeze at.

Put together all those 5 years, again you are talking about just $63 billion saved, plus all the interest saved.

What I believe the American people think is that if we have these cuts to be made—the President says he has them, he has identified them, he has put them on paper, he has put his name to them and taken the political heat—what the American people are saying is, ''Good. Do those cuts, but use them to bring down the Federal deficit,'' as this chart shows we could fairly easily do just using the President's own figures.

Now a second illustration is even more dramatic. It suggests, as I certainly would, that compared to the President's proposal, which at least pays for all the tax cuts with spending cuts, that there is an even more extreme proposal in the Republican Contract With America.

Over that same time period of 5 years, the Contract With America calls not for $63 billion in tax cuts, but the whopping sum of $196 billion in tax cuts by the year 2000.

Now, this is from the same folks, largely, who say they are going to pass a balanced budget amendment, that they do not need to tell you where the money is going to come from, that we do not need a glidepath, and that we are going to be able to give out this tax cut and everything is going to be just fine. We are going to have a balanced budget amendment.

But if we do what the Contract With America suggests over the next 5 years, we will not have this type of deficit reduction and we will miss a tremendous opportunity to enormously decrease the Federal deficit.

This second chart shows that in the fiscal year 2000, if we do not do the Republican tax cut—which I do not think the American people want anyway—that instead of having an almost $200 billion deficit, we could finally be making real progress. We could take all those Republican cuts and the deficit would be down to $114 billion in fiscal year 2000.

In other words, we would actually be within reach of our shared goal. And

that shared goal, whether we are for the balanced budget amendment or not, is that, at least by the year 2002, this figure would be zero, that we would have a balanced budget.

How can the Contract With America talk about a balanced budget and a balanced budget amendment and then propose a tax cut that takes us just in the opposite direction? Two-hundred billion dollars in the wrong direction.

So, Mr. President, I suppose those who support the Republican Contract With America's tax cuts are advocates of trickle down Reaganomics, if you will. They may argue that by doing these tax cuts the economy may do better than doing nothing; somehow the revenues will come in and these figures will then be reduced and our estimating will be wrong and we will wipe out the deficit that way. I sure hope that is true, if we go down that road.

The way we got into this deficit in the first place was 12 years where tax cuts for all folks, including high-income folks, had just the opposite result, where the deficit went out of control.

I suppose those on the other side of the aisle could say that President Clinton's proposal for a middle-class tax cut is, in effect, trickle up. Give middle-income people some money, they will spend it, and the economy will do better and that will bring in the revenues to solve our fiscal problems. I hope that is true. I like his idea better than the Republican contract.

But the evidence is just not there that that will be the actual impact on our Federal budget. I would suggest just the opposite would occur. Putting that money in the economy at this point may actually drive up inflation, drive up interest rates, and lead to just the opposite conclusion.

So whether you look at it from the point of view of the Contract With America or from the point of view of the President's proposal, which I know he offers in good faith, neither proposal is consistent with or makes any sense if people in this body are sincere when they talk about balancing the Federal budget over the next 7 years. We cannot have it both ways.

And what I am most struck by is that the American people are, of course, ahead of us on this, as they so often are. They know better than we do. They are ahead of our rhetoric. They are ahead of the tax cut.

In fact, it gets even worse if you look into the outyears. The 10-year cost of the President's tax cuts is not just $63 billion. The 10-year cost of the so called middle-class tax cut is $174 billion. That is a pretty high figure. Of course, it is not even as high as the entire amount of the Republicans' $196 billion for the first 5 years.

So what is the 10-year impact if we go down the road of the Republican contract and their tax cut? Believe it or not, the Republican contract and its tax cut call for a $704 billion tax cut over the next 10 years, and they are going to balance the budget? Who in this country would even begin to believe that that was possible? That is the guaranteed route to the worst budget disaster we would ever have, and it is hard to believe we could do worse than in the 1980's. If we do that one in 10 years, that is exactly where we will be.

Just in terms of interest costs, the interest we would save in the 10th year alone by not adopting the Republican contract tax cuts is $48.4 billion, just in the 10th year; $50 billion worth of interest. That is almost as much as the President's whole 5-year tax-cut plan. That is what the Contract With America calls for in the name of the balanced budget amendment.

That is 30 percent more than the Federal Government will spend on transportation in fiscal year 1996 and more than we will spend this year on all of the Federal judiciary, the entire legislative branch and the programs and personnel of the Small Business Administration, the General Services Administration, the Commerce Department, the State Department, the Environmental Protection Agency, the Interior Department and the Justice Department combined. That is just the interest that we lose and that we have to pay out on just the 10th year of the Republican plan that includes as well the notion of a balanced budget amendment. Mr. President, this makes no sense on the facts.

I would like to take a few minutes to point out that although some say it is very courageous to stand up here and make this motion to refer and, of course, that is nice for me and all the Senators, it does not take that much courage to go along with what your constituents are telling you to do.

Since December 15, in my office we have received well over 400 letters and phone calls on the issue of whether the people of Wisconsin want us to do the middle-class tax cut. The figures are surprising perhaps to some but they do not surprise me, because I find almost no one in my State who wants this tax cut.

Here are the figures: 356 people who have contacted me say they do not want the tax cut. They say they want the money used from the cuts on programs to reduce the Federal deficit. Only 73 people contacted us to say go ahead with the tax cut. I realize it goes against political conventional wisdom, but I guess I would be the first to say that even though the November 8 elections were clearly not about people wanting a tax cut. I do not think there is any evidence of that, but I do know what the November 8 elections were about is that people are tired of politics as usual. Even though politicians are taught in politics 101 or in their first campaign, do not ever go against a tax cut, the American people are smashing that conventional wisdom. They are saying that they know it is pandering. They are saying that they know we have a greater problem, a problem that affects not just them and the bills they have today, but a problem that could destroy the future of their children and grandchildren.

That is the experience the other Senators who are cosponsoring this have had. They have come up to me, have done the town meetings in their States and have said, Senator FEINGOLD, we are hearing the same thing you are. People are saying do the cuts, please take the fat out of the Federal Government, pare it down, but do not throw away that money on a meaningless tax cut that fails to deal with our national budgetary problems.

So I have been pleased with the support in this body. I actually have not had a single conversation with any Member of the Senate who says he or she is very much for the tax cut. At best, they are ambivalent about it. I know in the House there is more support for a tax cut. After all, it is part of the Republican contract. There is a certain group looking to see what percentage of the items in the contract may pass. Is it going to be 100? I do not think so because I do not think term limits is going to pass. But some are shooting for 70, 80 percent, some magic number. These are numbers in the contract that the other body ought to take a look at because I do not think the people want that tax cut.

That is what one of the Members of the other House discovered when he went out and decided to have a town meeting of his own, apparently, over the weekend.

I ask unanimous consent that an article from the Washington Post of February 12, entitled ''Many Say They could Skip the Tax Cut,'' be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 12, 1995]

MANY SAY THEY COULD SKIP TAX CUT

(By Dale Russakoff)

MANVILLE, NJ., Feb. 11.—The House Budget Committee came to this town today to hear how real people feel about the federal budget crisis. After three hours of listening to people of all ages demand less federal spending on defense, welfare, the arts, public broadcasting and congressional salaries, committee Chairman John R. Kasich (R-Ohio) hit the crowd of about 1,000 with a hardball question.

Who was so concerned about the federal deficit that he or she would forgo tax cuts promised by both Republicans and Democrats until after the budget is balanced?

The question apparently wasn't hard at all. In the packed meeting hall of a Veterans of Foreign Wars center here in heavily Republican central New Jersey, hands went up everywhere. Kasich then asked how many people wanted their tax cuts up front, before the budget is balanced. Only a few hands went up, and they were booed.

''Both parties are offering a political rebate,'' Cole Kleitsch, 33, a property manager who lives in Princeton, NJ., and works for the debt-fighting Conquer Coalition, told the committee, ''The people it [the debt] is going to hurt most—the children—are not in this

room. That's our posterity and we're supposed to take care of it. So far, we're taking care of our posterior.''

Despite the overwhelming sentiment for deferring tax cuts, which Kasich said he and the committee also found in three previous field hearings in the Midwest, West and South, the chairman said there are no plans to reconsider the $200 billion in tax relief that Republican House candidates promised in their ''Contract With America.''

''The number one thing we have to do in this country is keep our word, and keeping our word involves doing the kind of relief that is promised in the contract,'' Kasich said after the hearing. ''It's something of a problem when you have people overwhelmingly saying, 'We don't want to do this.' But I think if we start breaking our word, they're just going to say, 'Ah, it's just another group of politicians.'''

''It's not as clear to the public as it is to us that the way you bring down deficits is to deny the government revenue,'' said Rep. Robert S. Walker (R-Pa.), a close friend and adviser of House Speaker Newt Gingrich (R-Ga.), explaining the determination to press ahead with tax cuts.

Kasich emphasized that four hearings hardly constitute a scientific example of national sentiment. (Voters told a Washington Post-ABC poll that they favor deficit reduction over tax cuts by a margin of 3 to 2).

But Kasich said that if the Senate pares down the tax relief the House intends to pass—including a $500 per child tax credit and a capital gains tax cut—sentiments like those expressed at his committee's field hearings might make it easier for House members to go along.

The hearing drew heavy turnout in this hard-luck community that was the home of Johns-Manville Corp., the asbestos manufacturer bankrupted by an avalanche of lawsuits from victims of asbestos disease. More than 100 people were turned away after the meeting hall filled to capacity.

An aide to Kasich said this was the first field hearing that appeared to draw ''special interests,'' which he defined as union members and advocates of tuition aid to the poor. A number of anti-GOP banners were displayed outside the hall, including: ''Big Welfare for the Rich and Orphanages for the Poor? No Way!'' Another, with an arrow pointing toward the meeting hall, said: ''The Tooth Fairy?''

Most speakers proposed cutting the budget in ways that would not affect them directly. Phil Nicklas, who is not a food stamp recipient, told the committee to eliminate the food stamps program, Joel Whittaker said to toss out the Legal Services Corp. and the National Endowment for the Arts. Sherry Zowader said every member of Congress should take a 15 percent pay cut.

But Carol Kasabach, 54, who lives near Trenton, told the committee that she and her husband, who both are employed and successful, would be willing to forgo some of the Social Security benefits due them in order to help reduce the deficit.

Walker responded that this would turn Social Security into ''just another welfare program'' for those who qualify based on need. Kasabach raised her voice and told Walker: ''This is for the welfare of all of us, and we have a responsibility to each other.''

The Corporation for Public Broadcasting had as many friends as enemies in the audience. Walker challenged one advocate, Sherry Zowader, to explain why her position did not mean that working families should pay taxes ''to subsidize a $1 billion industry called Big Bird.''

''We can all pick out in government what we don't like our money being spent on,'' Zowader said. ''And you have to pay for some things you don't like as well as the things you like. That's democracy.''

The sentiment against tax cuts was summed up powerfully by Lynn Dill of Colonia, N.J., who told the committee: ''I want the best thing for the country and the children. And if both parties did the right thing, congressmen wouldn't have to worry about getting reelected.''

This moved Rep. Martin R. Hoke (R-Ohio) to remark: ''We are getting so much wisdom from this testimony, we should require half of all the hearings in Congress be held not in Washington, D.C., but outside.''

Mr. FEINGOLD. Mr. President, let me just take a moment on what happened when Representative KASICH went out and asked the folks—apparently he does not pretend it was otherwise—if they were for the tax cut. The article says, ''Who was so concerned about the Federal deficit that he or she would forego tax cuts promised by both Republicans and Democrats until after the budget is balanced?''

That is what he asked the crowd. How many people out there would give up their tax cut so that the budget would be balanced?

The article says the question apparently was not hard at all, it was easy for everyone.

In the packed meeting hall of the Veterans of Foreign Wars Center here in heavily Republican central New Jersey, hands went up everywhere. Kasich then asked how many people wanted their tax cuts up front before the budget is balanced.

The newspaper reports only a few hands went up and they were booed.

So the message is finally reaching the other House that the American people are ahead of the politicians, that the American people know that this problem cannot be solved if we are going to spend $60 or $200 or $700 billion on tax cuts at the same time we are pretending—pretending—to do something about the problem of the balanced budget amendment.

I am also pleased to say, Mr. President, that the Concord Coalition, which has done a fine job of marshaling this issue of the Federal deficit, has today endorsed our motion, writing that this is backed by the 150,000 members in all 50 States and saying that, of course—of course—it is inconsistent for somebody to support the balanced budget amendment and at the same time say they want a giant tax cut. No one buys that story.

The same goes for the public opinion polls. On December 20, just 5 days after the President's speech when everyone assumed that everyone was for the tax cut, just 5 days later, a USA Today-CNN/Gallup Poll said 70 percent of the American people say that reducing the deficit is a higher priority than a tax cut.

In the Washington Post, an ABC news poll on January 6, 1995, says the people favor deficit reduction over tax cuts by a three-to-two margin. So in every measure I can find, whether it be a man-on-the-street or woman-on-the-street poll, the words of economists, calls to my office, the letters to my office, I cannot find a constituency out there in the United States of America for this kind of fiscal recklessness.

But perhaps my favorite indication of this always is a political cartoon. I have to say that being a Senator has to be about the best job in the world, but if I had the talent, I would also love to be a political cartoonist. I do not have the artistic talent nor do I have, perhaps, the ability to do this. But this cartoon from our Milwaukee Sentinel typifies this whole issue.

It shows an enormous creature, sort of a Jabba the Hut entitled ''deficit.'' It just keeps eating and eating. And what it is eating is the catering provided by a caterer called ''Tax Cuts R Us, Catering and Pandering.''

Instead of putting this deficit monster on a diet, what this institution is on the verge of doing if we do not reverse course is to continue to feed this monster to the detriment of everyone today, tomorrow, and in the future.

Mr. President, I think this is an opportunity for us to make a bipartisan statement. No matter what else you feel about the balanced budget amendment itself, we cannot have it both ways. The cosponsors of my amendment include those who oppose the balanced budget amendment, such as myself. It includes some who have stated they will vote for the balanced budget amendment, and it includes some who have said they are undecided.

What we all agree upon is that it cannot be either a rational or honest process if we continue to feed this monster. A balanced budget amendment cannot work hand in hand with an irresponsible tax cut that is being advocated, the false belief that the November 8 elections had anything to do with it.

So I urge my colleagues to support the motion. I reserve the remainder of my time.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have been authorized by Senator HATCH's staff to take 5 minutes of Senator HATCH's time.

Let me say, I agree with 99 percent of what my colleague from Wisconsin has to say. I applaud his leadership on this. A tax cut just does not make sense when we have this kind of a deficit.

I am going to vote against his amendment because I do not want to get it mixed up with the balanced budget amendment. But I could not agree with him more in terms of the substance. It is not only the things that he mentioned.The Clinton tax cut is, frankly, more responsible than the Republican tax cut, but they are both wrong.

But in terms of equity, it is very interesting, for those who have an income of $30,000 or less, even the Clinton tax cut gives them only 5½ percent of the tax cut, while those of us who get $100,000 to $200,000 a year—and that is the majority of us in the U.S. Congress—some exceed that amount—we

get 12.4 percent of the tax cut—a much, much smaller number of people get a much bigger chunk of the tax cut.

A tax cut just does not make sense. My colleague from Wisconsin has been leading the effort on this, and I applaud his effort. I assume this issue is going to come before the Budget Committee. I am going to be with Senator FEINGOLD there. I assume it will be debated in the Chamber. I am going to be with Senator FEINGOLD in the Chamber. I do not favor having it on this particular constitutional amendment. I think we should try to avoid everything that might confuse the constitutional amendment. But in terms of principle, he is absolutely on target, and I commend him.

I yield back the remainder of my 5 minutes to Senator HATCH.

Mr. FEINGOLD. Mr. President, I thank the Senator from Illinois, who was one of the very first persons who came up to me after the new year and said that, in fact, he was having the same experience in his State. Even though Wisconsin and Illinois are very close physically, they are certainly not identical States. But he was having the same experience. He was going around the State and people were saying do not take these cuts that you have identified and use them to do a tax cut. Take those opportunities to reduce the Federal deficit. I believe that is the conversation we had.

Mr. SIMON. If I may, if my colleague will yield, the first time I did this was at a town meeting somewhere. Someone asked about the tax cut, and I said I believe in telling you the truth, and I do not anticipate my answer is going to be popular. Frankly, I had not seen the polls. And I told them I was opposed to the tax cut; that we ought to be using that money to reduce the deficit. And instead of boos, I got cheers from the town meeting, and that has been my experience ever since. I think that would be the experience of most Members of the Senate when they try it out with the people.

Mr. FEINGOLD. Mr. President, I do feel the need to address what the Senator just suggested, that it somehow confuses people for the Senate to go on record on this issue. How can this be confusing? This motion does not delay. I think no one disputes that. It is an automatic referral back from the Budget Committee. This is not an effort to slow down the balanced budget amendment.

I have also pointed out to the body that this does not become part of the constitutional amendment itself. This does not go out to the States for purposes of their ratification process. That would not make a lot of sense, since it is up to us here to decide whether we are going to have a middle-class tax cut or an across-the-board tax cut, so I do not see how this could possibly confuse anyone, that the Senate would choose to go on record that we are going to be straight with the American people and not kid them that we can afford a tax cut at the same time we are passing a balanced budget amendment. I do not understand how anyone could be confused by that logic.

Mr. SIMON. Will my colleague yield on that?

Mr. FEINGOLD. I am happy to yield.

Mr. SIMON. I think the reality is if we put this in as a sense of the Senate here now, there are some of my colleagues who disagree with the Senator and me, in fact probably a majority disagree with the Senator and me on this. But even assuming it is a majority on our side, there may be some who would vote against the proposition because this sense of the Senate is there, and so I think it has the possibility—I am not saying it is a probability, but I think it has the possibility of losing a vote or two, and I think my colleague from Utah would agree we need every vote we can get.

Mr. FEINGOLD. Mr. President, I think this is exactly what is wrong with this balanced budget amendment process. We saw this with regard to the so-called glidepath amendment, the so-called right to know. In the desperate desire to get enough votes to pass the balanced budget amendment, we are closing the door on honesty with the American people.

This body has, unfortunately, refused to lay out that 5- or 7-year plan that would tell us where it is going to come from. That is bad enough. But when you close off an opportunity to make a clean statement that we cannot afford the tax cut and still have a balanced budget amendment, then you are even going farther because what you are doing with this tax cut is digging an even deeper hole. It is already hard enough to lay out exactly how we are going to put together the numbers under the current problem. But when you add another $60, $200, $700 billion, $1 trillion, as you claim to be solving the problem, that is where the real obfuscation, the real confusion, the real misleading of the American public comes.

Mr. President, do you know what the American people think when they hear about the balanced budget amendment? I believe they think we are going to actually balance the budget when we do this. I do not think they really all realize that we are setting into motion here something that is going to take probably the better part of a decade, and in the meantime there will be no legal requirement that we balance the budget.

So what is a more important and appropriate time than right now, as this amendment comes to a vote in the Chamber in the next few days or weeks, to tell the American people we understand that cutting taxes will make it virtually impossible either to meet the balanced budget requirement, if it is enacted, or that the human consequence and the pain that will be suffered by people in this country will be enormous if we suddenly cut $200 or $700 billion out of our Federal revenues at this point, leaving it even more impossible to balance the Federal budget in any kind of humane way? And for anyone who thinks this motion is either confusing or inappropriate, this is precisely the motion the distinguished majority leader used in order to put forward his motion on Social Security.

Now, if this is confusing, why was that not confusing? Presumably we would not put anything on the bill if it is an issue of confusion. I think the source of confusion is clear. The effort to confuse is from those who do not want to tell the truth to the American people, which is that the Contract With America goes completely in two directions at the same time.

Several Members on the other side of the aisle have publicly stated, in the Finance Committee and also in public statements and in statements in the Chamber, that they, too, do not support the tax cuts, knowing what it means for the budget.

So I feel strongly that there is no reason not to pass a simple sense-of-the-Senate resolution at this time. It does not go out to the States, and it tells the truth. And that is that all these tax cut plans are the ultimate demonstration that many supporters of the balanced budget amendment are not as dedicated to balancing the budget as they pretend.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate what the distinguished Senator is trying to do. I know he feels very sincerely and is very dedicated to deficit reduction, as he has said. But the bottom line of this motion to refer is that we should protect the largest tax increase in history and that we should avoid enacting tax cuts that even the President, President Clinton, has called for.

This is political cheerleading for the action of a single Congress in a single piece of legislation and I think it is wholly inappropriate to a constitutional debate like this one we are having with regard to the balanced budget amendment, because the Constitution sets in place broad principles and leaves yearly budgeting priorities to be set by each succeeding Congress, as it is each Congress' right and duty to do.

What I suggest to my friend from Wisconsin is that we can have this debate more appropriately when Congress debates the implementing legislation contemplated by the amendment. That would be a perfect place for him to bring his concerns to the Senate. If the Congress chooses to accept the point of view of the distinguished Senator from Wisconsin that there should be no further tax cuts, then Congress can do so. But in this context I really do not see a reason to vote for this motion to refer.

It is ironic, indeed, for those of us who have been watching this debate, to

see that those who have criticized proponents of the balanced budget amendment for writing fiscal policy into the Constitution, as they say—and of course this balanced budget amendment does not do that—it is ironic to see them attempt to set tax policy during this debate.

The motion before us serves only two purposes, I think. One, to make a political point in praise of the tax hikes of the 103d Congress. And, two, to attempt to keep the same level of taxing that we now have to ensure there is more money and more spending than Congress might otherwise have, if the American people decide that the spending is not worth the taxes.

So I do urge the defeat of this motion and express the hope that we can move to final passage of the balanced budget amendment soon, so we can finally begin to move this Government to fiscal responsibility. Because every day that goes by while we are debating this, another $829 million is added to the national debt, as is shown on our balanced budget debt tracker here.

The distinguished Senator from Wisconsin is concerned about the national debt, wanting to keep the tax increases in place, not wanting to allow any tax cuts that might stimulate the economy and get more people paying taxes. And every day we have more amendments like this the debt is going up $829 million.

We are now in the 16th day since we started this debate and we have been on the floor 12 days of that time, and during that time the national debt has increased $13,271,040,000. Actually we are higher than that because we are almost into the 17th day. So the debt is going up while we fiddle around here in Washington and watch our country burn to the ground.

Let me just make an additional point or two here regarding the time spent in previous debates on the balanced budget amendment, because some have complained that we are trying to move the process along too fast. I have a brief breakdown of previous Senate action on other constitutional amendments to balance the budget.

When I was chairman of the Constitution Subcommittee in the 97th Congress, Senator THURMOND and I brought to the floor—it was the first time anybody ever brought to the floor of either House of the Congress—a balanced budget amendment to the Constitution. We brought that to the floor and the floor action on the resolution took 11 days. During that period of 11 days 31 amendments were offered, 24 Democrat amendments and 7 Republican amendments. The resolution finally passed the Senate by a rollcall vote of 69 yeas to 31 nays.

It went to the House, of course, and was defeated there. Tip O'Neill led the troops over there and he defeated us even though we got 60 percent of the vote. But it was 11 days of debate on the Senate floor at that time, and we had 31 amendments.

In the 99th Congress we brought it again to the floor. This was in 1986. Again I was still chairman of the Constitution Subcommittee. We had 7 days of debate on the resolution, 13 amendments were offered, 7 of them were offered by Democrats, 6 by Republicans, and the resolution failed by rollcall vote 66 yeas to 34 nays. By one vote that resolution failed back in 1986.

Then again, the third time it was ever brought to the floor of the Senate was in 1994, last year, it was designated Senate Joint Resolution 41. On that resolution we spent 5 days of floor debate, we had one amendment offered that was a Democrat amendment, and the resolution failed by four votes, 63 to 37.

Now, already in this 104th Congress, on House Joint Resolution 1, we are in the 12th day of consideration and debate. We have had six amendments and three motions, three of them have been Democratic amendments with one motion a Democrat motion and three have been Republican amendments with one motion—plus this one. So what I am saying is that we are moving awfully slow here this year by historical standards, and we should get moving on to final passage. But I appreciate the distinguished Senator from Wisconsin. I know he is sincere. I know he is trying to resolve the deficit problems in his own way.

But really this debate ought to wait until the implementing legislation where he may have a better chance of actually passing substantive language that may get him where he wants to be, which seems to be to stop any kind of tax reduction or tax cut—even ones like the President wants—at that more appropriate time.

I am prepared to yield the remainder of our time but I will be happy to yield the floor. I see the Senator wants to speak longer but I am prepared to yield back if the Senator will.

Mr. FEINGOLD. Mr. President, we are not prepared to yield back our time. The senior Senator from Arkansas will speak in a minute.

Let me just say briefly I am somewhat amused at the notion that the distinguished chairman of the Judiciary Committee brings up, the fact the deficit is going up every day as we speak, as if somehow it is the fault of this debate that the deficit is going up.

But even under the terms of the balanced budget amendment, the notion is there would not be a balanced budget until the year 2002. I ask you, what is more damaging to the goal of balancing the Federal budget? Debating a subject as to how consistent it is to have tax cuts and balance the budget at the same time and debating that for a few days? Or to pretend that somehow after we dig this huge hole for the Federal deficit again that we will be able to solve it over the course of those next 7 years? It does not make sense.

The notion that we are going to cut off debate on the basic budgetary choices that are involved in the context of the balanced budget amendment debate does not make any sense to me. I do not think it makes any sense to the American people. It would be one thing if we were all agreed that we were going to move in the same direction. If everybody in both Houses said of course we are going to make sure that everything we do brings down the deficit, that would be one thing. But what I and Senator BUMPERS and others are trying to point out is that this particular notion of a tax cut flies in the face of any reasonable person's notion of what is supposed to happen here, which is reducing the Federal deficit, not increasing it by $200 or $750 billion.

With that I am happy to yield to the senior Senator from Arkansas, who has been a leader on deficit reduction here and has been a great help on this amendment.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Arkansas.

Mr. BUMPERS. Madam President, I thank my colleague from Wisconsin for yielding. But more important, I think him for crafting this sense-of-the-Senate resolution which ought to pass 100-zip.

I do not know how many votes we have had—maybe 60 votes since we came back into session. And I will hand it to the Republicans, they know how to stick together. I am speaking of votes occurring not only on the balanced budget amendment but everything that has come up since we came into session. It has been unanimous on the other side. I think on one vote two Republicans defected.

So it makes you have second thoughts about even standing up here and talking what you think is ordinary common sense. But the Senator from Wisconsin, with whom I am pleased to join in this amendment, is simply saying it is time we quit playing games and start debating the real issue, and that is, ''What are we going to do about the deficit?'' The balanced budget amendment is probably a done deal. But as far as the deficit is concerned, it does not make any difference whether the balanced budget amendment passes or not. If it passes or if it fails, we are going to be back to square one after we vote on final passage because we are going to have to figure out how to actually balance the budget.

You see that chart over there? That is clever. I give the Republicans credit for putting that chart up.It shows how much the deficit has gone up each day since we started debating the balanced budget amendment. I wish we had a chart on this side showing how much the deficit would have gone up if we had not passed the President's deficit reduction plan in 1993 without a single Republican vote. It would be 50 percent higher each day. Our chart would show the deficit going up 50 to 75 percent more every day than that chart shows. And we reduced the deficit that much without one single Republican vote.

So, Madam President, I rise today to try to talk common sense. There is a new book out. I was down at Wake Forest University today delivering a speech at a convocation. A man caught me just as I was leaving. He said, Senator, you must read this new book called ''The Death of Common Sense, How It Is Suffocating America.'' Well, that is what we are trying to talk about—common sense.

I want you to think about this, Senators. The Republican Contract With America is not a contract I signed, but it says we are going to pass this balanced budget amendment. And we are going to give the American people expanded IRA's to increase savings. And we are going to provide an across-the-board tax cut that costs $200 billion over the next 5 years and $700 billion over the next 10 years. Then we are going to increase defense spending by somewhere between $60 and $80 billion. Then we are going to provide a capital gains tax cut, 90 percent of which goes to the richest 5 percent of the people in America. We are going to do all this and balance the budget in the year 2002. What that adds up to, Madam President, is $1.6 trillion that must be cut in the next 7 years.

Everybody here who has been here any time at all knows that is absolutely lunacy. That is not going to happen. There are not very many people in State hospitals in this country that believe we are going to make all those tax cuts, increase defense spending, and balance the budget. Yet the Congress bought that same argument 14 years and $3.5 trillion ago.

Did you know that if it were not for the interest on the increased debt that built up during the 12 years of the Ronald Reagan and George Bush Presidencies, we would have a surplus today. Not a deficit—a surplus—if we were not paying the interest on that staggering debt we accumulated when we bought the same argument we are asked to buy again today.

There is one thing that is really crafty about the Contract With America. The middle-class tax cut in the Contract With America is supposed to cost $200 billion in the first 5 years. Then, in the next 5 years, it will cost $500 billion. That is very crafty. But the only time you ever hear this Chamber so silent that you can hear the termites working is when you ask, ''How are you going to pay for it?'' It would make Houdini blush to suggest that this can be done in the next 7 years.

Every Member of Congress, every economist in the country, and every citizen of America, knows that this is palpable nonsense. With his amendment, the Senator from Wisconsin is saying it is time we start actually doing something about the deficit instead of just putting a few words in the Constitution.

Let me say to my colleagues that you do not even have to be courageous to vote for this amendment. Look here. Here is a USA Today poll; 70 percent of the people of this country say put those spending cuts on the deficit. Everybody says, ''Senator you are going to vote against the balanced budget amendment. It is very popular.'' I say, ''You are going to provide middle-class tax cuts and that is very unpopular.''

Let me just read a couple of letters. These are ordinary citizens, constituents of mine.

Dear Senator BUMPERS: The truth is, as much as I hate paying taxes, I don't want this tax break. I would much rather see the cuts made as proposed, taxes kept at the current rate, and see some serious reduction in the national debt. This is a price for my future and that of my children that I am willing to pay.

Madam President, the people of America are way ahead of this crowd.

Here is another letter from a constituent in Warren, AR:

Dear Senator BUMPERS: I urge you with your vote to cut spending by the Federal Government in every way possible and to not even think about tax reductions or refunds.

He says that we need to reduce the deficit.

Madam President, I ask unanimous consent those two constituent letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Warren, AR, January 5, 1995.

Sen. DALE BUMPERS,
Dirksen Senate Building, Washington, DC.

DEAR SEN. BUMPERS: I urge you with your vote to cut spending by the Federal government in every way possible and to not even think about tax reductions or refunds. In my opinion, we need to not only reduce the deficit spending but to eliminate it and start reducing the debt.

I realize my request is almost impossible to fulfill but there has to be a day of reckoning where the dollar won't be worth two cents if we continue our deficit spending for things the nation can not afford. We have been living in a fairland for too many years.

Respectfully yours,

F. MARTIN HANKINS.

Siloam Springs, AR.

DEAR SENATOR BUMPERS. I am writing to you in regard to the numerous tax reduction plans for the middle class. I am, I assume, one of those discussed, as the combined annual income of my wife and I fall in the 40–50,000 dollar range.

The truth is, as much as I hate paying taxes, I don't want this tax break. I would much rather see the cuts made as proposed, taxes kept at the current rate, and see some serious reduction in the national debt. This is a price for my future and that of my children that I am willing to pay.

I am not alone in my belief. I have talked to a great many people on this issue, and all of them have been of the same voice. We would rather see the money invested in debt reduction than to go out to McDonald's an extra time each month on the tax savings.

On the issue of budget cuts, I recently returned from my fourth trip from the National Fire Academy. This is a superb organization and would very much like to see it's funding maintained or increased. The U.S. continues to have the highest fire loss in the industrialized world. There is much that needs to be done. But the results produced by the National Fire Academy and the U.S. Fire Administration have made a tremendous difference in training, education and research. I hope that room may be found to allow them to press forth with their plans for the future.

Thank you for your time, interest and involvement.

ANDY MITCHELL.

Mr. BUMPERS. Madam President, it just drives me insane, the talk about providing $700 billion in tax cuts, then providing another Lord knows how much for the Pentagon, and, then say, ''Folks, just as soon as we can get these words in the Constitution, we will balance the budget in the year 2002.'' What are we doing? We are treating them like children who could not possibly understand the nuances, the sophistication, the complication of the budget process. ''But they understand if you put it in the Constitution. The Constitution is a sacred document.''

We have had 11,000 constitutional amendment proposals since this country was founded. Besides the Bill of Rights, those 10 amendments adopted together in 1789, the people of this country have amended the Constitution 17 times. But people here in Congress have tried to get them to amend it over 11,000 times. You know something else. Of the 11,000, the majority of those amendments have occurred in the last 32 years. And 35 constitutional amendments have been proposed since we came back into session January 3. That is one a day. Jefferson, Jay, Adams, Hamilton, the most brilliant congregation of minds ever assembled under one roof, gave us this sacred document and we trivialize it. Norm Ornstein said the Constitution is the fix of last resort. Do you want a figleaf to go home and talk to your constituents about instead of actually doing something to reduce the deficit? Term limits, put it in the Constitution. Prayer in school, put it in the Constitution. The Constitution is not crafted to deal with social problems for which there is a legislative fix. You know that virtually every one of the 35 constitutional amendments that have been introduced this year have been introduced by Republicans, who consider themselves conservatives. But you know what, Robert Gowin, a scholar at the American Enterprise Institute, a very conservative think tank here, says: ''Conservatives revere our institutions and our traditions.'' True conservatives. Robert Gowin says, ''True conservatives do not muck with the Constitution.'' I could not agree with him more.

Madam President, what we are talking about is spine, a little courage, not a figleaf to hide behind by putting a few words in the Constitution and hope that 7 years from now people will have forgotten the grandiose and wholly unkept promises.

The Senator from Wisconsin and I are simply trying to introduce a grain of common sense into this debate. The American people deserve it. If the President can find $63 billion for a middle-class tax cut, then put it on the deficit. If the Republicans can find $200 billion or $700 billion for tax cuts and

increases in defense spending, put it on the deficit.

Finally, let me reiterate, Madam President, that this is a sense-of-the-Senate resolution that does not cost you a nickel. You are not changing the constitutional amendment that is before us, House Joint Resolution 1. You are simply saying, yes, I agree that we need to get the show on the road in a serious way and quit talking nonsense.

I yield the floor.

Mr. FEINGOLD. Madam President, first of all, I thank the Senator from Arkansas for his wonderful statement of common sense. That is all we are trying to do is to be a little bit direct with the American people and say that it is wholly impossible to balance the Federal budget at the same time you are talking about massive tax cuts.

In a moment, the distinguished Senator from Minnesota will join with us. But let me just say that I think what the Senator was saying at the end is important to reiterate. A lot of folks here that are for the balanced budget amendment—and maybe some of them do not plan to be around here when we have to actually make these hard decisions; maybe some will retire; maybe some will be President; maybe some will be term limited; maybe they will be kicked out of here by their own vote for term limits. But this is an awfully sweet deal for a politician. If you vote for a balanced budget amendment, you get to hand out a giant tax cut to everybody, and you do not have to say what you are going to cut for many years. It is like a hat trick. That is about the best thing a politician could have. That is exactly the kind of concern I have here. I think many people are very sincere about balancing the Federal budget. But if we are not honest about this issue, that you cannot have it both ways, you cannot have a tax cut and balance the budget, then we are failing our responsibility to be direct with the American people.

Madam President, I want to note one thing about the debate thus far. The hour and a half is coming to an end. I have not heard one single Senator say one good thing about the tax cut proposal. Not a single Senator has come out and said it is a good idea to cut taxes across the board or to have a middle-class tax cut. But I have heard at least four Members from the other side of the aisle—the distinguished Senator from Vermont, the distinguished Senator from Rhode Island, the distinguished Senator from Pennsylvania, and the distinguished Senator from Oregon, chairman of the Finance Committee—all publicly say that this might not make sense. They may not well be able to support this tax cut.

Madam President, I guess what I am in search of now is, who is for this? Why do we not start building the foundation of a balanced budget by pointing out that there is nobody in the U.S. Senate who cares enough to come down here and defend the Contract With America's tax cut provision. There is not a single Senator that has come out and defended the President's notion of a middle-class tax cut. I am reading from today's debate that there is not a constituency—certainly not among the American public. Maybe the good news here is that we are not even going to try to do this. If that is what we get out of this process, I will be delighted. I await the day when a Senator comes out here and says, First, he is for a tax cut of this magnitude, $200 billion, and second, he can show us how to have a balanced budget while he does it.

I am delighted to yield 5 minutes to the distinguished Senator from Minnesota.

Mr. KYL. Mr. President, if I might, I would like to respond to the challenge of the Senator from Wisconsin very briefly before we hear the comments of the Senator from Minnesota.

Mr. FEINGOLD. Mr. President, I assume that comes off of their time.

The PRESIDING OFFICER. It does.

Mr. KYL. I thank the Senator. I will challenge it in this way, without talking about all of the proposals in the Contract With America.

One of the key proposals in the Contract With America is to reverse part of the tax increase, the largest tax increase in the history of this country, that raised a tax on seniors. As a matter of fact, it says that if you are a wealthy senior making a grand sum of $34,000 a year, we are going to tax 85 percent of your Social Security. We think that is wrong and we think that tax increase should be repealed. That is part of the Contract With America.

What the amendment of the Senator from Wisconsin suggests is that that tax cut ought to be off the table, that we should not consider any part of the Contract With America tax cuts, because it will make it too hard to balance the budget. Well, in some respects it does make it harder to balance the budget because you have to, in effect, pay for the tax cuts and the reductions called for in balancing the budget. But there are some of us who think the Federal Government spends far too much and we can achieve the savings to accomplish both goals.

We also believe that it is important as a matter of public policy and as a commitment to the seniors of this country to repeal that pernicious tax increase that was part of the President's large tax increase of 2 years ago—this Social Security tax increase.

In the last several days, a lot of Members—particularly from the other side—were in the body here proposing that we protect seniors by taking Social Security off budget. ''We cannot allow the balanced budget amendment to hurt seniors,'' they said. But they are willing to say that we should not help seniors by repealing this onerous 85-percent Social Security tax increase. It is a little bit like playing the first half of a ball game—of course, the Democratic party was in the majority 2 years ago; they had the House, the Senate, and the Presidency, so they had the power to ram that tax increase through—and then when the second half of the ball game starts and the Republicans are in control of the Senate and the House of Representatives and we would like to play in the game and repeal that tax increase that the President got through and that they supported, they say no, no, we are going to call an end to the ball game now. We are not going to play the second half. We are going to leave that tax increase in the law so that a wealthy senior who makes $34,000 a year—wealthy by that definition, of course—is going to be taxed 85 percent on Social Security. We say that is not right, that we should repeal that tax and that we can repeal that tax at the same time that we are beginning the process of balancing the budget. It will take 6 or 7 years, but we will get there and we will get there for one reason: Because the balanced budget amendment will force us to get there.

Mr. FEINGOLD. Madam President, briefly, I appreciate the input of the Senator from Arizona. We want to find out what Senators are supporting so-called tax cuts, and we are interested to know how in the world it is going to be paid for while we go forward with increasing defense spending and balancing the Federal budget and all of the things provided for in the contract. I think this is exactly what we are concerned about. We are concerned that the contract's effect is not to balance the budget, but to undo the progress made in the last 2 years.

The Senator just described one of the elements that led to the reduction of the Federal deficit for the first time in many, many years. He is on record that he is going to try to repeal it. We do not have on record how we are going to pay for that item, or how we are then going beyond that. Because the problem with repealing that is you have to come up with the money to pay for its repeal, and even then you still have not done one single penny of net deficit reduction. You have gone in the wrong direction.

So that is what the debate has to be about. That is what the American people are entitled to.

I now yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President.

First of all, let me thank the Senator from Wisconsin [Mr. FEINGOLD], for his leadership on this issue. I think, Madam President, the thing that I appreciate the most about the Senator from Wisconsin is his insistence that we be very straightforward with people and that we treat the people that we represent with intelligence and that we lay out very honestly and truthfully what the options are.

Now we can disagree in good faith about what those options are. And I understand that full well. But from my perspective, Madam President—and I

have said this a couple of times about these tax cuts—I really liken this, to use an old Jewish proverb, to trying to dance at two weddings at the same time. I just think you cannot talk about more deficit reduction and at the same time say you are going to have this broad-based tax cut—broad-based; we are not talking about one particular proposal, broad-based to the tune of $200 billion since we are talking about a balanced budget amendment between 1996 and 2002 and then another $500 billion between 1992 and 1997. That is $700 billion of tax cuts that is to be made that has to be made up somewhere even before we begin to then get back to deficit reduction.

And so, Madam President, my concern about the direction of all this, as I have stated on the floor before, is that when I add up the baseline $1 trillion that we know we have to do by way of budget cuts to get to this balanced budget by 2002 and then the additional revenue that we lose by virtue of the tax cuts, which we have to make up, plus the increase in the military budget, we are talking about somewhere in the neighborhood of $1.4 trillion.

So, Madam President, it is interesting. My framework is not that deficit reduction is the only public policy goal. That is not what I believe. I have always believed there are two deficits. One of them is the budget deficit; the other is the investment deficit.

I will have an amendment on the floor dealing with children and education, again, because I think we make a terrible mistake in the ways in which we have abandoned children and not invested in children in our country. So from the point of view of the Senator from Minnesota, who understands, on the one hand, there are certain decisive areas of life in our Nation where we need to make the investment and, on the other hand, understands that we have to continue on this path of deficit reduction, I do not see how in the world some of my colleagues can be talking about yet more tax cuts.

This amendment, which asks the Budget Committee to look at this, which essentially challenges all of us to have, I think, some real intellectual rigor on this issue, is an extremely important contribution.

Madam President, I have to say one other thing that actually the Senator from Wisconsin got me thinking about. The politics of this are nifty. It sort of reminds me of 1981 again, where basically what some of the leadership in the country said to the people and the Nation was, we are going to ask you Americans to make a huge sacrifice. And if you make that sacrifice, our country will be much better off—high levels of productivity, the deficit will go down, more jobs, all the rest. We ask you, will you let us cut your taxes?

And people said, ''Great.''

Well, what happened? We cut taxes, dramatically increased the Pentagon budget and built up a huge deficit and a huge debt. We cannot repeat that mistake again. We have to get real with people. We have to make difficult choices.

I have never been identified as a deficit hawk. I get criticized sometimes for not being hawkish enough on this issue, because I keep saying we have to invest in children, education, and we have to invest in health care as well.

But I also understand that we cannot make these investments where we need to make the investments in our people and our communities and continue to reduce the deficit and eventually get to the point where we balance the budget—though I think 2002 is a political date—without getting real.

And that is the importance of this amendment. I would think that this amendment would command broad-based support among all Senators who have said that they consider deficit reduction to be one of their top priorities. Broad-based tax cuts of this kind take us in precisely the opposite direction, and we know it. That is what the Senator from Wisconsin is trying to speak to.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has remaining 4 minutes 9 seconds.

Mr. FEINGOLD. Thank you, Madam President.

I cannot think of any better allies on an issue like this than the Senator from Arkansas and the Senator from Minnesota, who I know are in this for the long haul. We are in this for the long haul on the balanced budget amendment, on the budget resolution, on reconciliation, you name it. We are going to continue to raise this issue of the irresponsibility of these tax cuts every chance we get with the goal of defeating it.

I think the Senator from Minnesota just made a tremendous point when he pointed out what happened in the early 1980's. Naturally, when people were told we are going give you a tax cut, it will cause the economy to broom and everything will be great, they said, ''That sounds pretty good.'' Human nature. Nothing wrong it. It might have worked.

But the amazing thing now is that in 1995, the American people are hearing that same line again, and what I am so impressed by and delighted by is that they simply are not being fooled twice. It is not going to work this time. Telling the American people, as President Reagan did, that he is going to balance the budget and give everybody a giant tax cut—he did not do it, the Congresses then did not do it, and neither will the 104th Congress, because it cannot be done.

And so to conclude our argument on this, I would just like to return to those people from my State who just laid it on the line and who say they are not going to fall for this again, this idea that 2 plus 2 equal 6 when it comes to balancing the Federal budget.

A couple from, for example, Eagle River, WI, wrote about the tax cut:

> What I need, and what the country needs, is to have the budget deficit paid off so that 20% of the national budget does not go to raising money lenders into the upper class, and so that in 20 years my children and grandchildren won't have to suffer having their entire taxes go to pay the interest and getting none of the services that government should properly provide.

Folks from Cornucopia, WI, which is the northernmost point of Wisconsin, wrote and said:

> The thing is, I can't figure out why this is happening—this race to cut taxes—when the majority of people, according to all I've seen, heard, and read, don't care. We want the deficit cut and we want our money spent more wisely.

A gentleman from Madison, WI, wrote:

> I would like to pay less taxes. I have a family to feed and a mortgage to pay, but what is even more important to me is the yearly federal deficit and the expanding national debt.

He says to us here in the Senate:

> Don't try to make me feel good and make some political points by giving me a tax cut that my children will have to pay for. I'm not that stupid. That doesn't impress me. Short-term, feel-good tax cuts may look good to the weak-minded voters, but frankly I'm extremely concerned about the national debt that we will be leaving our children to pay off long after you are out of office. Let's do what is right for the kids, (even though they are not voters yet, you politicians!). Let's make the spending cuts, leave the tax rates where they are, pay off the federal debt, and leave this country in a secure financial position that won't leave our children cursing on our graves!

And finally, Madam President, from Birnamwood, WI:

> Dear Mr. FEINGOLD:
>
> I am writing about the proposed tax cuts and write-offs being proposed lately. I am all for cutting spending and lowering taxes as my many letters to you prove. But throwing a few crusts of bread to the masses to keep them quiet is not the answer. By all means cut government spending. But use that savings to eliminate the deficit and pay down the debt that threatens to overwhelm us.

Madam President, in conclusion, the American people are very clear on this. Why in the world can we not be clear with them and say that it is impossible to push for a balanced budget amendment in good faith and still believe we can have the giant tax cuts being proposed, in particular, by the Contract With America?

Mrs. MURRAY. Madam President, I rise in support of the amendment offered by my good friend, the Senator from Wisconsin.

Madam President, I serve as a member of the Senate Budget Committee, and I take that assignment seriously. The budget process starts in that committee. The deficit reduction starts there.

And, Madam President, the tough choices are made there.

And, because in the last 2 years, we made tough choices, the deficit is finally going down.

This country racked up more debt during the 1980's than we had during the previous two centuries. We can never allow this type of explosive debt to creep into the budget process again.

When I was sworn in 2 years ago, I wanted to offer a change in thinking, and help to solve the problem of poor fiscal management.

And, we are solving this problem. We are cutting unnecessary and wasteful programs. We are streamlining other projects.

This year alone, the President has sent us a budget for fiscal year 1996 that eliminates 130 programs and significantly 270 more.

And, because our fiscal house is finally being put in order, the budget deficit has been reduced for 3 years in a row—that is the first time that has happened since Harry Truman was in the White House.

Madam President, we finally have seen some commonsense, rational solutions in budgeting. And, we must continue providing leadership with level-headed moderate decisions, even if they are based on tough choices.

That is why I support the Feingold amendment. It is common sense. It recognizes that we do not have a lot of money to go around. And, the last thing we should be doing when the deficit is finally being reduced is to engage in a political bidding war to enact broad-based, across-the-board tax breaks.

This would only send our deficit soaring again, just like the 1980's. Just like the days when we were told ''you can have it all, and not pay for it.'' Just like the time when we racked up the highest amount of debt in the history of the world.

Madam President, let me be clear. Our colleagues should understand that a vote for the Feingold amendment is not a vote against tax relief. Certain Americans need tax relief. Certain tax laws are antiquated and need to be changed. I believe, for example, we need to revise our estate and gift tax laws.

But, we need to go through this with common sense. I have seen many of the proposals for tax breaks before us. Who do they really help?

My friends and neighbors discuss the Federal budget with me all the time. And Madam President, they tell me time and again that we should reduce the deficit before we discuss broad-based tax breaks.

Fighting this deficit is too serious for political game-playing. We clearly cannot push off on our kids an exploding deficit. Sometimes, spending programs are urgent, and, sometimes, tax relief is necessary.

But, bidding wars to cut taxes for political popularity are not urgent and not necessary. As I said, Madam President, these proposals might be popular, but they are dangerous.

And, Madam President, I will start worrying about my own personal popularity when I know my kids have a secure economic future.

This amendment is good common sense. I thank my friend, Senator FEINGOLD, for having the courage to bring it before the Senate. And, I urge its swift adoption.

Mr. BAUCUS. Madam President, I rise in opposition to the sense-of-the-Senate resolution advanced by my colleague from Wisconsin.

The citizens of Montana want deficit spending brought under control. They want the budget balanced and they want the job done within a specified period of time. The balanced budget amendment achieves that result, although, as I have noted on several occasions, not without a great deal of pain.

The resolution before us attempts to establish priorities between balancing the budget and a middle-class tax cut.

I serve on the Finance Committee. Provisions to implement a middle-class tax cut will come before that committee in the near future. After hearings and after due consideration, I and the other members of the Finance Committee will determine whether a middle-class tax cut should be enacted and what form it should take. After the committee takes action, each and every Member of this body will have a chance to express their view on the proposed middle-class tax cuts, if in fact, the committee forwards such cuts to the full Senate for their consideration.

The working citizens of Montana would benefit from a middle-class tax cut. At the same time, they have expressed to me time and again that deficit reduction is their primary concern. The issue I and my colleagues will face on the Finance Committee is whether we can accommodate both a reduction in the deficit and tax cuts for America's middle class.

These priorities are properly decided by the members of the Finance Committee after due consideration, not by a sense-of-the-Senate resolution.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I think this debate is far more appropriate to a debate on the implementing legislation. I hope our fellow Senators will vote down this motion to refer. I encourage the distinguished Senator, who is very sincere in trying to handle deficit matters, to do this on the implementing legislation after the balanced budget amendment passes. That is the way to do it, and not at this particular time. If the balanced budget amendment does not pass, then he has plenty of other vehicles to try and make his points known.

There are many of us who believe that tax cuts actually increase revenues to the Federal Government. That was proven during the eighties. Had we not passed all kinds of additional spending programs as part of a deal made in order to get the marginal tax rate reductions, we would have had an even greater economic expansion. As it was, every time President Reagan wanted marginal tax cuts reduced, Congress added a bunch of spending programs on the side as part of the bills. As a result, we still had more revenues, but we had even greater spending increases than revenue increases. Of course, part of those increases were defense and national security spending.

I am not here to assess blame on anybody. All I am saying is that many of us believe that tax rate reductions done in the appropriate and proper way actually create more opportunities for working people, more savings, more investment, more jobs, and more people working, and therefore, more people paying into the system.

So, having said that, I hope that our fellow Senators will realize that this is not the time to pass on a status quo tax policy method of implementing the balanced budget amendment as embodied in this motion, but this is a time to stand up for the balanced budget amendment. Let us stay on the beam, let us stay on the ball. Let us stay focused on what has to be done.

Has the distinguished Senator yielded back the remainder of his time? I yield back the remainder of my time.

Madam President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to lay on the table the motion to refer House Joint Resolution 1 to the Budget Committee with instructions. 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 Kansas [Mrs. KASSEBAUM] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—66

Abraham	Dole	Kennedy
Ashcroft	Domenici	Kohl
Baucus	Faircloth	Kyl
Bennett	Feinstein	Lautenberg
Biden	Frist	Leahy
Bond	Gorton	Lieberman
Bradley	Gramm	Lott
Brown	Grams	Lugar
Bryan	Grassley	Mack
Burns	Gregg	McCain
Campbell	Hatch	McConnell
Coats	Hatfield	Mikulski
Cochran	Heflin	Murkowski
Coverdell	Helms	Nickles
Craig	Hutchison	Pressler
D'Amato	Inhofe	Rockefeller
DeWine	Jeffords	Roth
Dodd	Kempthorne	Santorum

Sarbanes	Smith	Thomas
Shelby	Snowe	Thompson
Simon	Specter	Thurmond
Simpson	Stevens	Warner

NAYS—32

Akaka	Exon	Levin
Bingaman	Feingold	Moseley-Braun
Boxer	Ford	Murray
Breaux	Glenn	Nunn
Bumpers	Graham	Packwood
Byrd	Harkin	Pell
Chafee	Hollings	Pryor
Cohen	Inouye	Reid
Conrad	Johnston	Robb
Daschle	Kerrey	Wellstone
Dorgan	Kerry	

NOT VOTING—2

Kassebaum	Moynihan

So the motion to lay on the table the motion to refer House Joint Resolution 1 to the Budget Committee with instructions was agreed to.

AMENDMENT NO. 241

The PRESIDING OFFICER. Under the previous order of the Senate, we will now resume consideration of amendment No. 241, offered by the Senator from South Carolina, Mr. HOLLINGS.

The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Madam President, let me emphasize that this is not intended to delay the constitutional amendment for a balanced budget. In fact, we have agreed to an hour and a half time limit. My amendment is drafted so that, if adopted, it will be engrossed separately by the States, and therefore voted on separately by the States, so it will not kill the balanced budget amendment. In other words we are not trying to delay or are confuse.

Madam President, let me go to the history of this, because I was there. In the 1968 race for President, the distinguished former Secretary of Commerce, Maurice Stans, he came to my State and he said: Now, you textile leaders, you all have to contribute $35,000 apiece for the Presidential race. He raised $350,000.

I had been in Government 20 years. I had been elected Lieutenant Governor, I had been elected Governor, and they were my friends, and they never got up $350,000 for this Senator.

I remember this course of events well. In the Presidential campaign of 1968, the Nixon folks went all of the county to the rich and asked that they contribute to the campaign. One fellow from Chicago gave $2 million. There were several others who gave $400,000 and $500,000. Following the election, John Connally went to President Nixon and said, ''Mr. President, there have been some real valued contributors, substantial contributors, and they have not even met you or been thanked by you.'' They agreed that the President would come down the next week to the ranch in Texas for a barbecue. As that week arrived and they were turning into the barbecue at the Texas ranch, Dick Tuck, the prankster from the Kennedy days, put a Brink's truck by the gate. Then they got a picture of it. We were all embarrassed: The public thought the Government was up for sale.

Madam President, it has gotten worse. Back in 1974, in a bipartisan fashion—I remember the debate well—we amended the Federal Election Campaign Practices Act. With these amendments we said the Government is not up for sale. You cannot receive cash. Every dollar must be on top of the table, accounted for here at the Secretary of the Senate and the Secretary of State back in your home State. You can only get $1,000 individually, $5,000 by way of a PAC and you will be limited to so much per voter. Most importantly, the total expenditures of the campaign would be limited. In the State of South Carolina it would be about $500,000, half a million dollars. But in the State of California or Texas it would be, of course, millions.

I say it has gotten worse. But let me emphasize, we had a strong vote on the Federal Election Campaign Practices Act in 1974 and our good friend, the distinguished Senator from New York at that time, Senator Jim Buckley—and I speak affectionately because his father contributed to my races, William F. Buckley, Sr. —but Jim said: Oh, no, I am going to sue the Senate. You can't limit what I spend on my races. You have taken away my speech.

And in a very distorted decision, a contorted decision, the Supreme Court agreed. By the Courts decision in Buckley versus Valeo, rather than freedom of speech under the first amendment, for individuals and people, the Supreme Court gave freedom of speech to the rich. Freedom to those with money, rather than to the people. The Court essentially took the speech away from the poor.

For example, if I have $1 million and you have $50,000, I wait until the first week of October and then I just offload—spending all my money on television, signs, radio, farmer shows, talk shows and everything I can possibly think of. And whoever I am running against, their friends and family say, ''I wonder why he does not answer.''

You do not answer because you do not have the money. It takes literally millions of dollars now.

It seems like somehow somewhere there would be some shame in this body. I have tried over the last 20 years. You can not offer a joint resolution as an amendment to a bill. It seems that in every Congress there were always campaign reform bills, but I could not offer my joint resolutions to them. Offering joint resolutions to bills is barred by the rules.

These campaign reform bills usually included some form of public financing. That always lead to gridlock. It appears we are not going the way of public financing. I hope not, with a $4.85 trillion deficit. We are not going to find a new mission for the taxpayer—that of financing politicians. So we are not going to do that. We have to control campaign expenditures. We have to somehow control it. For heaven's sake, we have tried, and it has been bipartisan.

I thank my distinguished colleague from the other side, the distinguished Senator from Pennsylvania, Senator SPECTER, and the others who cosponsored and willingly voted to help in this particular cause.

My amendment does not say what the limits would be. I would contemplate going back to what we intended, namely, limiting spending to so much per voter in each State; the small States the smaller amount of money and the large States the larger amount of money. But now today you have to raise $13,200 each and every week of a six year term for the average Senator to get reelected—$13,200 a week. He is in business, not to legislate, not to debate, not to listen, not to discuss, not to hear, but by gosh to track down everybody he can and pick their pockets—$13,200 a week.

I heard the distinguished Senator from California, who was just reelected, say with her contributions and with the party contributions, it took her $19 million to run. Senator FEINSTEIN would admit that. Her opponent, Mr. Huffington, spent almost $30 million.

This is a disgrace. Do not come in here with this ''ying yow'' about, yes, it is a good idea, but not on the balanced budget amendment. It is just our opportunity. We have had time and time again votes on my amendment. We had a vote on this particular matter back in 1988. We got 52 votes. We brought it up again later in that same year and we got a vote of 53 votes, and, on May 27 of 1993 we got 52 votes for a Sense-of-the-Senate resolution expressing that the Senate should adopt this amendment.

Mr. HATCH. Mr. President, will the Senator yield for a unanimous consent request?

Mr. HOLLINGS. Yes. I yield.

Mr. HATCH. I thank my friend.

Mr. President, I ask unanimous consent that the 30 minutes designated to me be designated to the distinguished Senator from Kentucky.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, let us be done with the phony charge that spending limits are somehow an attack on freedom of speech. This is false. If anything the Courts decision is an attach on free speech. As Justice Marshall points out in his dissent the Court's decision actually limits the speech of those with less money. Justice Marshall states, and I quote:

> It would appear to follow that the candidate with the substantial personal fortune at his disposal is off to a significant head start.

Indeed, Mr. President, Justice Marshall went further when he argued that by upholding the limits on contributions but striking down the limits on

overall spending, the Court put an additional premium on a candidate's personal wealth.

The effect of this decision was discussed before a hearing that we held in the Judiciary Committee. We have had several hearings. At one of those hearings, back in 1988, the Committee on the Constitutional System's Lloyd Cutler appeared, and he said and I quote:

> Along with Senator Nancy KASSEBAUM of Kansas and Mr. Douglas Dillon, I am a cochairman of the Committee on the Constitutional System, a group of 700 present and former legislators, Executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

Quoting further:

> The courts approved the Presidential Campaign Financing Fund created by the '76 amendments, including the condition it imposed barring any Presidential nominee who accepted the public funds from spending more than a specified limit. However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees or on behalf of a candidate. In recent Presidential elections, these independent expenditures on behalf of one candidate exceeds the amounts of Federal funding he accepted. Moreover, so long as Congress remains deadlocked on proposed legislation for the public financing of congressional campaigns, it is not possible to use the public financing device as a means of limiting congressional campaign expenditures.
>
> Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment.

Mr. President, In reality my amendment really restores the freedom of speech. If you have money, you have unlimited speech. If you do not have money, you have the freedom to shut up, say nothing.

I can tell you, the last five amendments to the Constitution itself dealt with elections and all were ratified by three-fourths of the States in an average of 17 months. If we adopt this today the states can ratify it and we can enforce limits on campaign expenditures for the 1996 elections.

My amendment, if effect, gets us back to an even playing field where everyone has the same freedom, rich or poor, Republican or Democrat, conservative or liberal or otherwise.

With respect to incumbency, I think we have learned from the last election that—at least we Democrats have learned—it does not pay to be an incumbent. I can tell you that right now. There were 10 Senators that were here last year that are not here today.

Right to the point, Mr. President, for 20 years Congress has been like a dog chasing its tail. We have tried to correct Buckley versus Valeo. We have had, time and time again, debates on all forms of campaign reform. Again and again and again, it does not go anywhere. When it looks as if it is going somewhere, it is threatened with the veto. Here, with this particular approach, there is no veto. The amendment would go directly to the States.

I yield 5 minutes to the distinguished Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise in support of the effort by the Senator from South Carolina. I think that, at a minimum, we have to limit the amount individuals can contribute to their own campaigns. The Senator's analysis is very clear that in order to do that, given Buckley versus Valeo, we must have a constitutional amendment.

Mr. President, my own personal view is that the problem that lies at the heart of the political process is the money in the political process. There is no doubt that this is true. And I believe that while the Senator's amendment is necessary, and a constitutional amendment is necessary to achieve the end of preventing those with enormous resources from buying elections, I do not think it is sufficient. I support it because I think it is an important step that plugs up one gigantic loophole in this process that allows those with means to buy the microphone. When you have a system where only the rich can buy paid media in sizable amounts, you directly impede political equality. That is what has happened, and this is the only way under our current circumstances to change that.

Mr. President, if we do this amendment and leave all the rest there, we still have a major problem: too much money in politics. So I offer, in support of the amendment and in addition to the amendment—and a very simple idea that our only way to get money out of politics is to get money out of politics—two very simple proposals. One, that anybody in America, on their Federal income tax form, above their tax liability, can designate an additional $200 to go to a political fund. In July, or at sometime after the primary election for Federal office in a particular State, that fund is divided between Republican, Democrat, and/or qualified independent, and the only money that is permissible is the money from that fund. And the money in that fund can only be contributed from citizens in your State.

If citizens in a particular State chose to give very little, they would be less informed, no doubt in my mind. They would be less informed, but they would be in charge. And the system would adjust. And, who knows, maybe we would end up with a system in which attack ads would go and public discourse would grow. Unless we are prepared to cross the path to the side that says the only money available is money contributed by citizens in your State—no PAC's, no party conduits, no big contributors, and no wealthy individuals able to buy the means and the microphone in an election —unless we are prepared to do all of that, we are just kidding ourselves. We are going to be arguing around the edges about this political reform or that political reform. But unless we take, I think, this radical step, we will not end money in politics. It is as simple as that.

So the Senator's effort is not only laudable but central to getting control of the democratic process.

I see the distinguished Senator from Pennsylvania is on the floor and is going to speak, and he has the opportunity, given what his activities are these days on the national scene, to champion fundamental campaign finance reform. I hope that we will cross that line and say: No individual contributions, no big contributions, no PAC's, no party conduits, and no millionaires buying elections. You can put up to $200 above your tax liability into a fund several months prior to the general election, which is divided among Republicans and Democrats and qualified independents, and that is the only money; it is only the money from tax returns in your State. If we do not do something that radical, we will not have fundamental campaign finance reform.

I salute the Senator for his amendment.

Mr. HOLLINGS. Mr. President, I yield whatever time necessary to my distinguished cosponsor, the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment offered by the distinguished Senator from South Carolina. This is an issue which we have raised repeatedly on the floor of the U.S. Senate, because it is a direct way to deal with campaign finance reform without having a further burden on the Treasury of the United States.

We have debated campaign finance reform repeatedly in a variety of contexts. Most of them come down to a proposition to have Federal subsidies for candidates and then to call upon the candidates to relinquish their rights under Buckley versus Valeo in order to qualify for Federal funding. I have opposed such Federal funding because I think it is unwise to further burden the Treasury by having campaigns paid for by the U.S. Treasury.

The necessity for this amendment was created by the decision of the Supreme Court of the United States in 1976 in Buckley versus Valeo. That particular decision had a very significant impact on this Senator, because at that time I was running for the U.S. Senate. Under the 1974 statute, there was a limited amount a candidate for the Senate could spend of his or her own money, based on population.

When I entered the race in late 1975, for a seat which was then being vacated by a very distinguished U.S. Senator, Senator Hugh Scott, the Federal law said that, on a population basis, a candidate in a primary in Pennsylvania would be limited to $35,000. That was about the limit of the means which I had at that time, having been extensively in public service as district attorney of Philadelphia and for a relatively short period of time in the private practice of law. Halfway through that campaign, on January 29, 1976, the

Supreme Court of the United States said that the limitation on what an individual could spend of his or her own money was unconstitutional.

At that time, I was running against a very distinguished Pennsylvanian, the late Senator John Heinz, with whom I served in this body for many, many years. Senator Heinz had substantially more financial capabilities and, as was appropriate under the law, utilized the invalidation of the spending limit at that time.

It has always seemed to me that Congress ought to have the authority to establish a spending limit in Federal elections without regard to the first amendment limitation which was applied by the Supreme Court in Buckley versus Valeo.

In approaching this matter, Mr. President, I am very concerned about amending the first amendment to the United States Constitution—freedom of speech, religion, press, assembly. But the amendment that we are talking about really does not go to any of these core first amendment values. This is not a matter affecting religion. It is not a matter really affecting speech.

I think it was a very far stretch when the split Court of the U.S. Supreme Court said that a campaign expenditure for an individual was a matter of freedom of speech. At that time, the Supreme Court did not affect the limitation on spending where an individual could contribute only $1,000 in the primary and $1,000 in the general, except for contributions by PAC's, political action committees.

At that time, in 1976, my brother had considerably more financial means than I did and would have been very much interested in helping his younger brother, but the limitation on my brother in that primary was for $1,000. It seemed to me then and it seems to me now that if a candidate has the right to spend as much of his or her money as he or she chooses, then why should not any other citizen have the same right under the first amendment to express himself or herself by the political contributions.

So the decision by the Supreme Court in Buckley versus Valeo, I submit, was a unusual one and I think not well founded. And within our framework of Government we can change that by having this amendment at this time.

I discussed this matter earlier today with my distinguished colleague from South Carolina. We talked about the procedural aspect of offering legislation to come up through the Judiciary Committee and at this time, on this resolution, it is an appropriate field to deal with this matter. And as we are dealing with the constitutional amendment for a balanced budget, we can deal with the constitutional issue raised in Buckley versus Valeo.

This year, Mr. President, I am undertaking another venture at the present time, exploratory travel looking toward the Republican nomination for President of the United States. And I am impressed again with how important fundraising is and how disproportionate it is to the undertaking for a political candidacy.

My idea about running for elective office, Mr. President, is a matter of issues, a matter of tenacity, a matter of integrity, and how you conduct a campaign. But money has become the dominant issue in the Presidential campaign. And the media focus on it to the virtual exclusion of the many issues of substantive matters which are really involved in a campaign for the candidacy for the Presidency.

So I think that the amendment which is now pending will leave it up to the Congress of the United States to decide what campaign finance limitations should be, authority which we have under the Constitution. Under a constitutional provision, the Congress does have the authority to deal with this issue. Article 1, section 4, of the Constitution specifically vests the authority in Congress to regulate national elections.

Absent the decision in Buckley versus Valeo, we would have that authority. Similarly, State legislatures would also have the authority to regulate their own campaigns if Buckley versus Valeo were not the law of the land.

In essence, Mr. President, I think that Buckley was wrongly decided. I think that it has limited the Congress in regulating the expenditure of funds. Money is too important in elections for the House of Representatives, for the U.S. Senate, as well as for the Presidency of the United States.

So I hope we will have an affirmative vote. The last time this matter came up in a sense-of-the-Senate resolution, it was passed. And if we could pass it here today, I think it would be a very, very important step forward for reform to eliminate money as a dominant factor in so many elections.

I thank the Chair and yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Pennsylvania, because he has given a real life example of the frustration that we have.

Let me yield so the other side can respond.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, this need not be a lengthy debate. I would be more than happy to yield back whatever time I may have left if the Senator from South Carolina would like to do the same. We have been over this turf before.

I want to commend the Senator from South Carolina for understanding and realizing that all of the campaign finance reform bills we have dealt with in recent years have been unconstitutional. So at least the Senator from South Carolina understands that the proposals that have been kicking around here for the last 5 or 6 years clearly trash the first amendment.

But I would say where I differ with the Senator from South Carolina is not in his judgment about the fact that the campaign finance reform bills that we have dealt with were unconstitutional—and they clearly were—but the Senator now says we ought to amend the first amendment. We ought to change the first amendment to the Constitution for the first time in 200 years.

And by suggesting that, Mr. President, my good friend from South Carolina has managed to come up with a proposal that even Common Cause is against and the Washington Post is against. So we have two entities that have been in the forefront of calling for campaign finance reform. Common Cause, a leading outside interest group, special interest group, advocating a campaign finance reform, says amending the first amendment is a bad idea, so they oppose the HOLLINGS proposal. And the Washington Post, which has clearly been interested in seeing a campaign finance reform bill, also opposes amending the first amendment.

So Mr. President, I would submit a letter of a few years back by Common Cause opposing the HOLLINGS constitutional amendment and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMON CAUSE,
Washington, DC, March 23, 1988.

DEAR SENATOR: The Senate is expected to consider shortly S.J. Res. 21, a proposed amendment to the Constitution to give Congress the power to enact mandatory limits on expenditures in campaigns. Common Cause urges you not to support S.J. Res. 21.

The fundamental problems caused by the massive growth in spending for congressional elections and by special interest PAC giving demand effective and expeditious solution. The Senate recently came within a handful of votes of achieving this goal. For the first time since the Watergate period, a majority of Senators went on record in support of comprehensive campaign finance reform legislation, including a system of spending limits for Senate races. It took an obstructionist filibuster by a minority of Senators to block the bill from going forward.

The Senate now stands within striking distance of enacting comprehensive legislation to deal with the urgent problems that confront the congressional campaign finance system. The Senate should not walk away from or delay this effort. But that is what will happen if the Senate chooses to pursue a constitutional amendment, an inherently lengthy and time-consuming process.

S.J. Res. 21, the proposed constitutional amendment, would not establish expenditure limits in campaigns; it would only empower the Congress to do so. Thus even if two-thirds of the Senate and the House should pass S.J. Res. 21 and three-quarters of the states were to ratify the amendment, it would then still be necessary for the Senate and the House to pass legislation to establish spending limits in congressional campaigns.

Yet it is this very issue of whether there should be spending limits in congressional

campaigns that has been at the heart of the recent legislative battle in the Senate. Opponents of S. 2, the Senatorial Election Campaign Act, made very clear that their principal objection was the establishment of any spending limits in campaigns.

So even assuming a constitutional amendment were to be ratified, after years of delay the Senate would find itself right back where it is today—in a battle over whether there should be spending limits in congressional campaigns. In the interim, it is almost certain that nothing would have been done to deal with the scandalous congressional campaign finance system.

There are other serious questions that need to be considered and addressed by anyone who is presently considering supporting S.J. Res. 21.

For example, what are the implications if S.J. Res. 21 takes away from the federal courts any ability to determine that particular expenditure limits enacted by Congress discriminate against or otherwise violate the constitutional rights of challengers?

What are the implications, if any, of narrowing by constitutional amendment the First Amendment rights of individuals as interpreted by the Supreme Court?

We believe that campaign finance reform legislation must continue to be a top priority for the Senate as it has been in the 100th Congress. If legislation is not passed this year, it should be scheduled for early action in the Senate and the House in 1989.

In conclusion, Common Cause strongly urges the Senate to face up to its institutional responsibilities to reform the disgraceful congressional campaign finance system. The Senate should enact comprehensive legislation to establish a system of campaign spending limits and aggregate PAC limits, instead of pursuing a constitutional amendment that will delay solving this fundamental problem for years and then still leave Congress faced with the need to pass legislation to limit campaign spending.

Sincerely,

FRED WERTHEIMER,
President.

Mr. MCCONNELL. And also, an editorial in the Washington Post also opposing the Hollings constitutional amendment. I ask unanimous consent that the editorial be printed in the RECORD, as well.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 6, 1988]

CAMPAIGN SPINACH

Sen. Ernest Hollings was not an admirer of S. 2, the sturdy bill his fellow Democrats tried to pass to limit congressional campaign spending by setting up a system of partial public finance. He agreed to vote for cloture, to break a Republican filibuster, only after Majority Leader Robert Byrd agreed to bring up a Hollings constitutional amendment if cloture failed. Mr. Byrd, having lost on S. 2, is now about to do that.

Right now Congress can't just limit spending and be done with it; the Supreme Court says such legislation would violate the First Amendment. Limits can only be imposed indirectly—for example, as a condition for receipt of public campaign funds. The Hollings amendment would cut through this thick spinach by authorizing Congress to impose limits straightaway. The limits are enticing, but the constitutional amendment is a bad idea. It would be an exception to the free speech clause, and once that clause is breached for one purpose, who is to say how many others may follow? As the American Civil Liberties Union observed in opposing the measure, about the last thing the country needs is ''a second First Amendment.''

The free speech issue arises in almost any effort to regulate campaigns, the fundamental area of free expression on which all others depend. There has long been the feeling in and out of Congress—which we emphatically share—that congressional campaign spending is out of hand. Congress tried in one of the Watergate reforms to limit both the giving and the spending of campaign funds. The Supreme Court in its Buckley v. Valeo decision in 1976 drew a rather strained distinction between these two sides of the campaign ledger. In a decision that let it keep a foot in both camps—civil liberties and reform—it said Congress could limit giving but not spending (except in the context of a system of public finance). In the first case the court found that ''the governmental interest in preventing corruption and the appearance of corruption'' outweighed the free speech considerations, while in the second case it did not.

Mr. Hollings would simplify the matter, but at considerable cost. His amendment said, in a recent formulation: ''The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal offices.'' But that's much too vague, and so are rival amendments that have been proposed. Ask yourself what expenditures of a certain kind in an election year are not ''intended to affect'' the outcome? At a certain point in the process, just about any public utterance is.

Nor would the Hollings amendment be a political solution to the problem. Congress would still have to vote the limits, and that is what the Senate balked at this time around.

As Buckley v. Valeo demonstrates, this is a messy area of law. The competing values are important; they require a balancing act. The Hollings amendment, in trying instead to brush the problem aside, is less a solution than a dangerous show. The Senate should vote it down.

Mr. MCCONNELL. So, Mr. President, what the Senator from South Carolina is proposing here is that not only the Federal Government but State governments, reading from the amendment, ''have the power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.''

Now, Mr. President, it should not be a surprise to anyone that the American Civil Liberties Union also thinks this is a terrible idea. Not only do they think it is a terrible idea with regard to the power that would be granted to limit speech of candidates, the provision I just made reference to, which said ''in support of or in opposition to the nomination or election of any person to Federal office,'' but would also give to the Congress the power to do the following.

And, Mr. President, I read from an opinion of the American Civil Liberties Union, which says:

''Finally, as an amendment subsequent to the First Amendment, the existing understandings about the protection of freedom of the press would also be changed''—freedom of the press would also be changed—''thereby empowering Congress to regulate what newspapers and broadcasters can do on behalf of the candidates they endorse or oppose. A candidate-centered editorial, as well as op-ed articles or commentary, are certainly expenditures in support of or in opposition to political candidates. The amendment, as its words make apparent,'' says the American Civil Liberties Union, ''would authorize Congress to set reasonable limits on the involvement of the media in campaigns when not strictly reporting the news. Such a result would be intolerable in a society that relishes a free press.''

So the proposal we have before us, Mr. President, first, amends the first amendment for the first time in history. And many people feel that is not a good idea; that the first amendment has served us well.

The second manages to draw the opposition of even the principal advocates of campaign finance reform, Common Cause and the Washington Post, and, also, Mr. President, even though this issue in the past was quite partisan—most Republicans opposing it, most Democrats supporting it—the following Senators on the other side of the aisle voted against this proposal when it was last offered in May 1993.

I want to commend those Senators publicly for respecting the first amendment, for agreeing—although they like the idea of a campaign finance reform bill—with Members that amending the Constitution of the United States, amending the first amendment for the first time in history, was a terrible idea. Senator BOXER agreed with that proposition, Senator KERREY of Nebraska, Senator KOHL, Senator LEAHY, Senator MIKULSKI, Senator MOYNIHAN, Senator PELL, and Senator ROCKEFELLER, all, even though I know they basically supported the various campaign finance reform bills proposed by those on the other side of the aisle, agreed with this Senator and the ACLU and Common Cause and the Washington Post that amending the first amendment to the U.S. Constitution for the first time in history was a terrible idea.

So, Mr. President, at the appropriate time I will be making a motion to table, and I hope that Senators will certainly agree that no matter how they may feel about passing some kind of campaign finance reform bill or another—and we certainly have had our differences on that issue—no matter how they may feel about that, it is not a good idea to amend the Constitution, to amend the first amendment to the Constitution for the first time in history.

Now, with regard to the Buckley case on the question of whether spending is speech, the Supreme Court was clear. My recollection was that eight out of nine members of the Supreme Court said spending is speech. So there is not any question that this is an amendment about speech. No matter whether some Senators wish spending were not speech or not, the Supreme Court has said that spending is speech. So no matter how much some Senators may

wish that the Court had not said that, no matter how much some Senators wish the Buckley case was decided otherwise, the fact of the matter is the Supreme Court has said spending is speech.

So this amendment, Mr. President, is about amending the first amendment to the Constitution for the first time in history. So I hope that this will be defeated on a bipartisan basis, because it is really quite a terrible idea.

Mr. President, I will retain the remainder of my time should I need it, and I yield the floor at this point.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I enjoyed references to Senators and their votes. It is not necessarily Dale Carnegie's approach to winning friends and influencing people. I am in the business of trying to obtain votes. So I necessarily try my best to resist the record.

The distinguished Senator from Kentucky made a record and he talks about the first time we amended the first amendment. Well, this is the first time an amendment would do it.

Now, the fact of the matter is, on October 19, 1989, 5 years ago or a little more, the distinguished Senator from Kentucky voted with the majority—it did not get two-thirds—but the distinguished Senator from Kentucky voted to amend the first amendment with respect to burning the flag of the United States of America.

I would be delighted to yield. I am looking at this record. If the record is incorrect, I would be delighted to yield.

Mr. McCONNELL. Mr. President, I thank my friend from South Carolina for yielding.

We have had this same colloquy before. The Senator from South Carolina raised this the last time we had this discussion, and the Senator from South Carolina, I am sure, recalls my reply. My reply was, ''If I had to do it over again, I would have voted differently.'' In fact, upon reflection, my view is that I am sure the Senator from South Carolina, in his history here, has never cast a vote that he regretted, but I have not been so fortunate as to never having regretted a vote I cast here. The Senator from South Carolina and I had this exchange the last time we had this debate, and he, I am sure, recalls that I said that I thought I had made a mistake in voting that way on the flag-burning amendment, and should such an amendment come before Members again, I would not so vote again.

Mr. HOLLINGS. Mr. President, the question is not whether it is a mistake. The question is whether it is a fact that a majority of the U.S. Senate, 51 Senators, duly elected and voting, voted at that particular time to amend the first amendment with respect to burning the flag of the United States of America.

There have been other votes to amend the first amendment. Of course, we have had a majority vote on this amendment at least three times. The truth of the matter is, and the reality is, and the fact is, that the Supreme Court in Buckley versus Valeo amended the first amendment.

I mean, after all, it was a 5–4 decision. If we get down to it we know that, yes, it limits spending, it limits speech. Speech is equated with spending. For those who have money, they can talk all they want. For those who do not, they do not have the freedom of speech. Those who do not have the money are limited.

Of course, the Buckley versus Valeo decision found nothing wrong with limiting speech because they said the $1,000 was constitutional for an individual contribution; the $5,000 for political action committees was also constitutional. So everybody wants to act like we are making some kind of history and changing it around.

When we had the other constitutional amendments affecting elections, they refer, of course, to the matter of elections on term limits. That is the 22d amendment. The 23d amendment, the electoral votes in Presidential elections. The 24th amendment, elimination of the poll tax with respect to voting. And the 26th amendment gave 18-year-olds the right to speak. Someone could give the same argument that 18-year-olds did not have the right to speak under the Constitution in elections. But then they were given the freedom of speech at 18 years of age.

We are dealing with elections and campaign financing. It is totally a shame and disgrace. Absolute shame and disgrace. I will never forget the feel, politically, that you get in campaigns.

I think it is very healthy, Mr. President, to go back on to the main street and walk up and down both sides and see the same merchants that you saw. You asked for their vote. You made certain promises, I guess, certain representations. You told them about your beliefs and what you stand for. You go out into the rural areas to the farmers. You visited around in the hospitals, the doctors, and everything else of that kind.

That is the way we politic in the small State of South Carolina. Of course, it is totally impossible in large New York or large California. I am not contending that it is. But right after the last election in 1992, just a couple of years ago, I went around to each one of the counties and we had town meetings, and I made the call.

My friends kept asking, they say, ''Why are you coming around? You just got elected. You got 6 years.'' And I said, ''I couldn't see you in the campaign. I didn't have time. I had to go raise money.'' On and on and on. It is just like a veritable treadmill you get these campaign managers, consultants, and otherwise, they will break that time down for you. They will break down when you are going to talk and have your early morning for the farmers and when you will have time when the students come back to the university campuses and most importantly when you will raise money.

This is all sophisticated. It is all tried. It is understandable and it is part of the game. It is very, very, very expensive. To get around and really expose yourself, you do not have time to talk to people unless you are asking for their money and being nice and making the obligatory appearances at debates and certain programs and you try to generate free television.

The distinguished Senator from New Jersey came forward with a nice idea, if it could work. I question it. The premise of the distinguished Senator from New Jersey is that the people of New Jersey and the people of South Carolina are just as interested in the elections as the Senator from New Jersey and the Senator from South Carolina. I doubt it.

We just had an election in my State about 10 days ago, a special election. Out of some 180,000 voters, only 6,000 cast votes. It was on radio; it was on TV. Signs were plastered all over, and everything else like that. But we have less participation—and it is getting worse in this particular country—less than 50 percent. You get, in Australia and other countries, almost 100 percent voting.

So the recommendation of the distinguished Senator from New Jersey to check-off for elections themselves to finance politics, I tell you now, that is a tough one, that is a very, very tough one. I can see that would have very limited chance to really be heard.

Eighty percent of your money is expended on television. We have had different proposals of free TV. After all, the people of America own the airwaves. With the people of America owning these airwaves, it seems as if we can allocate some to public office and the attaining of public office. Each side would have so much free television. We have tried that approach. We have tried financing; we have tried voluntarily putting up so much money. We have tried any number of other solutions. They have all failed.

Like I say, it has been a dog chasing its tail because we know that none of these particular bills will pass because every one of them runs into that unconstitutional decision, Buckley v. Valeo. There is not any question that that is a distortion.

I ask unanimous consent to have a very good article by former Congressman Jonathan Bingham, of New York inserted into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Annals of the American Academy, July 1986]

DEMOCRACY OF PLUTOCRACY? THE CASE FOR A CONSTITUTIONAL AMENDMENT TO OVERTURN BUCKLEY V. VALEO

(By Jonathan Bingham)

Abstract: In the early 1970s the U.S. Congress made a serious effort to stop the abuses

of campaign financing by setting limits on contributions and also on campaign spending. In the 1976 case of *Buckley* v. *Valeo*, the Supreme Court upheld the regulation of contributions, but invalidated the regulation of campaign spending as a violation of the First Amendment. Since then, lavish campaigns, with their attendant evils, have become an ever more serious problem. Multimillion-dollar campaigns for the Senate, and even for the House of Representatives, have become commonplace. Various statutory solutions to the problem have been proposed, but these will not be adequate unless the Congress—and the states—are permitted to stop the escalation by setting limits. What is needed is a constitutional amendment to reverse the *Buckley* holding, as proposed by several members of Congress. This would not mean a weakening of the Bill of Rights, since the *Buckley* ruling was a distortion of the First Amendment. Within reasonable financial limits there is ample opportunity for that ''uninhibited, robust and wide-open'' debate of the issues that the Supreme Court correctly wants to protect.

''The First Amendment is not a vehicle for turning this country into a plutocracy,'' says Joseph L. Rauh, the distinguished civil rights lawyer, deploying the ruling in *Buckley* v. *Valeo*.[1] It is the thesis of this article that the Supreme Court in *Buckley* was wrong in nullifying certain congressional efforts to limit campaign spending and that the decision must not be allowed to stand. While statutory remedies may mitigate the evil of excessive money in politics and are worth pursuing, they will not stop the feverish escalation of campaign spending. They will also have no effect whatever on the spreading phenomenon of very wealthy people's spending millions of dollars of their own money to get elected to Congress and to state office.

When the Supreme Court held a national income tax unconstitutional, the Sixteenth Amendment reversed that decision. *Buckely* should be treated the same way.

BACKGROUND

The Federal Election Campaign Act of 1971 was the first comprehensive effort by the U.S. Congress to regulate the financing of federal election campaigns. In 1974, following the scandals of the Watergate era, the Congress greatly strengthened the 1971 act. As amended, the new law combined far-reaching requirements for disclosure with restrictions on the amount of contributions, expenditures from a candidate's personal funds, total campaign expenditures, and independent expenditures on behalf of identified candidates.

The report of the House Administration Committee recommending the 1974 legislation to the House explained the underlying philosophy:

''The unchecked rise in campaign expenditures, coupled with the absence of limitations on contributions and expenditures, has increased the dependence of candidates on special interest groups and large contributors. Under the present law the impression persists that a candidate can buy an election by simply spending large sums in a campaign. . . .

''Such a system is not only unfair to candidates in general, but even more so to the electorate. The electorate is entitled to base its judgment on a straightforward presentation of a candidate's qualifications for public office and his programs for the Nation rather than on a sophisticated advertising program which is encouraged by the infusion of vast amounts of money.

''The Committee on House Administration is of the opinion that there is a definite need for effective and comprehensive legislation in this area to restore and strengthen public confidence in the integrity of the political process.''[2]

The 1974 act included a provision, added pursuant to an amendment offered by then Senator James Buckley, for expedited review of the law's constitutionality. In January 1976 the Supreme Court invalidated those portions that imposed limits on campaign spending as violative of the First Amendment's guarantee of free speech.

In his powerful dissent, Justice White said, ''Without limits on total expenditures, campaign costs will inevitably and endlessly escalate.''[3] His prediction was promptly borne out. Multimillion-dollar campaigns for the Senate have become the rule, with the 1984 Helms-Hunt race in North Carolina setting astonishing new records. It is no longer unusual for expenditures in contested House campaigns to go over the million-dollar mark; in 1982 one House candidate reportedly spent over $2 million of his own funds.

In 1982 a number of representatives came to the conclusion that the Buckley ruling should not be allowed to stand and that a constitutional amendment was imperative. In June Congressman Henry Reuss of Wisconsin introduced a resolution calling for an amendment to give Congress the authority to regulate campaign spending in federal elections. In December, with the cosponsorship of Mr. Reuss and 11 others,[4] I introduced a broader resolution authorizing the states, as well as the Congress, to impose limits on campaign spending. The text of the proposed amendment was:

''Section 1. The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal office.

''Section 2. The several states may enact laws regulating the amounts of contributions and expenditures intended to affect elections to state and local offices.[5]

In the Ninety-eighth Congress, the same resolution was reintroduced by Mr. Vento and Mr. Donnelly and by Mr. Brown, Democrat of California, and Mr. Rinaldo, Republican of New Jersey. A similar resolution was introduced in the Senate by Senator Stevens, Republican of Alaska. As of the present writing, the resolution has been reintroduced in the Ninety-ninth Congress by Mr. Vento.[6]

No hearings have been held on these proposals, and they have attracted little attention. Even organizations and commentators deeply concerned with the problem of money in politics and runaway campaign spending have focused exclusively on statutory remedies. Common Cause, in spite of my pleading, has declined to add a proposal for a constitutional amendment to its agenda for campaign reform or even to hear arguments in support of the proposal. A constituency for the idea has yet to be developed.

THE NATURE OF THE PROBLEM

This article proceeds on the assumption that escalating campaign costs pose a serious threat to the quality of government in this country. There are those who argue the contrary, but their view of the nature of the problem is narrow. They focus on the facts that the amounts of money involved are not large relative to the gross national product and that the number of votes on Capitol Hill that can be shown to have been affected by campaign contributions is not overwhelming.

The curse of money in politics, however, is by no means limited to the influencing of votes. There are at least two other problems that are, if anything, even more serious. One is the eroding of the present nonsystem on the public's confidence in our form of democracy. If public office and votes on issues are perceived to be for sale, the harm is done, whether or not the facts justify that conclusion. In Buckley the Supreme Court itself, in sustaining the limitations on the size of political contributions, stressed the importance of avoiding ''the appearance of improper influence'' as '''critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.''''[7] What the Supreme Court failed to recognize was that '''confidence in the system of representative government''' could likewise be '''eroded to a disastrous extent''' by the spectacle of lavish spending, whether the source of the funds is the candidate's own wealth or the result of high-pressure fund-raising from contributors with an ax to grind.

The other problem is that excellent people are discouraged from running for office, or, once in, are unwilling to continue wrestling with the unpleasant and degrading task of raising huge sums of money year after year. There is no doubt that every two years valuable members of Congress decide to retire because they are fed up with having constantly to beg. For example, former Congressmen Charles Vanik of Ohio and Richard Ottinger of New York, both outstanding legislators, were clearly influenced by such considerations when they decided to retire, Vanik in 1980 and Ottinger in 1984. Vanik said, among other things, ''I feel every contribution carries some sort of lien which is an encumbrance on the legislative process . . . I'm terribly upset by the huge amounts that candidates have to raise.''[8] Probably an even greater number of men and women who would make stellar legislators are discouraged from competing because they cannot face the prospect of constant fundraising or because they see a wealthy person, who can pay for a lavish campaign, already in the race.

In ''Politics and Money,'' Elizabeth Drew has well described the poisonous effect of escalating campaign costs on our political system:

''Until the problem of money is dealt with, it is unrealistic to expect the political process to improve in any other respect. It is not relevant whether every candidate who spends more than his opponent wins—though in races that are otherwise close, this tends to be the case. What matters is what the chasing of money does to the candidates, and to the victors' subsequent behavior. The candidates' desperation for money and the interests' desire to affect public policy provide a mutual opportunity. The issue is not how much is spent on elections but the way the money is obtained. The point is what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well-armed interests have a head start over the rest of the citizenry—or that often it is not even a contest. . . . It is not even relevant which interest happens to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative government, the soul of this country.[9]

Focusing on the different phenomenon of wealthy candidates' being able to finance their own, often successful, campaigns, the late columnist Joseph Kraft commented that ''affinity between personal riches and public office challenges a fundamental principle of American life.''[10]

Footnotes at end of article.

SHORTCOMINGS OF STATUTORY PROPOSALS

In spite of the wide agreement on the seriousness of the problems, there is no agreement on the solution. Many different proposals have been made by legislators, academicians, commentators, and public interest organizations, notably Common Cause.

One of the most frequently discussed is to follow for congressional elections the pattern adopted for presidential campaigns: a system of public funding, coupled with limits on spending.[11] Starting in 1955, bills along these lines have been introduced on Capitol Hill, but none has been adopted. Understandably, such proposals are not popular with incumbents, most of whom believe that challengers would gain more from public financing than they would.

Even assuming that the political obstacles could be overcome and that some sort of public financing for congressional candidates might be adopted, this financing would suffer from serious weaknesses. No system of public financing could solve the problem of the very wealthy candidate. Since such candidates do not need public funding, they would not subject themselves to the spending limits. The same difficulty would arise when aggressive candidates, believing they could raise more from private sources, rejected the government funds. This result is to be expected if the level of public funding is set too low, that is, at a level that the constant escalation of campaign costs is in the process of outrunning. According to Congressman Bruce Vento, an author of the proposed constitutional amendment to overturn Buckley, this has tended to happen in Minnesota, where very low levels of public funding are provided to candidates for state office.

To ameliorate these difficulties, some proponents of public financing suggest that the spending limits that a candidate who takes government funding must accept should be waived for that candidate to the extent an opponent reports expenses in excess of those limits. Unfortunately, in such a case one of the main purposes of public funding would be frustrated and the escalation of campaign spending would continue. The candidate who is not wealthy is left with the fearsome task of quickly having to raise additional hundreds of thousands, or even millions, of dollars.

Another suggested approach would be to require television stations, as a condition of their licenses, to provide free air time to congressional candidates in segments of not less than, for instance, five minutes. A candidate's acceptance of such time would commit the candidate to the acceptance of spending limits. While such a scheme would be impractical for primary contests—which in many areas are the crucial ones—the idea is attractive for general election campaigns in mixed urban-rural states and districts. It would be unworkable, however, in the big metropolitan areas, where the main stations reach into scores of congressional districts and, in some cases, into several states. Not only would broadcasters resist the idea, but the television-viewing public would be furious at being virtually compelled during preelection weeks to watch a series of talking-head shows featuring all the area's campaigning senators and representatives and their challengers. The offer of such unpopular television time would hardly tempt serious candidates to accept limits on their spending.

Proponents of free television time, recognizing the limited usefulness of the idea in metropolitan areas, have suggested that candidates could be provided with free mailings instead. While mailings can be pinpointed and are an essential part of urban campaigning, they account for only a fraction of campaign costs, even where television is not widely used; accordingly, the prospect of free mailings would not be likely to win the acceptance of unwelcome campaign limits on total expenses.[12]

Yet another method of persuading candidates to accept spending limits would be to allow 100 percent tax credits for contributions of up to, say, $100 made to authorized campaigns, that is, those campaigns where the candidate has agreed to abide by certain regulations, including limits on total spending.[13] It is difficult to predict how effective such a system would be, and a pilot project to find out would not be feasible, since the tax laws cannot be changed for just one area. For candidates who raise most of their funds from contributors in the $50-to-$100 range, the incentive to accept spending limits would be strong, but for those—and they are many—who rely principally on contributors in the $500-to-$1000 range, the incentive would be much weaker. This problem could be partially solved by allowing tax credits for contributions of up to $100 and tax deductions for contributions in excess of $100 up to the permitted limit. Such proposals, of course, amount to a form of public financing and hence would encounter formidable political obstacles, especially at a time when budgetary restraint and tax simplification are considered of top priority.

Some of the most vocal critics of the present anarchy in campaign financing focus their wrath and legislative efforts on the political action committees (PACs) spawned in great numbers under the Federal Election Campaign Act of 1974. Although many PACs are truly serving the public interest, others have made it easier for special interests, especially professional and trade associations, to funnel funds into the campaign treasuries of legislators or challengers who will predictably vote for those interests. Restrictions, such as limiting the total amount legislative candidates could accept from PACs, would be salutary[14] but no legislation aimed primarily at the PAC phenomenon—not even legislation to eliminate PACs altogether—wouldsolve the problem so well summarized by Elizabeth Drew. The special interests and favor-seeking individual givers would find other ways of funneling their dollars into politically useful channels, and the harassed members of Congress would have to continue to demean themselves by constant begging.

PAC regulation and all the other forms of statutory regulation suffer from one fundamental weakness: none of them would affect the multimillion-dollar self-financed campaign. Yet it is this type of campaign that does more than any other to confirm the widely held view that high office in the United States can be bought.

Short of a constitutional amendment, there is only one kind of proposal, so far as I know, that would curb the superrich candidate, as well as setting limits for others. Lloyd N. Cutler, counsel to the president in the Carter White House, has suggested that the political parties undertake the task of campaign finance regulation.[15] Theoretically, the parties could withhold endorsement from candidates who refuse to abide by the party-prescribed limits and other regulations. But the chances of this happening seem just about nil. Conceivably a national party convention might establish such regulations for its presidential primaries, but to date most contenders have accepted the limits imposed under the matching system of public funding; John Connally of Texas was the exception in 1980. For congressional races, however, it is not at all clear what body or bodies could make such rules and enforce them. Claimants to such authority would include the national conventions, national committees, congressional party caucuses, various state committees, and, in some cases, county committees. Perhaps our national parties should be more hierarchically structured, but the fact is that they are not.

On top of all this, the system would work for general election campaigns only if both major parties took parallel action. If by some miracle they did so, the end result might be to encourage third-party and independent candidacies.

Let me make clear that I am not opposed to any of the proposals briefly summarized earlier. To the extent I had the opportunity to vote for any of the statutory proposals during my years in the House, I did so. Nor am I arguing that a constitutional amendment by itself would solve the problem; it would only be the beginning of a very difficult task. What I am saying is that, short of effective action by the parties, any system to reverse the present lethal trends in campaign financing must have as a basic element the restoration to the Congress of the authority to regulate the process.

THE MERITS OF THE BUCKLEY RULING

The justices of the Supreme Court were all over the lot in the Buckley case, with numerous dissents from the majority opinion. The most significant dissent, in my view, was entered by Justice White, who, alone among the justices, had had extensive experience in federal campaigns. White's position was that the Congress, and not the Court, was the proper body to decide whether the slight interference with First Amendment freedoms in the Federal Election Campaign Act was warranted. Justice White reasoned as follows:

''The judgment of Congress was that reasonably effective campaigns could be conducted within the limits established by the Act. . . . In this posture of the case, there is no sound basis for invalidating the expenditure limitations, so long as the purposes they serve are legitimate and sufficiently substantial, which in my view they are. . . .

''. . . expenditure ceilings reinforce the contribution limits and help eradicate the hazard of corruption. . . .

''Besides backing up the contribution provisions, . . . expenditure limits have their own potential for preventing the corruption of federal elections themselves.[16]

Justice White further concluded that ''limiting the total that can be spent will ease the candidate's understandable obsession with fundraising, and so free him and his staff to communicate in more places and ways unconnected with the fundraising function.

''It is also important to restore and maintain public confidence in federal elections. It is critical to obviate and dispel the impression that federal elections are purely and simply a function of money, that federal offices are bought and sold or that political races are reserved for those who have the facility—and the stomach—for doing whatever it takes to bring together those interests, groups, and individuals that can raise or contribute large fortunes in order to prevail at the polls.[17]''

Two of the judges of the District of Columbia Circuit Court, which upheld the 1974 act—judges widely respected, especially for their human rights concerns—later wrote law journal articles criticizing in stinging terms the Supreme Court's holding that the spending limits were invalid. For example, the late Judge Harold Leventhal said in the *Columbia Law Review*:

''The central question is: what is the interest underlying regulation of campaign expenses and is it substantial? The critical interest, in my view, is the same as that accepted by the [Supreme] Court in upholding limits on contributions. It is the need to maintain confidence in self-government, and to prevent the erosion of democracy which comes from a popular view of government as responsive only or mainly to special interests.[18]

''A court that is concerned with public alienation and distrust of the political process cannot fairly deny to the people the power to tell the legislators to implement this one word principle: Enough![19]

Here are excerpts from what Judge J. Skelly Wright had to say in the Yale Law Journal:

''The Court told us, in effect, that money is speech.

''. . . [This view] accepts without question elaborate mass media campaigns that have made political communications expensive, but at the same time remote, disembodied, occasionally . . . manipulative. Nothing in the First Amendment . . . commits us to the dogma that money is speech.[20]

''. . . far from stifling First Amendment values, [the 1974 act] actually promotes them . . . In place of unlimited spending, the law encourages all to emphasize less expensive face-to-face communications efforts, exactly the kind of activities that promote real dialogue on the merits and leave much less room for manipulation and avoidance of the issues.[21]''

The Supreme Court was apparently blind to these considerations. Its treatment was almost entirely doctrinaire. In holding unconstitutional the limits set by Congress on total expenditures for congressional campaigns and on spending by individual candidates, the Court did not claim that the dollar limits set were unreasonably low. In the view taken by the Court, such limits were beyond the power of the Congress to set, no matter how high.

Only in the case of the $1000 limit set for spending by independent individuals or groups ''relative to a clearly identified candidate'' did the court focus on the level set in the law. The Court said that such a limit ''would appear to exclude all citizens and groups except candidates, political parties and the institutional press from any significant use of the most effective modes of communication.''[22] In a footnote, the Court noted:

''The record indicates, that, as of January 1, 1975, one full-page advertisement in a daily edition of a certain metropolitan newspaper cost $6,971.04—almost seven times the annual limit on expenditures ''relative to'' a particular candidate imposed on the vast majority of individual citizens and associations[23]''

The Court devoted far more space to arguing the unconstitutionality of this provision than to any of the other limits, presumably because on this point it had the strongest case. Judge Leventhal, too, thought the $1000 figure for independent spending was unduly restrictive and might properly have been struck down. As one who supported the 1974 act while in the House. I believe, with the benefit of hindsight, that the imposition of this low limit on independent expenditures was a grave mistake.

Let us look for a moment at the question of whether reasonable limits on total spending in campaigns and on spending by wealthy candidates really do interfere with the ''unfettered interchange of ideas,'' ''the free discussion of governmental affairs,'' and the ''uninhibited, robust and wide-open'' debate on public issues that the Supreme Court has rightly said the First Amendment is designed to protect.[24] In Buckley the Supreme Court has answered that question in the affirmative when the limits are imposed by law under Congress's conceded power to regulate federal elections. The Court answered the same question negatively, however, when the limits were imposed as a condition of public financing. In narrow legalistic terms the distinction is perhaps justified, but, in terms of what is desirable or undesirable under our form of government, I submit that the setting of such limits is either desirable or it is not.

Various of the solutions proposed to deal with the campaign-financing problem, statutory and nonstatutory, raise the same question—for example, the proposal to allow tax credits only for contributions to candidates who have accepted spending limits, and the proposal that political parties should impose limits. All such proposals assume that it is a good public policy to have such limits in place. They simply seek to avoid the inhibition of the Buckley case by arranging for some carrot-type motivation for the observation of limits, instead of the stick-type motivation of compliance with a law.

I am not, of course, suggesting that those who make these proposals are wrong to do so. What I am suggesting is that they should support the idea of undoing the damage done by *Buckley* by way of a constitutional amendment.

Summing up the reason for such an amendment, Congressman Henry Reuss said, ''Freedom of speech is a precious thing. But protecting it does not permit someone to shout 'fire' in a crowded theater. Equally, freedom of speech must not be stressed so as to compel democracy to commit suicide by allowing money to govern elections.''[25]

INDEPENDENT EXPENDITURES IN PRESIDENTIAL CAMPAIGNS

Until now the system of public financing for presidential campaigns, coupled with limits on private financing, has worked reasonably well. Accordingly, most of the proposals mentioned previously for the amelioration of the campaign-financing problem have been concerned with campaigns for the Senate and the House.

In 1980 and 1984, however, a veritable explosion occurred in the spending for the presidential candidates by allegedly independent committees—spending that is said not to be authorized by, or coordinated with, the campaign committees. In both years, the Republican candidates benefited far more from this type of spending than the Democratic: in 1980, the respective amounts were $12.2 million and $45,000; in 1984, $15.3 million and $621,000.[26]

This spending violated section 9012(f) of the Presidential Campaign Fund Act, which prohibited independent committees from spending more than $1,000 to further a presidential candidate's election if that candidate had elected to take public financing under the terms of the act. In 1983 various Democratic Party entities and the Federal Election Commission, with Common Cause as a supporting amicus curiae, sued to have section 9012(f) declared constitutional, so as to lay the groundwork for enforcement of the act. These efforts failed. Applying the *Buckley* precedent, the three-judge district court that first heard the case denied the relief sought, and this ruling was affirmed in a 7-to-2 decision by the Supreme Court in *FEC* v. *NCPAC* in March 1985.[27]

The NCPAC decision clearly strengthens the case for a constitutional amendment to permit Congress to regulate campaign spending. For none of the statutory or party-action remedies summarized earlier would touch this new eruption of the money-in-politics volcano.

True, even with a constitutional amendment in place, it would still be possible for the National Conservative Political Action Committee or other committees to spend unlimited amounts for media programs on one side of an issue or another, and these would undoubtedly have some impact on presidential—and other—campaigns. However, the straight-out campaigning for an individual or a ticket, which tends to be far more effective than focusing on issues alone, could be brought within reasonable limits.

LOOKING AHEAD

The obstacles in the way of achieving a reversal of *Buckley* by constitutional amendment are, of course, formidable. This is especially true today when the House Judiciary Committee is resolutely sitting on other amendments affecting the Bill of Rights and is not disposed to report out any such amendments.

In addition to the practical political hurdles to be overcome, there are drafting problems to solve. The simple form so far proposed[28]—and quoted previously—needs refinement.

For example, if an amendment were adopted simply giving to the Congress and the states the authority to ''enact laws regulating the amount of contributions and expenditures intended to affect elections,''[29] the First Amendment question would not necessarily be answered. The argument could still be made, and not without reason, that such regulatory laws, like other powers of the Congress and the states, must not offend the First Amendment. I asked an expert in constitutional law how this problem might be dealt with, and he said the only sure way would be to add the words ''notwithstanding the First Amendment.'' But such an addition is not a viable solution. The political obstacles in the way of an amendment overturning *Buckley* in its interpretation of the First Amendment with respect to campaigns spending are grievous enough; to ask the Congress—and the state legislatures—to create a major exception to the First Amendment would assure defeat.

The answer has to be to find a form of wording that says, in effect, that the First Amendment can properly be interpreted so as to permit reasonable regulation of campaign spending. In my view, it would be sufficient to insert in the proposed amendment,[30] after ''The Congress,'' the words ''having due regard for the need to facilitate full andfree discussion and debate. ''Section 1 of the amendment would then read, ''The Congress, having due regard for the need to facilitate full and free discussion and debate, may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal office.'' Other ways of dealing with this problem could no doubt be devised.

Another drafting difficulty arises from the modification in the proposed amendment of the words ''contributions and expenditures'' by ''intended to affect elections.'' This language is appropriate with respect to money raised or spent by candidates and their committees, but it does present a problem in its application to money raised and spent by allegedly independent committees, groups, or individuals. It could hardly be argued that communications referring solely to issues, with no mention of candidates, could, consistent with the First Amendment, be made subject to spending limits, even if they were quite obviously ''intended to affect'' an election. Accordingly, a proper amendment should include language limiting the regulation of ''independent'' expenditures to those relative to ''clearly identified'' candidates, language that would parallel the provisions

of the 1971 Federal Election Campaign Act, as amended.[31]

These are essentially technical problems that could be solved with the assistance of experts in constitutional law if the Judiciary Committee of either house should decide to hold hearings on the idea of a constitutional amendment and proceed to draft and report out an appropriate resolution.

Many of those in and out of Congress who are genuinely concerned with political money brush aside the notion of a constitutional amendment and focus entirely on remedies that seem less drastic. They appear to assume that Congress is more likely to adopt a statutory remedy, such as public financing, than to go for an enabling constitutional amendment that could be tagged as tampering with the Bill of Rights. I disagree with that assumption.

Incumbents generally resist proposals such as public financing because challengers might be the major beneficiaries, but most incumbents tend to favor the idea of spending limits. The Congress is not by its nature averse to being given greater authority; that would be especially true in this case, where until 1976 the Congress always thought it had such authority. I venture to say that if a carefully drawn constitutional amendment were reported out of one of the Judiciary Committees, it might secure the necessary two-thirds majorities in both houses with surprising ease.

The various state legislatures might well react in similar fashion. A power they thought they had would be restored to them.

The big difficulty is to get the process started, whether it be for a constitutional amendment or a statutory remedy or both. Here, the villain, I am afraid, is public apathy. Unfortunately, the voters seem to take excessive campaign spending as a given—a phenomenon they can do nothing about—and there is no substantial constituency for reform. The House Administration Committee, which in the early 1970's was the spark plug for legislation, has recently shown little interest in pressing for any of the legislative proposals that have been put forward.

The 1974 act itself emerged as a reaction to the scandals of the Watergate era, and it may well be that major action, whether statutory or constitutional, will not be a practical possibility until a new set of scandals bursts into the open. Meanwhile, the situation will only get worse.

FOOTNOTES

[1] Personal communication with Joseph L. Rauh, Mar. 1985; *Buckley v. Valeo,* 424 U.S. 1 (1976).

[2] U.S., Congress, House, Committee on House Administration, *Federal Election Campaign Act. Amendments of 1974: Report to Accompany H.R. 16090,* 93rd Cong., 2d sess., 1974, H. Rept. 93–1239, pp. 3–4.

[3] 424 U.S., p. 264.

[4] The other representatives were Mrs. Fenwick, Republican of New Jersey; Ms. Mikulski, Democrat of Maryland; and Messrs. Bevill, Democrat of Alabama; Donnelly, Democrat of Massachusetts; D'Amours, Democrat of New Hampshire; Edgar, Democrat of Pennsylvania; LaFalce, Democrat of New York; and Wolpe, Democrat of Michigan.

[5] U.S. Congress, House, *Proposing an Amendment to the Constitution of the United States Relative to Contributions and Expenditures Intended to Affect Congressional, Presidential and State Elections.* 97th Cong., 2d sess., 1982. H.J. Res. 628, p. 2.

[6] Ibid., 99th Cong., 1st sess., 1985. H.J. Res. 88.

[7] 424 U.S., p. 27, quoting *CSC v. Letter Carriers,* 413 U.S. 548, 565 (1973); see also 424 U.S., p. 30.

[8] Quoted by Congressman Henry Reuss, in U.S., Congress, House, *Congressional Record,* daily ed., 97th Cong., 2d sess., 1982, 128(81): H3900.

[9] *New Yorker,* 6 Dec. 1982, pp. 55–56.

[10] *Washington Post,* 2 Nov. 1982.

[11] In the *Buckley* case the Supreme Court simply assumed that limits on spending were not a violation of free speech when acceptance of such limits was made the condition for receiving public funds, 424 U.S., pp. 85–110. See also Charles McC. Mathias, Jr., ''Should There Be Public Financing of Congressional Campaigns?'' this issue of *The Annals* of the American Academy of Political and Social Science.

[12] A variation of the idea of free television and/or mail, proposed by Common Cause and others, would provide for such privileges as a means of answering attacks made on candidates by allegedly independent organizations or individuals. See Fred Wertheimer, ''Campaign Finance Reform: The Unfinished Agenda,'' this issue of *The Annals* of the American Academy of Political and Social Science.

[13] See ibid.

[14] The Obey-Railsback Act, which contained such restrictions, actually passed the House in 1979, but got no further. See ibid.

[15] See Lloyd N. Cutler, ''Can the Parties Regulate Campaign Financing?'' this issue of *The Annals* of the American Academy of Political and Social Science.

[16] 424 U.S., pp. 263–64.

[17] Ibid., p. 265.

[18] Leventhal, ''Courts and Political Thickets,'' *Columbia Law Review,* 77:362 (1977).

[19] Ibid., p. 368.

[20] Wright, ''Politics and the Constitution: Is Money Speech?'' *Yale Law Journal,* 85:1005 (1979).

[21] Ibid., p. 1019.

[22] 424 U.S., pp. 20–21.

[23] Ibid., p. 21.

[24] *Roth v. United States,* 354 U.S. 476, 484 (1957); *Mills v. Alabama,* 384 U.S. 214, 218 (1966); *New York Times v. Sullivan,* 376 U.S. 254, 270 (1964).

[25] U.S., Congress, House, *Congressional Record,* 97th Cong., 2d sess., daily ed., 128(81): H3901.

[26] *New York Times,* 19 Mar. 1985.

[27] *FEC v. NCPAC,* 105 S. Ct. 1459 (1985).

[28] U.S., Congress, House, *Contributions and Expenditures,* H.J. Res. 628.

[29] Ibid.

[30] Ibid.

[31] 2 U.S.C.A. § 431(17).

Mr. HOLLINGS. I thank the distinguished Chair.

The time is about up. I am sorry to have taken more time, but I wanted to get into the full measure of this thing. It is a bipartisan approach to restore free speech. What Buckley versus Valeo did is take away the speech of the poor and give enhanced speech to the rich. You know it and I know it. This amendment will put us back to where we were when the 1974 act was passed. It will limit spending in campaigns. That is what we all want to do. We did it in 1974, we thought, until the Buckley versus Valeo decision.

I thank the distinguished Chair.

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

The PRESIDING OFFICER. The Senator from Kentucky has 21 minutes and 51 seconds.

Mr. MCCONNELL. Mr. President, I do not know; maybe we can check with the Cloakrooms to see if anybody objects to yielding back time. I do not know whether my friend from South Carolina has time left he wants to use, but I was going to suggest that I make a few more observations and if the Senator from South Carolina is ready to yield back, I would yield back as well. But there could be those who are depending on this vote occurring at a certain time, so if we could ask the staff to check on that, I would appreciate it.

Mr. President, the past majority leader, Senator Mitchell, who just left the Senate a couple of months ago said on June 26, 1990, ''For 200 years,'' referring to the first amendment, ''it has protected the liberties of generations of Americans. During that time, the Bill of Rights has never been changed or amended,'' not once, ever. It stands today, word for word, exactly as it did when it was adopted two centuries ago.

Senator George Mitchell went on on the same day:

Never in 200 years has the first amendment been changed or amended. As a result, never in 200 years has Congress been able to make a law abridging freedom of speech.

Now, that was Senator George Mitchell, the Democratic majority leader, expressing his views about the importance of leaving the first amendment unamended, untampered with.

The current majority leader, Senator DASCHLE, said on June 21, 1990:

What chapter will we have ghosted for our autobiographies to explain away our writing a loophole into the free speech clause of the Bill of Rights of the Constitution of the United States?

Senator DASCHLE was, of course, referring to the debate on the flag burning amendment, but his point, his point, was about the first amendment and freedom of speech.

Now, the American Civil Liberties Union, which I indicated earlier strongly opposes the Hollings proposal, says:

The proposed constitutional amendment to limit Federal campaign expenditures would amend the free speech guarantee of the first amendment as interpreted by the Supreme Court, thereby limiting the amount of political speech that may be engaged in by any candidate or by anyone else [anyone else] seeking to be involved in the political process.

The ACLU said, Mr. President:

It is a highly flawed proposal, one that is constitutionally incapable [incapable] of being fixed and raises—

Said the ACLU:

a number of significant issues. It deserves to be rejected by the Senate.

Now, Mr. President, I have been quoting from a number of organizations that are supposedly on the liberal side of the political spectrum. Just to reassure some of my conservative friends, it is also the view of conservatives that the Hollings amendment is a bad idea. George Will in a June 28, 1993, Newsweek column said this. He was really, I would say to my friend from South Carolina, admiring the Senator in many ways. This is a quote from Mr. Will's column, which I will ask in a moment be inserted in the RECORD. He said:

Hollings claims—you have to admire his brass—

And, boy, we do admire the brass of the Senator from South Carolina. He has more brass than anybody else in the Senate, and we do admire him. He said:

Hollings claims—you have to admire his brass—that carving this huge hole in the first amendment would be ''a big boost to free speech.'' But by ''free'' he means ''fair,'' and by ''fair'' he means equal amounts of speech—the permissible amounts to be decided by incumbents in Congress and State legislatures.

George Will went on. He said:

Note also the power to limit spending not only ''by'' but even ''in support of, or in opposition to'' candidates.

That gets back to the point I made earlier about giving Congress the power to shut the newspapers up, too.

The Senators who voted for this included many who three years ago stoutly (and rightly)—

George Will said.

Opposed carving out even a small exception to the first amendment protections in order to ban flag burning. But now these incumbents want to empower other incumbents to hack away at the Bill of Rights in order to shrink the permissible amount of political discourse.

Mr. President, I ask unanimous consent that the George Will column be printed in the RECORD; also, that the letter to which I have referred several times from the American Civil Liberties issue be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, June 28, 1993]

SO, WE TALK TOO MUCH?—THE SUPREME COURT'S TWO-WORD OPINION OF THE SENATE'S REFORM BILL MAY BE GOOD GRIEF!'

(By George F. Will)

Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a ''reform'' that constitutes the boldest attack on freedom of speech since enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street, N.E., with a two-word opinion: ''Good grief!''

The reformers begin, as their ilk usually does, with a thumping but unargued certitude: campaigns involve ''too much'' money. (In 1992 congressional races involved a sum equal to 40 percent of what Americans spent on yogurt. Given the government's increasing intrusiveness and capacity to do harm, it is arguable that we spend to little on the dissemination of political discourse.) But reformers eager to limit spending have a problem: mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the First Amendment protects ''the indispensable conditions for meaningful communication,'' which includes spending for the dissemination of speech. The reformers' impossible task is to gin up ''incentives'' powerful enough to coerce candidates into accepting limits that can be labeled ''voluntary.''

The Senate bill's original incentive was public financing, coupled with various punishments for privately financed candidates who choose not to sell their First Amendment rights for taxpayers' dollars and who exceed the government's stipulated ration of permissible spending/speech. Most taxpayers detest public financing. (''Food stamps for politicians,'' says Sen. Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law.) So the bill was changed—and made even more grossly unconstitutional. Now it limits public funding to candidates whose opponents spend/speak in excess of government limits. The funds for the subsidy are to come from taxing, at the top corporate rate, all contributions to the candidate who has chosen to exercise his free speech rights with private funding. So 35 percent of people's contributions to a privately funded candidate would be expropriated and given to his opponent. This is part of the punishment system designed to produce ''voluntary'' acceptance of spending limits.

But the Court says the government cannot require people ''to pay a tax for the exercise of that which the First amendment has made a high constitutional privilege.'' The Court says that the ''power to tax the exercise of a right to power to control or suppress the exercise of its enjoyment'' and is ''as potent as the power of censorship.''

Sen. Fritz Hollings, the South Carolina Democrat, is a passionate advocate of spending limits but at least has the gumption to attack the First Amendment frontally. The Senate bill amounts, he says candidly, to ''coercing people to accept spending limits while pretending it is voluntary.'' Because ''everyone knows what we are doing is unconstitutional,'' he proposes to make coercion constitutional. He would withdraw First Amendment protection from the most important speech—political discourse. And the Senate has adopted (52–43) his resolution urging Congress to send to the states this constitutional amendment: Congress and the states ''shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election'' for federal, state or local office.

Hollings claims—you have to admire his brass—that carving this huge hole in the First Amendment would be ''a big boost to free speech.'' But by ''free'' he means ''fair,'' and by ''fair'' he means equal amounts of speech—the permissible amounts to be decided by incumbents in Congress and state legislatures. Note also the power to limit spending not only ''by'' but even ''in support of, or in opposition to'' candidates. The 52 senators who voted for this included many who three years ago stoutly (and rightly) opposed carving out even a small exception to First Amendment protections in order to ban flag-burning. But now these incumbents want to empower incumbents to hack away at the Bill of Rights in order to shrink the permissible amount of political discourse.

Government micromanagement: The Senate bill would ban or limit spending political action committees. It would require privately funded candidates to say in their broadcast advertisements that ''the candidate has not agreed to voluntary campaign limits.'' (This speech regulation is grossly unconstitutional because it favors a particular point of view, and because the Court has held that the First Amendment protects the freedom to choose ''both what to say and what not to say.'') All this government micromanagement of political speech is supposed to usher in the reign of ''fairness'' (as incumbents define it, of course).

Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically. And spending is the way challengers can combat incumbents' advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the federal budget—$1.5 trillion this year and rising. Federal spending (along with myriad regulations and subsidizing activities such as protectionist measures) often is vote-buying.

It is instructive that when the Senate voted to empower government to ration political speech, and even endorse amending the First Amendment, there was no outcry from journalists. Most of them are liberals and so are disposed to like government regulation of (other people's) lives. Because, journalists know that government rationing of political speech by candidates will enlarge the importance of journalists' unlimited speech.

The Senate bill's premise is that there is ''too much'' political speech and some is by undesirable elements (PACs), so government control is needed to make the nation's political speech healthier. Our governments cannot balance their budgets or even suppress the gunfire in America's (potholed) streets. It would be seemly if politicians would get on with such basic tasks, rather than with the mischief of making mincemeat of the First Amendment.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, June 4, 1992.

DEAR SENATOR:

The American Civil Liberties strongly opposes S.J. Res. 35, the proposed constitutional amendment to limit federal campaign expenditures. The proposal would amend the free-speech guarantee of the First Amendment, as interpreted by the Supreme Court, thereby limiting the amount of political speech that may be engaged in by any candidate or by anyone else seeking to be involved in the political process. It is a highly flawed proposal, one that is constitutionally incapable of being fixed, and raises a number of significant issues. It deserves to be rejected by the Senate.

First, as many members of the Senate recognized during the debate about the flag-burning amendment proposed a few years ago, it is wrong for the Senate to consider changing the First Amendment, a provision that is a justifiable source of pride for the United States and much admired throughout the world. If Congress could carve out exceptions to the reach of free speech through constitutional amendment, particularly in the important area of political speech, then none of our liberties and freedoms are safe and proposals to give Congress authority over other forms of speech will abound. Moreover, since the Constitution does not grant freedom of speech to the people, but is a reflection of its Framers' natural-rights philosophy—one that recognizes that these rights inhere in the people and are inalienable—it is unlikely that Congress, even by way of constitutional amendment, has the authority to interfere with or restrict those rights. In other words, S.J. Res. 35 may well be an unconstitutional constitutional proposal.

Second, if the proposed amendment were implemented, it would operate to distort the political process in numerous ways. if implemented evenhandedly, it would operate to the benefit of incumbents who generally have a higher name recognition and thus an ability to do more with lesser funding. And it would operate to the detriment of dark-horse and third-party candidates who start out with fewer contributors and whose only hope of obtaining the visibility necessary to run a serious campaign may come from the backing of a few large contributors or from their own funds. Thus,rather than assure fair and free elections, the proposal would likely operate to the benefit of those in power and to the disadvantage of those challenging the political status quo.

Additionally, the wording of the proposed amendment would actually permit Congress to set a different limit on incumbents versus challengers, wealthy candidates versus those without vast personal funds to mount a campaign, or candidates from underrepresented groups versus those who are well represented, as long as these were justified on a rational basis. The First Amendment properly prevents the government from making these kinds of distinctions, but S.J. Res. 35 would enable Congress to set these limitations notwithstanding currently existing constitutional understandings. Some of the dangers to the First Amendment are most apparent when S.J. Res. 35 is viewed from that perspective.

Finally, as an amendment subsequent to the First Amendment, the existing understandings about the protections of freedom of the press would also be changed, thereby empowering Congress to regulate what newspapers and broadcasters can do on behalf of

the candidates they endorse or oppose. A candidate-centered editorial, as well as op-ed articles or commentary, are certainly expenditures in support of or in opposition to political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the involvement of the media in campaigns when not strictly reporting the news. Such a result would be intolerable in a society that cherishes a free press.

Last year, we celebrated the 200th anniversary of the Bill of Rights with speeches, articles, and lessons about the importance of our cherished liberties. This year should not mark the end of that bicentennial legacy by an ill-conceived effort to cut back on freedom of speech and the press. Please reject S.J. Res. 35.

Sincerely,

ROBERT S. PECK,
Legislative Counsel.

Mr. MCCONNELL. Let me just say again, hopefully in conclusion, if both sides are ready to yield back their time—I do not know whether they are not, but if they are, I am prepared to, but let me summarize again that this proposal has the opposition of Common Cause, the opposition of the Washington Post, the opposition of the ACLU, and the opposition of George Will. That pretty well covers it, Mr. President. It is opposed by people from left to right.

I hope that the Senate would support the motion to table I will make at such time as we conclude the debate.

So, Mr. President, I would just inquire of my friend from South Carolina, do we want to yield back and go ahead or have we heard from our Cloakrooms?

Mr. HOLLINGS. I would like to accommodate the distinguished Senator from Kentucky. What happens is I have the Senator from Nevada on the way.

Mr. MCCONNELL. All right.

Mr. HOLLINGS. He is on the way.

Mr. MCCONNELL. Mr. President, then I will just reserve the remainder of my time and yield the floor.

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

The PRESIDING OFFICER. The Senator from South Carolina has 10 minutes 46 seconds.

Mr. HOLLINGS. Mr. President, I enjoy serving with the distinguished Senator from Kentucky. When he was going down the list of the American Civil Liberties Union and the Washington Post and all these liberal folks, he should not get too enthralled with this particular issue, because somebody will pick up that RECORD, the way they run campaigns now, and say he is running around with the ACLU. I could see that 20-second bite right now.

I have a good friend. He wanted to contribute to me. He said he could get $5,000 from a group, and I said, ''Look, it will take me $50,000 to $100,000 to explain that group. I just cannot accept it.''

You have to look at elections. It is unfortunate, but that is what we are talking about. If you get it back down to where you have a limited amount in a small State like South Carolina of $1 million, the incumbent, I can tell you right now, is at a disadvantage, because I have a record of votes, thousands of votes. What I fear as an opponent is some nice, young, clean-cut law graduate, married, with two or three children and who has never voted on anything. All he has is a picture of himself going into church on Sunday. What am I going to argue about?

I was lucky in my last race. I had a former Congressman as an opponent. I survived by the skin of my teeth because they zeroed in with lots of money and lots of TV. Money talks. Money talks. If we can start limiting that money in these campaigns, we will get it back to the people.

The expenses are just absolutely unheard of. For example, the average cost of winning a Senate seat in 1980 was $1.2 million, but by 1984 it rose to $2.1 million, and by 1986 it skyrocketed to $3.1 million—this is the average—in 1988, to $3.7 million, and last year the average seat was $4.1 million.

This past year Ollie North in Virginia spent $19.8 million. Senator ROBB spent $5.4 million. Mr. President, $19.8 and $5.4 million—that's a total of $25.2 million.

You can go down the list. I do not really want to make a public record because I know the sensitivities of Senators. Frankly, it is embarrassing what we all spend. I know my opponent, for example, spent just as much as I did and tried to report it differently.

When are we going to correct this thing? Here is an opportunity to do just exactly that. We have a wonderful opportunity. Whatever the Senator from Kentucky says I want to consider it, because he and I have been on the same side against public financing: The public now contributing to politics. You would never get anybody out up here if that were the case. That is really where the incumbents can spend all their time prissing and preening and actually getting absolutely nothing done. In fact, that is the way we are. We are on a treadmill to make absolutely sure that nothing gets done.

How much time do I have left?

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes 30 seconds.

Mr. HOLLINGS. I reserve the remainder of my time.

I yield to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate resumes the joint resolution at 9:30 a.m. on Wednesday, the pending business be the Bingaman amendment re: supermajority, and that time on that amendment prior to a motion to table be as follows, and that no second-degree amendments be in order prior to the motion to table: 45 minutes under the control of Senator BINGAMAN, 15 minutes under the control of Senator HATCH.

I further ask that following the conclusion or yielding back of time the majority leader or his designee be recognized to make a motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, Mr. President, will the distinguished Senator from Utah please repeat the first part of the request for unanimous consent? If he does not mind? I apologize.

Mr. HATCH. I will be glad to.

Mr. President, I ask unanimous consent that when the Senate resumes the joint resolution at 9:30 a.m. on Wednesday, the pending business be the Bingaman amendment re: supermajority, and that time on that amendment prior to a motion to table be as follows, and that no second-degree amendments be in order prior to the motion to table: 45 minutes under the control of Senator BINGAMAN, 15 minutes under the control of Senator HATCH.

I further ask that following the conclusion or yielding back of time the majority leader or his designee be recognized to make a motion to table.

Mr. PRYOR. Mr. President, would that be presuming that this will be the final vote of the evening, on the Hollings amendment?

Mr. HATCH. This is going to be the final vote.

Mr. PRYOR. I do not object and I yield the floor and thank the Senator.

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

Mr. HATCH. Mr. President, I further ask unanimous consent that following the disposition of the Bingaman amendment, Senator WELLSTONE be recognized to make a motion to refer, and the time on that motion be limited in the following fashion prior to a motion to table, and that no amendments be in order to the motion prior to the tabling motion: 45 minutes under the control of Senator WELLSTONE, 15 minutes under the control of Senator HATCH.

I further ask unanimous consent that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the motion to refer.

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

Mr. HATCH. Mr. President, I have been authorized to tell the Senate that following the vote on the amendment of the distinguished Senator from South Carolina there will be no more rollcall votes this evening. But we will have those two rollcall votes first thing in the morning starting after the debate at 9:30 and after the second debate at that time.

I am wondering if both sides would be willing to yield their time.

Mr. HOLLINGS. Just in a few minutes.

Mr. President, I ask unanimous consent that the testimony of the distinguished Lloyd N. Cutler before the Senate Judiciary Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF LLOYD N. CUTLER BEFORE THE SENATE JUDICIARY COMMITTEE, SUBCOMMITTEE ON THE CONSTITUTION, MARCH 17, 1988

My name is Lloyd N. Cutler. Along with Senator Nancy Kassebaum of Kansas and Mr. Douglas Dillon, I am a Co-Chairman of the Committee on the Constitutional System, a group of several hundred present and former legislators, executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

One of the most glaring weaknesses, of course, is the rapidly escalating cost of political campaigns, and the growing dependence of incumbents and candidates on money from interest groups who expect the recipient to vote in favor of their particular interests. Incumbents and candidates must devote large portions of their time to begging for money; they are often tempted to vote the conflicting interests of their contributors and to create a hodgepodge of conflicting and indefensible policies; and in turn public frustration with these policies process.

A serious attempt to deal with the campaign financing problem was made in the Federal Election Campaign Act of 1974 and the 1976 amendments, which set maximum limits on the amounts of individual contributions and on the aggregate expenditures of candidates and so-called independent committees supporting such candidates. The constitutionality of these provisions was challenged in the famous case of *Buckley* v. *Valeo,* 424 U.S. 1, in which I had the honor of sharing the argument in support of the statute with Professor Archibald Cox. While the Supreme Court sustained the constitutionality of the limits on contributions, it struck down the provision limiting expenditures for candidates and independent committees supporting such candidates. It found an inseparable connection between an expenditure limit and the extent of a candidate's or committee's political speech, which did not exist in the case of a limit on the size of each contribution by a non-speaker unaccompanied by any limit on the aggregate amount a candidate could raise. It also found little if any proven connection between corruption and the size of a candidate's aggregate expenditures, as distinguished from the size of individual contributions to a candidate.

The Court did, however, approve the Presidential Campaign Financing Fund created by the 1976 amendments, including the condition it imposed barring any presidential nominee who accepted the public funds from spending more than a specified limit. However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees on behalf of a candidate. In recent presidential elections these independent expenditures on behalf of one candidate exceeded the amount of federal funding he accepted. Moreover, so long as the Congress remains deadlocked on proposed legislation for the public financing of Congressional campaigns, it is not possible to use the public financing device as a means of limiting Congressional campaign expenditures.

Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment. The amendment would be a very simple one consisting of only 46 words. It would state merely that ''Congress shall have power to set reasonable limits on campaign expenditures by or in support of any candidate in a primary or general election for federal office. The States shall have the same power with respect to campaign expenditures in elections for state and local offices.''

Our proposed amendment would enable Congress to set limits not only on direct expenditures by candidates and their own committees, but also on expenditures by so-called independent committees in support of such a candidate. The details of the actual limits would be contained in future legislation and could be changed from time to time as Congress in its judgment sees fit.

It may of course be argued that the proposed amendment, by authorizing reasonable limits on expenditures, would necessarily set limits on the quantity of speech on behalf of a candidate and that any limits, no matter how ample, is undesirable. But in our view the evidence is overwhelming by now that unlimited campaign expenditures will eventually grow to the point where they consume so much of our political energies and so fracture our political consensus that they will make the political process incapable of governing effectively. Even the Congress has found that unlimited speech can destroy the power to govern; that is why the House of Representatives has imposed time limits on Members' speeches for decades and why the Senate has adopted a rule permitting 60 senators to end a filibuster. One might fairly paraphrase Lord Action's famous aphorism about power by saying, ''All political money corrupts; unlimited political money corrupts absolutely.''

Finally, Mr. Chairman, I would not be discouraged from taking the amendment route by any feeling that constitutional amendments take too long to get ratified. The fact is that the great majority of amendments submitted by Congress to the states during the last 50 years have been ratified within twenty months after they were submitted. All polls show that the public strongly supports limits on campaign expenditures. The principal delay will be in getting the amendment through Congress. Since that is going to be a difficult task, we ought to start immediately. Unlimited campaign expenditures and the political diseases they cause are going to increase at least as rapidly as new cases of AIDS, and it is high time to start getting serious about the problem.

Mr. Chairman, on three past occasions we the people have amended the Constitution to correct weaknesses in that rightly revered document as interpreted by the Supreme Court. On at least two of those occasions—the Dred Scott decision and the decision striking down federal income taxes, history has subsequently confirmed that the amendments were essential to our development as a healthy, just and powerful society. A third such challenge is now before us. The time has come to meet it.

For a fuller discussion of the case for a constitutional amendment, I am attaching an article written shortly before his death by Congressman Jonathan Bingham, my college and law school classmate and, in my view, one of the finest public servants of our times.

Mr. HOLLINGS. Mr. President, in the process of completing the thought, to raise the kind of money necessary now in races the average Senator must raise over $14,000 a week every week of his or her 6-year term. Overall spending in congressional races increased from $403 million in 1990 to more than $590 million in 1994; a 50 percent increase in 4 short years.

Mr. President, with $50,000-plate dinners, with $11 million evening fundraisers, it is going up, up and away. This amendment is not just spasmodic or spurious or unstudied. I went to the Parliamentarian, Mr. Dove, and asked if it would confuse a constitutional amendment on the balanced budget. He said the way I had it written it would be engrossed separately and be voted on by the States separately. Thereupon, I included language in the first section to make sure that it would not cause confusion and that it would be voted on separately. Of course, having agreed to the time—and I thank the distinguished Presiding Officer—the distinguished Senator from Kentucky having agreed to a time limit, I appreciated the time given.

This certainly was not intended for delay. It is a serious amendment. It is a wonderful opportunity for all of us to say what we mean and mean what we say by voting in the affirmative for this amendment.

The PRESIDING OFFICER. Does the Senator yield the remainder of the time?

Mr. HOLLINGS. I yield the remainder of the time.

Mr. McCONNELL. Mr. President, in conclusion, let me remind everybody that on this proposal offered by the distinguished Senator from South Carolina, Common Cause, the Washington Post, the ACLU, and George Will all think it is a bad idea.

Mr. President, I rest my case. I hope the motion of the Senator from Utah to table will be agreed to.

I yield the remainder of my time.

Mr. HATCH. Mr. President, I move to table the Hollings amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to lay on the table the amendment of the Senator from South Carolina. On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote ''yea.''

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—52

Abraham	Burns	Coverdell
Ashcroft	Chafee	Craig
Bennett	Coats	D'Amato
Bond	Cochran	DeWine
Brown	Cohen	Dole

Domenici	Inhofe	Roth
Faircloth	Jeffords	Santorum
Feingold	Kempthorne	Simon
Frist	Kyl	Simpson
Gorton	Lott	Smith
Gramm	Lugar	Snowe
Grams	Mack	Stevens
Grassley	McCain	Thomas
Gregg	McConnell	Thompson
Hatch	Murkowski	Thurmond
Hatfield	Nickles	Warner
Heflin	Packwood	
Hutchison	Pressler	

NAYS—45

Akaka	Exon	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Robb
Campbell	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Shelby
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone

NOT VOTING—3

Helms	Kassebaum	Moynihan

So, the motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 15 minutes each.

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

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Ms. MOSELEY-BRAUN. Mr. President, the Senator from Texas and I would like to take a moment in morning business to congratulate the League of Women Voters on their 75th anniversary.

Mr. President, I want to take this opportunity to congratulate the League of Women Voters on their 75th anniversary. The League is a quintessentially American institution—one that has served this country very well.

The league's accomplishments are many. I am particularly proud of the leadership the league provided in the 72 year struggle to give women the right women to vote. A struggle the league finally won when the 19th amendment became a part of the U.S. Constitution.

In 1919, Carrie Chapman Catt founded the league in Chicago, at the Convention of the National American Women's Suffrage Association. While the fight for women's right to vote helped create the league, however, its mission has always been much larger. Seventy-five years ago, Carrie Chapman Catt said that ''Winning the vote is only an opening wedge * * * but to learn to use it is a bigger task.''

That statement is as true today as it was when the League was founded—and the league's continuing work is perhaps the best evidence of that truth. The league continues to educate and inform citizens and get people involved in their communities; it plays a critical role in helping to make government work better. League members work at the grossroots to build citizen participation in the democratic process, and to promote positive solutions to community issues through education and advocacy.

While the league can be justifiably proud of its many accomplishments, league members are not content. They know there is still much work that remains to be done. In 1995, there are still far too many Americans who are not registered to vote and who do not participate in the democratic process. This is the focus of the league's most recent ''Take Back the System'' campaign. Its goal is to make voter registration more accessible, to provide voters with information on candidates and issues, and to restore the voters' confidence and involvement in the system.

The campaign has been very successful. Its crowning achievement came last year, when the Congress passed the National Voter Registration Act. Motor-voter has begun to enfranchise millions of Americans who have been shut out of the political process, because it makes voter registration more uniform and more accessible. In the past month since the statute has been in force, tens of thousands of new voters have signed up to register and participate in the political process. This is very positive. I am hopeful that my State of Illinois will implement it as well.

The league has played a large role over the years in many other issues related to increasing participation in the democratic process. After the Brown versus Board of Education Supreme Court decision, local leagues began to work in the community to discuss the issue of desegregation. Their goal was to promote calm, reasonable discussions, to diffuse the tension the decision had caused, especially in the South. At that time, the leagues in the South were representative of women in the South. Local leagues held forums and talks on the issue. Their efforts at providing education and building consensus were successful. In 1956, the Atlanta league made headlines when it voted to strike the word white from its bylaws restricting membership to white women. The league has provided leadership on behalf of the enfranchisement and civil rights of all Americans.

And the league has been very involved in preserving civil liberties and protecting the privileges written into the Bill of Rights. In 1947, President Truman initiated his Loyalty Program, whose purpose was to root out spies in the Federal Government. Anyone whose loyalty came under question was required to testify before a loyalty board, and was often denied due process. During this period, the league developed a program to educate citizens about individual rights. In 1955, League President Percy Maxim Lee, testified before the House Un-American Activities Committee against Senator McCarthy's abuses of congressional investigative power. She emphasized that:

> Tolerance and respect for the opinions of others is being jeopardized by men and women whose instincts are worthily patriotic, but whose minds are apparently unwilling to accept the necessity for dissent within a democracy.

Today, the league is working in the emerging democracies of Eastern Europe to promote grassroots political education. League members have spent time in Poland and Hungary training people about how to make local government more responsive, and how to increase citizen participation in the democratic process. They have also brought people to the United States to learn how local leagues promote positive solutions to community issues through education and advocacy.

The league's programs are always unbiased and nonpartisan. They never support or oppose candidates for office. Although the message is political—the mission is to influence public policy—the goal is to promote an open, representative, and accountable government which has the confidence of the American people.

I have been a member of the League of Women Voters' Illinois chapter and Chicago chapter for 15 years. As a member of the league, I invite all of my colleagues, as well as all the people listening at home on C–SPAN, to involve yourselves with this grassroots organization. Across the Nation, there are over 100,000 members and supporters that build the strength of the league. Our members include people of all colors, creeds, and both genders, and we embrace new members with open arms. In the words of Susan Lederman, a former president of the league, ''Our energy, experience, and enthusiasm will be contagious. Our democracy will be stronger and better for the effort we make.''

Mr. President, again, I wish to congratulate and commend the league and its members for their continued efforts in behalf of keeping our political and governmental institutions vital ones. Their role in protecting and promoting democracy in this country, frankly, has been unparalleled.

I know Senator HUTCHISON has a statement, as well.

I just wanted to take this moment to wish the league and its members a

happy 75th anniversary—and there will be at least 75 more years—and that I join them in this celebration for the tremendous contribution they have made to the people of this great country.

I would like now to yield to the Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS ON ITS 75TH ANNIVERSARY

Mrs. HUTCHISON. Mr. President, I would just like to follow my distinguished colleague from Illinois in talking just for a minute about the League of Women Voters. I think all of us agree that the League of Women Voters has made a great contribution to this country. Today, Valentine's Day, marks the 75 anniversary of the league's founding.

The league's first and most widely recognized success was its role in the 19th amendment's ratification. In the wake of this historic victory, however, the League realized that an even more formidable challenge remained ahead—the task of actually bringing the millions of newly enfranchised American women into the realm of politics.

Over the course of 75 years, the league launched ambitious programs to increase voter participation and to enhance public understanding of major policy issues. At the same time, the league continued its campaign to improve the legal status of women. In my home State of Texas, the league worked to secure secret balloting and won the battle to allow women to serve on juries in Texas.

As time has progressed, the success of league endeavors has become increasingly apparent; in government and politics today, the presence and influence of women are stronger than ever. And though the league was founded out of the struggles for women's suffrage, its vision and legislative agenda have broadened over the years to encompass much more than voting rights and women's issues. State and local leagues have pursued public policy matters ranging form the environment to international cooperation.

Most importantly, Mr. President, the league has never wavered from its commitment to nonpartisanship nor its grassroots origins. In its town hall meetings and candidate forums in thousands of local communities across the country, the league has endeavored to ensure that voters are presented with balanced information that reflects the diverse viewpoints of its membership.

It is with much admiration and gratitude, Mr. President, that I recognize this uniquely American organization and the pioneering women who founded it and strengthened it through the years. We have all benefitted tremendously from their first 75 years of service to our country. I look forward to another 75 years of great league achievements.

I think it is very important that all of us realize the great contributions that the League of Women Voters has made to our country and to the awareness of our opportunity and responsibility to vote. I think the League of Women Voters should be commended today on the 75th anniversary of their founding, and I am very proud to be part of the group that is recognizing that important date.

Mr. President, I yield the floor.

LEAGUE OF WOMEN VOTERS 75TH ANNIVERSARY

Mr. GRAMS. Mr. President, I rise today to mark the 75th anniversary of the League of Women Voters.

For many of us, America in the early 1900's is recalled mostly through the grainy, black and white images of newsreel footage. We are too young to remember American life back then, but the old films are portholes on the past. We laugh at the clothes, marvel at the cars, and wonder about the celebrities of the times whose names have long since been forgotten. We've seen newsreels of the suffragists, too, marching and protesting for the right to vote. Yet it is easy to forget that these are more than distant, cellulose images—that these are real people, with deep-felt passions about the precious right to vote.

But the League of Women Voters has not forgotten. The league, in fact, grew out of the suffrage movement and the fight to ratify the 19th amendment to the Constitution. In my home State of Minnesota, the Legislature ratified the 19th amendment on September 8, 1919. The following month, on October 29, 1919, the Minnesota League of Women Voters was formed. For the three-quarters of a century since its founding, the Minnesota league—like its national partners—has balanced a dual mission of voter education and advocacy.

Even in its earliest years, the Minnesota League of Women Voters took a leading role in nonpartisan voter education services. A 1922 booklet of Minnesota election laws—''State Election Laws Clearly Stated for the First Time!''—was an early league project, and such outreach continues today with annual Voter Guides and Election Information Hotlines. The League's election-year televised debates have become a critical source of candidate information for hundreds of thousands of Minnesota voters.

I enjoy the unique perspective of having seen the League of Women Voters at work from both sides of the political fence—as a journalist asking questions on the panel of a League debate, and as a candidate answering questions during my 1994 U.S. Senate campaign. I remain impressed by the league's ability to reach out to Minnesotans on all levels, as evidenced by its 2,500 local members in more than 100 Minnesota communities.

The League of Women Voters has earned my respect and gratitude for its 75 years of urging Americans to get involved, to vote, to take a stand on issues. A great deal has changed in this country since the newsreel days, but the league's dedication to encouraging citizen participation in their government has not. I join my Senate colleagues in saluting the League of Women Voters and its membership on their anniversary of service.

THE LEAGUE OF WOMEN VOTERS

Mrs. KASSEBAUM. Mr. President, I rise today in celebration of the 75th anniversary of the founding of the League of Women Voters. Across the country, the League of Women Voters has presented women the opportunity to study national, State, and local issues without the spin of outside interest groups of one kind or another. A nonpartisan organization, the league has played a historic role in not only the women's suffrage movement, but in a variety of issues including child labor law, education, and environmental concerns.

As a woman from the State of Kansas, I believe it is important to recognize the league's efforts to reach out to women from rural areas. Providing a forum for honest discussions, with a concentration on the facts rather than prejudiced thought, the league has proven an inspiration and an awakening for many. The league encourages women to think analytically and independently, creating opportunities to lead discussions, present the pros and cons of an issue, and learn practical use of parliamentary principles. As a result, the league has instilled in many women the belief that their contributions and opinions can and do make a difference. More importantly, however, is the realization that world issues, no matter how complex, can be understood and discussed by ordinary people.

Our current political climate includes and welcomes the participation of women at all levels of national debate and government. This is a sharp contrast from the early days of the League of Women Voters. Today, I imagine that many young women find it difficult to comprehend that women's suffrage was even an issue at the time. And, although I believe this means we have made progress, I also feel it is important to remember our history. We owe a debt of gratitude to the League of Women Voters for encouraging women everywhere to help bring this about. Freeing women of all educational backgrounds to believe they could study significant issues is a gift the league has given to women all over America.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Ms. SNOWE. Mr. President, February 14, 1995, marks the 75th anniversary of the founding of the League of Women

Voters of the United States, a nonpartisan organization with more than 1,100 chapters and 150,000 members throughout the country.

In 1848, the first national convention for women was held in Seneca Falls, NY, to discuss the conditions and rights of women in America. The suffrage movement grew out of this meeting, and in 1890 the National American Woman Suffrage Association was formed. In 1920, this organization became the League of Women Voters.

Due to the efforts of the National American Woman Suffrage Association and later the League of Women Voters, the 19th amendment to the Constitution was declared ratified by the legislatures of 36 of the 48 States. This amendment, which declares that the rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex, was first proposed to the State legislatures for ratification by the 66th Congress on June 5, 1919. My own State of Maine was the 19th State to ratify the amendment on November 5, 1919.

Fortunately for the millions of Americans over the last 75 years who have benefited from the work of the league, the vision of Carrie Chapman Catt, the league's founder, was much larger than the single-minded achievement of the ratification of the 19th amendment. She envisioned an organization which would continue to educate and motivate Americans for citizenship and responsible voting. And the league has done an excellent of achieving this vision.

For example, in my own State of Maine, the Maine League of Women Voters has over 400 members, with local branches in Portland, Brunswick, and Mount Desert Island, in addition to many members-at-large. One very important objective of the Maine League is to understand and improve the way Maine's government works. I am particularly proud of the way the Maine League carefully analyzes issues to develop consensus and follows that with strong advocacy efforts. Issues studied recently include health care, families at risk, and the environment.

I would like to submit for the record two very informative articles which were recently printed in the Brunswick Times Record. One article, written by Julie D. Stevens, discusses the history of the National League of Women Voters, while the other, written by Nan Amstutz, discusses the history of the Maine League of Women Voters. Together, these articles illustrate the profound impact of the league on Maine and America, and I ask unanimous consent that these full articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Record, Feb. 10, 1995]

THE LEAGUE OF WOMEN VOTERS OF MAINE—75 YEARS

(By Nan Amstutz)

''If only one woman in Maine wants to vote she should have that chance,'' Governor Carle Millikan argued in November 1919 when he opened the special session of Maine's legislature called to ratify the 19th amendment to the United States Constitution. Although the amendment giving women the right to vote was ratified in Maine with only a few votes to spare, it was the successful culmination of a long struggle by the Maine Woman Suffrage Association. Within a year, the Association would hold its last meeting and be replaced by a new organization, the Maine chapter of the League of Women Voters.

The road to equal suffrage in Maine had not been a smooth one. Success had appeared near when the legislature in 1917 amended the state constitution to allow women to vote, only to have the measure overturned at the polls several months later by a vote of almost two to one. Some of the parties on both sides of the debate bear names which are still familiar today. One bill to give women the right to vote had been introduced by Senator Guy Gannett and Representative Percival Baxter, both of Portland, and women's suffrage had been supported by most of the state's newspapers, including the Brunswick Record. In few other states, however, had women anti-suffragists played so conspicuous a role as in Maine, arguing that most women didn't want to vote and that participation in political life was inimical to women's natural role. Giving active support to this view was Miss Elizabeth McKeen of Brunswick.

Many of the same women who had been active in the suffrage movement now became active members of the new League of Women Voters of Maine, which began with some 60 to 75 members. Its principle legislative interest in the early years concerned the welfare of women and children, and it supported aid to dependent children, strengthened child-labor laws, improved adoption procedures, and better court treatment of juvenile offenders. Today the Maine League has over 400 members, with local branches in Portland, Brunswick, and Mt. Desert Island. As a rural state, Maine has many members-at-large, too scattered to belong to a local branch, although they sometimes gather as an informal unit as has happened in Ellsworth. Issues studied by the state League today, health care, families at risk, and the environment, are as relevant to contemporary problems as were the issues studied in 1920 to concerns of that era.

Throughout its almost 75-year history, the League of Women Voters of Maine has retained as a major focus, understanding and improving the way Maine's government works. This has meant taking on issues that are important, studying them carefully, reaching a consensus among members, and then undertaking concerted advocacy. It has meant studying such subjects as jury selection, better ways to reapportion the legislature, lengths of term in office, the state tax structure, and how to finance education. An early example of the League's focus on state government was its long and successful effort to interest the public in the need for a merit system in Maine government, an effort which culminated in the passage of the 1937 Personnel Law.

In promoting the active and informed participation of citizens in government, the League's goal is to train it's members to become leaders, although, as a non-partisan organization, it can not support them if they run for political office.

A number of League members are in the present state legislature. Rep. Jane Saxl of Bangor, a former state League president, sees the League as a training ground which gave her background and information on local and state issues and also provided her with confidence to run for office. ''I met elected officials and discovered they weren't all that different from the rest of us. Then when I read the Wisconsin League's publication, See Jane Run, I knew it was meant for me.'' Saxl served first on the local school board and later on the Bangor City Council, before running for the state legislature. ''My one claim to fame on the City Council, curbside recycling was a direct result of my League experience. Where else would I have studied subjects such as waste management or water quality?''

On February 14, members of the League throughout Maine will celebrate the national League's 75th birthday at the State House in Augusta during the League's annual ''Keys to the Capitol'' program. As Nancy Neuman, keynote speaker at the celebration, has written, ''The purpose of the League is as relevant today as it was in 1920. Making a success of American democracy is a never-ending commitment, requiring tenacity, patience, and a sense of humor.''

[From the Times Record, Jan. 27, 1995]

LEAGUE OF WOMEN VOTERS, AT 75, IS STILL GOING STRONG

(By Julia D. Stevens)

On Feb. 14, 1995, the League of Women Voters of the United States and of the state of Maine will celebrate 75 years of promoting the active informed participation of citizens in government.

Although the League was not officially founded until February 1920, on the eve of final ratification of the 19th Amendment to the Constitution giving women the right to vote, its roots had begun almost 75 years earlier. In 1848 the first national convention for women was held in Seneca Falls, N.Y., to discuss the social, civil, religious conditions and rights of women. The women at this meeting decided to fight for the right to vote, but it was not until 1890 that the National American Woman Suffrage Association was formed. In 1920, this organization became the League of Women Voters.

MIGHTY EXPERIMENT

Carrie Chapman Catt, the League's founder, designed the League to be ''a mighty political experiment''—''an anomaly, we will be a semi-political body—we want political things; we want legislation; we are going to educate for citizenship . . . we have got to be nonpartisan and all-partisan.''

Seventy-five years later, the League is still an anomaly in American politics. It is nonpartisan and political. It educates and advocates. Its members are feminist, but the League describes itself as a citizens' organization. It trains women and men leaders, but it cannot support them if they run for public office.

SOCIAL REFORMERS

The founders of the League were social reformers, concerned with protecting the rights of working-class women and advancing the status of women in American society. The first League program included: protecting women factory workers against sweatshop conditions; promoting pay based on occupation, not gender; maternal health and child welfare; independent citizenship and equal property rights for married women; uniform marriage and divorce laws; jury service for women; election law reform; a Women's Bureau in the Department of Labor; pure food laws; prevention of venereal disease; a merit system at all levels of government, and compulsory education.

VOTER EDUCATION

Voter education has always been a central focus of the League. Before every election, the League provides voters with nonpartisan information about candidates and issues. In its early days, citizenship schools to study basic principles of government were conducted across the country, and women voters were instructed how to register and vote. Nonpartisan voters guides were distributed and many state and local Leagues held candidates meetings. In 1923, ''Know Your Town'' questionnaires were developed to help new Leagues study conditions in their own communities.

Nonpartisanship, consensus on issues, and concerted advocacy are central to the League's philosophy. The League thoroughly researches and studies issues before it arrives at a public position. After weighing the pros and cons of policy choices, League members discuss areas of agreement and disagreement, eventually arriving at a consensus.

CHANGING ISSUES

During World War II the League educated the public about the importance of American democracy and was a vocal advocate for the formation of the United Nations.

The 1950s were years of growth in membership—by 1958, the League had 128,000 members. The League was active in water resources issues and through its ''Freedom Agenda'' took a visible leading role in opposing McCarthyism.

In the 1960s, the League was involved in apportionment, air and water pollution control, equal access to education, employment and education, civil rights and the women's movement.

During the 1970s, the League was active in issues such as campaign finance, voting rights, international trade, land use, solid waste, urban policies and presidential debates. In 1974 the League admitted men as full voting members. Membership peaked in 1974 at 177,838 members, with 1,340 local and 50 state Leagues.

The 1980s were years of involvement in social and environmental issues, fiscal policy, arms control, reproductive choice and agriculture. In the 1990s the League has established positions on health care and gun control, and has been instrumental in the passage of ''motor voter'' legislation.

MIDDLE OF THE ROAD

Within the American political system, the League is a moderate organization: It has been attacked by the left as too conservative, by the right as too liberal. Maud Wood Park, the League's first president (1920–24) noted that the League: ''has chosen to be a middle-of-the-road organization in which persons of widely differing political views might work out together a program of definite advance on which they could agree. . . . It has held to the belief that no problem of democracy is really solved until it is solved for the average citizen.''

For 75 years the League has prodded the nation to fulfill its promises. Making a success of American democracy is a never-ending commitment, requiring tenacity, patience and a sense of humor. In the next 75 years, the League intends to continue its efforts to educate and motivate citizens. The League plans to further diversify its membership, programs and approaches to better meet the needs of U.S. citizens. The League welcomes any citizen over 18 years of age to become a member, either as active participants or as supporters.

The League's 75th birthday party will take place on Feb. 14 at the State House in Augusta during the League's annual ''Keys To The Capitol'' program.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. DODD. Mr. President, I rise to pay tribute to the League of Women Voters which is celebrating its 75th anniversary today. On February 14, 1920, in anticipation of the ratification of the 19th amendment granting women the right to vote, this group was formed to educate these new voters about politics. By encouraging informed and active participation in government, this organization continues to play an important role in American politics. The league deserves both thanks and recognition for its efforts.

The fight for women's suffrage is a part of our history that, in my opinion, doe not receive enough attention today. We would all do well to reflect on the incredible courage and strength the women of that era demonstrated in their quest for the right to vote. The battle for women's suffrage lasted generations, and many forget that women were jailed and physically punished simply because they believed that women were created equal to men. The suffragists hoped that by winning a say in their Nation's affairs, they could better the conditions of all Americans. They were right, and the continued work of the League of Women Voters is testament to that fact.

Carrie Chapman Catt, founder of the National Woman Suffrage Association, proposed ''a League of Women Voters, nonpartisan and nonsecretarial, to finish the fight and aid in the reconstruction of the nation.'' By encouraging the participation of all citizens in government, the league has adhered to that charge, and remains a powerful force for productive change.

Today, the league is composed of both men and women who work together to strengthen the democratic process and to seek positive solutions to the problems of our time. Their efforts to increase citizen participation and educate voters exemplify the spirit that makes American government unique in the world. Eleanor Roosevelt, one of the league's more famous members, once said: ''Life was meant to be lived, and curiosity must be kept alive. One must never, for whatever reason, turn his back on life.'' These words accurately describe the league's ongoing activities. On issues ranging from agriculture to arms control, the league has been a tireless voice, and it continues to influence the course of our Nation.

I would also like to take this opportunity to commend the members of the League of Women Voters in my home State of Connecticut. Their work is indicative of the broad range of activities the league is now involved in nationwide. In addition to the many local voter education projects, Connecticut members have been extremely active working behind the scenes to gain passage of numerous pieces of crucial State legislation. They have also participated in several recent international fellowship programs. This past summer, the Connecticut League of Women Voters hosted two Hungarian fellows in the interest of promoting the exchange of democratic ideas worldwide. It is this type of information exchange that embodies the work league members have accomplished during the past 75 years.

Through its efforts, the League of Women Voters demonstrates that politics need not be partisan, and that increased participation in a democracy is always a change for the better. I congratulate and commend all members, both past and present, who have worked on these efforts. We should all take time to reflect upon the womens' suffrage movement that brought the league into existence and the vital work this organization continues to do today.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. HEFLIN. Mr. President, I want to take a moment to congratulate the League of Women Voters as it turns 75 years old today. Many congratulations are certainly in order for this outstanding organization that has done so much over the decades as ''a voice of citizens and a force for change.''

The League of Women Voters is a nonpartisan political group which encourage the informed and active participation of citizens in government, works to increase understanding of public policy issues, and influences policy through education and advocacy. Every American has benefited from the league's many contributions at the local, State, and national levels of government during its 75 years.

In 1976, the league sponsored the first Presidential debates since those famous ones in 1960. This capped a nationwide petition drive to have candidates for Nation's highest office ''Meet in public debate on the issues facing the country.'' The league also sponsored debates during the general election campaigns of 1980 and 1984, and during the primaries of 1988 and 1992.

Most of us know the league through our local chapters, since it is organized in more than 1,000 communities, in all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Its education fund, founded in 1957, provides local and State leagues with information and educational services on elections and on current public policy issues. It is renowned for its ability to make complex and controversial issues accessible to the average citizen in a clear and balanced way.

There is no more important civic duty we have as Americans than expressing ourselves through informed, consistent voting. I am proud to commend and congratulate the League of Women Voters for helping to foster that civic expression for 75 years.

COMMEMORATING THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. CONRAD. Mr. President, today we celebrate an important organization in the modern history of American politics. The League of Women Voters, a

nonpartisan organization which encourages informed and active participation in the political process, celebrates its 75th anniversary.

The League of Women Voters is open to all of American voters. The League of Women Voters is an established grassroots organization; encouraging and enabling individuals to become true participants in the important public policy and political debates of our time.

The League of Women Voters has an active presence in each of the 50 States. In North Dakota, the League of Women Voters has had an active presence for the past 45 years. The North Dakota League of Women Voters' activities include preparing voters' guides which explain ballot measures, helping communities draft governing documents, and supporting bills before the State legislature. The North Dakota League of Women Voters is a valuable asset to my State.

Mr. President, I join my Senate colleagues and the American people in congratulating the League of Women Voters on its remarkable achievements. I wish the League of Women Voters many years of continued success.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. DOMENICI. Mr. President, 1995 is the 75th anniversary of the passage of the 19th amendment, which granted women the right to vote. The year 1995 is also the 75th anniversary of the founding of the League of Women Voters. I want to commend the league for its efforts to encourage the informed and active participation of citizens in government. I particularly want to recognize the activities of the League of Women Voters in New Mexico.

In 1924, 4 years after the formation of the national league, the New Mexico League started its first chapter in Albuquerque. The league concentrated upon informing citizens on legislation before the New Mexico House and Senate. By 1949, three league chapters were active in Albuquerque, Los Alamos, and Las Vegas, NM. By 1953, two more chapters had been added in Las Cruces and Santa Fe, and members were being recruited for chapters in Tucumcari and Gallup. As membership grew, local league chapters began to work on local and federal issues in addition to issues before the State legislature.

Today, before every general election, local leagues publish voters guides and hold candidate forums and debates. Between elections, the league publishes Who's Who pamphlets listing the names of local elected officials and holds seminars on issues important to New Mexicans. Issues including health care, transportation, and children and youth have been the topics of recent seminars. These publications, forums, and seminars are valuable resources for citizens.

I would like to salute the New Mexico league for its untiring efforts to inform citizens about State, local, and national issues. I would like to particularly recognize five members of the New Mexico league who will be honored by our Governor Gary Johnson on February 24: Trula Johansson, Jessie Rudnick, Marjorie Burr, Barbara Bell, and Elizabeth Platts. Trula Johansson joined the New Mexico league in 1948 and was president of the Albuquerque/Bernalillo County chapter; Jessie Rudnick started a league-sponsored farmers market in Los Alamos; Marjorie Burr was a founder of the Las Cruces chapter; Barbara Bell organized a member-at-large league in Grants; Elizabeth Platts is past president of the Santa Fe league. These five women are outstanding examples of the contributions the league has made to New Mexico.

I also want to recognize the efforts of those who helped New Mexican women gain the right to vote. The New Mexico Federation of Women's Clubs and the Congressional Union, an organization of suffragettes, were instrumental in pressing the New Mexico State Legislature to ratify the 19th amendment to the U.S. Constitution. Mr. President, I request that an article that better describes women's suffrage in New Mexico be inserted into the RECORD at the conclusion of my remarks.

Mr. President, I salute those who worked to give women the right to vote. I salute the members of the New Mexico League of Women Voters and the principles in which they believe and support. The league believes in representative government and in the individual liberties established in the Constitution of the United States, that democratic Government depends upon the informed and active participation of its citizens, and that responsible government should be responsive to the will of the people. The league's education and advocacy activities in support of these principles have served all New Mexicans well by helping them better exercise their right to vote. On behalf of all New Mexicans, I want to express my appreciation for the hard work and dedication of the members of the League of Women Voters.

[From The League of Women Voters of New Mexico, Winter 1995]

SUFFRAGE IN NEW MEXICO

(By Shelly Shepherd, President, LWV/ABC)

I recently spoke before the Federal Aviation Administration for Women's Equality Day on the topic of Women's Suffrage in New Mexico. I am particularly interested in this topic, as we are approaching the 75th Anniversary of Passage of the 19th Amendment and the 75th Anniversary of the National League of Woman Voters of the United States.

I was surprised to find that little has been written about the Women's Movement in New Mexico. I learned that most people, including myself, have little or no knowledge about the efforts that were made and who made them. Older accounts of Women's Suffrage in the west omit New Mexico because it was the only western state without Women's Suffrage by 1914. I thought I'd share a few historic facts that I have uncovered in my research.

The first organized pressure groups for Women's Suffrage in New Mexico came during the Constitutional Convention of 1910. Before 1900, Hispanic and Anglo support was insufficient to make suffrage a real issue. In 1910, the National Women's Suffrage Association (NAWSA) had only two subscribers to its publication on suffrage. One name had ''dead'' scribbled after it, and the other person was in a Silver City sanatorium. This was hardly a suitable base for an active women's movement.

Letter from Ada Morley to the Congressional Union reporting on the campaign to have the New Mexico delegation support passage of the Susan B. Anthony Women's Suffrage Amendment in Congress, together with other letters in the National Women's Party Papers in the Library of Congress, indicate the existence of an active women's movement in New Mexico during the early 20th Century.

During the first decade of the 20th Century, several hundred New Mexico women organized into nine clubs in which women could work together on civic, educational, and cultural affairs. In 1909, women's clubs federated into a state organization. In 1910, the president of the federated organization presented a petition to delegates of the State Constitutional Convention in support of women's suffrage. Of three published memoirs, only two mention women's suffrage. One says, ''Members compromised on women's sufrage'' while the other notes, ''The very nature of New Mexico's background was against giving women the voting privilege with men.''

The 1910 Constitution gave women the right to vote in school district elections and made them eligible to hold public office as superintendent, director, or member of a local board of education. However, Article VII restricted the right of women to vote for these officials if enough men objected.

In addition, the constitutional compromise protected the elective franchise of Hispanic males, through whatever mechanism it might be achieved and 'make it virtually impossible to amendthe Constitution to give women the right to vote.'' To amend the franchise provision, three quarters of the voters in each county had to approve; and this made it exceedingly difficult to achieve voting rights for women. Ada Morley wrote to the Congressional Union, ''Federal action is our only hope.

Amid the celebrations of new statehood, a small group of women were dissatisfied with their disenfranchisement. At first, some of the club women worked through the National American Women's Suffrage Association (NAWSA) which attempted to expand its activities in New Mexico between 1912 and 1915. Deane Lindsey, an active club woman and former teacher from Portales, became State Chairman. NAWSA offered little incentive for New Mexico to become politically active, however, because it had begun to focus on suffrage referendums that were inappropriate in New Mexico.

More important than NAWSA for fueling the engine of women's discontent in New Mexico was the National Federation of Women's Clubs (NFWC) with which the New Mexico Federation of Women's Clubs (NMFWC) became affiliated in 1914.

When the Congressional Union sent their first organizer to New Mexico in 1914, New Mexico club women were ready to act. A splinter group under the leadership of Alice Paul that separated from NAWSA in 1912, the Congressional Union (CU), had adopted the militant and sophisticated pressure tactics of the ''British Suffragettes,'' as the British called their campaigners. The group of women that the CU pulled together in New Mexico launched its first campaign in 1915,

continued to mobilize during the war, and remained the most active organization during the ratification battle. Once the state network was set up, CU organizers planned the type of pageant that the CU had made famous—a mass meeting, a parade, and a deputation to Senators Thomas Catron and Albert Fall.

The woman who rallied to the CU were not representative of various regions of New Mexico, ethnic groups, or classes. They were predominantly Anglo elite centered in Santa Fe, Albuquerque, and other northern cities. An overwhelming number of the members' husbands identified with the Republican Party, the dominant party in the state at the time.

Ella St. Clair Thompson, CU organizer in New Mexico in 1915, made efforts to recruit daughters of Hispanic politicians. Thompson had leaflets printed in Spanish and English. Although the CU records only mention six Hispanic women as participants, these six were key players. Aurora Lucero, daughter of the Secretary of State, joined, as did three nieces of Solomon Luna, including 34 year old widow Adelina Otero-Warren, who became the most influential woman in the CU.

If any woman could be credited as being the ''Susan B. Anthony of New Mexico,'' it would be Adelina Otero-Warren.

Beginning as a timid woman unwilling to speak in public, Adelina gradually became a political force. Her uncle, Solomon Luna, the powerful and popular head of the Republican Party, had died in 1912; but her father was still active in politics. And other Otero males were moving into positions in the Republican Party. In 1917, Otero-Warren was appointed school superintendent in Santa Fe, and in 1918 she defeated a male opponent to retain this elective position. Otero-Warren guided the last phase of the campaign to pry the amendment out of Congress. She accepted leadership of the New Mexico CU and was soon skillfully evaluating local tensions among factions. She stated, ''I will keep out of local fuss but will take a stand and a firm one whenever necessary.'' Otero-Warren kept the group intact through the war and only resigned from the CU to become chair of the Women's Division of the Republican State Committee for New Mexico.

The women in the CU realized, after storming the office of US Senator Catron (Senior congress Member) on the suffrage matter, that he would not budge from his anti-suffrage position. ''He thinks all we are good for is to stay home, have children, have more children, cook and wash dishes,'' a suffragette complained bitterly after Catron rebuffed one delegation. Other U.S. Congressmen from New Mexico were unwilling to openly endorse suffrage as long as Catron opposed it.

Republican women moved into action by nominating another candidate to Catron's seat. They were unsuccessful in urging the Republican party to nominate pro-suffrage candidate Frank Hubbel in 1916. That year, for the first time, parties in New Mexico supported the suffrage amendment.

The CU maintained its bipartisan stand in the election of 1916, opposing Democrats who would not endorse suffrage and refusing to campaign for Republicans. Both Hubbell and Hernandez (Republicans) were defeated in the Wilson landslide of 1916. The 1916 election placed two pro-suffrage Democrats from New Mexico in Congress—William Walton and Andreius Jones.

Senator Jones, who replaced Catron in Congress, moved into the chair of the Senate Committee on Women's Suffrage. He proved his support by visiting CU militants jailed for their Washington protests.

When Senator Walton began to waiver on suffrage, Otero-Warren turned up the political heat. This last minute pressure steadied Walton so that he voted for the 19th Amendment that passed the House of Representatives in January, 1918. The Senate voted favorably in June, 1919.

With the federal amendment out of Congress, political focus now shifted back to New Mexico where the Legislature had to approve the amendment. Suffragettes were so confident that the amendment would easily pass in the January, 1919 session that the new head of the state CU, now calling itself the National Women's Party (NWP), made the mistake of leaving for California. Otero-Warren lobbied among the Hispanics, and the amendment passed the House early. New Mexico was predicted to be one of the first states to ratify the amendment. However, in the Senate a Republican member sidetracked the amendment by substituting a state referendum measure which, as everyone knew, could not pass. This defeat bitterly disappointed women and national suffrage leaders.

Women knew that the longer the ratification process took, the more the opposition would organize against its passage. Anti-suffragists began labeling those supporting suffrage as disloyal and Bolshevik agents. Suffrage leaders were compelled to spend time refuting claims of the ''anti's'' that women would vote socialist once they were enfranchised during this ''red scare'' period. The National Women's Party was militant in its activism during the war, even picketing the President. This distressed more moderate suffragists. The two major suffrage groups thus became divided because the leadership believed in different tactics.

Early in 1920 Arizona and Utah ratified after governors from these states promised their support. Governor C.A. Larrazolo of New Mexico promised the NAWSA and NWP leaders passage of the amendment at a special session called for February 16, 1920. If New Mexico ratified as the 32nd state, only 4 more would be needed for passage of the 19th Amendment.

Final victory in New Mexico resulted from coalition work by NWP and Republican Women. Otero-Warren swung into action in January, lining up Republican leaders behind the amendment. Republican anti-suffragists hoped to convince Hispanics that women's suffrage was against their interests and convince them to vote it down. Anglo politicians could then blame Hispanic males for the defeat of a law Anglos did not want enacted.

Suffragist women packed the Senate galleries to hear the final debate, and Republicans shifted support to the amendment. On February 19, 1920, the Senate ratified the amendment by a vote of 17 to 5. On the last day of the struggle, February 19, 1920, after the Senate had ratified and the House had balked at passing the amendment, Otero-Warren spent three hours in a Republican caucus. Dan Padilla withdrew his referendum proposal; Republican leader R.I. Baca shifted to support the amendment; and the House ratified the amendment 36 to 10. New Mexico became the 32nd state to ratify.

Oklahoma, Washington, and West Virginia followed New Mexico. The final battle was fought in Tennessee, where anti-suffragists were accused of buying votes and instigating opposition of every sort. On August 15, 1920, Tennessee ratified! After almost a century of talk about suffrage and more than a decade of campaigning in New Mexico, women had the right to vote. We owe a great vote of thanks to Adelina Otero-Warren and all those who worked with her for so many years. I only hope that we can have this type of dedication to work toward favorable resolution of issues which face the League and our country both now and in the future.

THE 75TH ANNIVERSARY OF LEAGUE OF WOMEN VOTERS

Mrs. FEINSTEIN. I am proud to join today with my colleagues in celebrating the 75th anniversary of an organization that has focused on bringing women into the political system:

As people who are informed.

People who ask questions.

People who take an active role.

People who can make a difference.

People who would become U.S. Senators.

I believe that it is fair to say that the League of Women Voters, not alone, but with others, has served as the backbone, a sort of grassroots engine moving women forward, not only as activists, but as leaders.

The league was founded in 1920 at the Chicago convention of the National American Woman Suffrage Association, 6 months prior to passage of the 19th amendment granting women the right to vote. On the eve of its establishment, Carrie Chapman Catt, its founder said:

> Winning the vote is only the opening wedge, but to learn to use it is a bigger task.

And thus, for 75 years the league has been teaching its membership and all citizens how to use the power of the vote. The league fought to make candidate debates part of campaigning for elective office.

At the national level, it has educated and engaged women in the debate over foreign policy and organized the grassroots on domestic issues—the equal rights amendment, the Voting Rights Act, voter registration reform, and campaign reform to name a few.

At the local level, the league has served to educate the electorate about important public policy issues by sponsoring forums for candidate debates, and providing guides to the issues on the ballot, and more.

In the February 1995, issue of ''Today's Voter'' a newsletter put out by the League of Women Voters of San Bernadino, CA, the organization's president, Jan Green, said there are four kinds of bones:

She said, and I quote:

> The body of a club or group is made of four kinds of bones: the wishbones, who spend all their time wishing someone would do all the work; the jawbones, who do all the talking but very little else; the knucklebones who knock everything that everybody else tries to do; and the backbones who get under the load and do the work as they enjoy the fun of fellowship that come with it.

These words were obviously prodding the membership of the organization toward greater participation in the work of the league. But I believe that these words provide something even more for both elected officials and the electorate.

For elected officials, it is a call for quality representation. Leadership not filled with a lot of talk—political rhetoric on partisan bickering. It is a call for leadership that respects the political process, and the institutions that have served this country well for over

200 years and hopefully long in the future.

For the electorate, it is a call to greater engagement in the political process and the decisions that will shape our future. To go beyond the surface of soundbites and look deeper to the heart of the issues. And most importantly, to vote on election day.

While the influence of the League of Women Voters in shaping the role of women in politics cannot be overstated, I believe their role in the coming years will be equally as important, if not more important. Important victories have been won for women, in terms of the number of elected officials at the national, State, and local levels, and in terms of the legislative victories that have resulted.

In this session, alone critical issues for women are on the table—research for women's health, reproductive choice, welfare reform, and equal opportunity to name a few. The role of the league becomes vital in preserving those gains, whether it be by energizing women voters on election day or galvanizing their forces behind important issues on the legislative agenda.

I want to thank the League of Women Voters for the valuable work it has done for 75 years and for it continued work on issues important to women, in particular, and the electorate at-large.

Thank you, Mr. President.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mr. KENNEDY. Mr. President, today marks the 75th anniversary of the founding of the League of Women Voters. It is with pleasure on this auspicious anniversary to salute this organization that has become an American institution.

Founded in 1920, the League of Women Voters was born out of the women's suffrage movement, just 6 months before the 19th amendment granted women the right to vote. During its 75-year history, the league has made unparalleled contributions to the advancement of public policy and to groundbreaking legislation that changed the Nation.

Across the United States, the League of Women Voters has worked tirelessly to educate citizens about their rights and responsibilities, and to increase voter participation in the political process. Initiatives such as the public policy forums, candidate debates, voter guides and courses in the schools are just a few examples of the contributions by the league to the best of the American political tradition.

Through its membership, the league has played an essential role in promoting the involvement of citizens at all levels of government. Its success in mobilizing voters and improving the policymaking process is evident in the history of this Nation's most significant legislation. The Social Security Act, the Clean Air Act, and the National Voter Registration Act are examples of the league's policy and legislative accomplishments.

In Massachusetts, the league has been a valuable and respected presence. The League of Women Voters of Massachusetts was founded in 1920 as one of the first leagues in the country, and continues to have the largest number of local league chapters in the United States.

The Massachusetts league has been vigorous in the achievement and protection of basic advances in reproductive rights, gun control, education, and civil rights. It has worked hard to prevent and treat child abuse and neglect, and to combat domestic violence against women and children. It has also had a significant impact in the struggle to preserve and protect our environment, and has been an effective leader on issues such as recycling and hazardous waste collection.

I commend the League of Women Voters for its success, and for its outstanding contributions to the Nation. It has been an honor to work with the league over the years, and I look forward to working closely with the league in the years ahead.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mrs. BOXER. Mr. President, today we celebrate 75 years of achievement by the League of Women Voters.

In the 75 years since women won the vote and the League of Women Voters was founded, the league has enabled millions of women and men to cast an informed vote through political education. The League of Women Voters in my home State of California, while excelling at that worthy goal, also has been a leader in the effort to promote equality, involve citizens in shaping their government, and build a better California for our children.

From filing a brief advocating a minimum wage in 1923, to producing award-winning environmental videos in the 1990's, the League of Women Voters of California has had a long and distinguished history.

In 1992, the League of Women Voters of California held their first convention at the St. Francis Hotel in San Francisco, and 70 delegates attended. Today, the California league has over 70 chapters around the State and over 10,000 members.

In 1935, the league of California spoke out in support of unemployment insurance and they worked for tougher child labor laws in 1942. In 1969, the league helped pass stronger water pollution laws, and then in 1976, they helped pass the Coastal Act Initiative to protect California's coastline. In 1987, the league registered thousands of high school seniors to vote. In the 1990's, the league in California has spoken out and provided crucial information to voters on issues ranging from hazardous waste to reproductive choice.

Most important, the efforts of the League of Women Voters to ensure equality at the ballot box, in our schools, and in the workplace, have helped open up opportunities for women to succeed at all levels of American life. The league has inspired millions of women to learn the issues, get involved, and vote.

The past 75 years have been filed with both struggles and accomplishments. As I look back at the rich history of the League of Women Voters, I can only hope that future generations of women will have the league to educate them, inform them, and motivate them to become involved in their communities.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mrs. MURRAY. Mr. President, I rise this morning in honor of the 75th anniversary of the League of Women Voters of the United States.

Founded in 1920, out of the Women's suffrage movement, the leagues has served 75 years educating voters about the most complex public issues of the day.

The league has an impressive history. It has a long tradition of providing voters information—from the first national radio broadcast of a candidate forum in 1928, to its Emmy-Award-winning 1976 debates between former Presidents Jimmy Carter and Gerald Ford.

The league encourages citizen participation in the democratic process. The organization has educated and advocated on issues ranging from—passage of the 19th amendment to the U.S. Constitution giving women the right to vote—to the passage of the motor-voter law in the last Congress.

And, the leagues doe not shy away from taking on the issues. For example, in 1955, the league's president testified against Senator Joseph McCarthy's abuse of congressional investigative powers.

Organized in thousands of communities throughout the Nation, the league emphasizes the need for government to be representative, accountable, and responsive.

Mr. President, the League of Women Voters is an excellent organization and I am proud to honor the league's 75th anniversary today.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

HALEYVILLE, AL, EMERGENCY 911 DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 78, a resolution designating Haleyville, AL, Emergency 911 Day, submitted earlier today by Senator HEFLIN; that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table; and that any statements appear in the RECORD, as if read.

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

So the resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 78), with its preamble, reads as follows:

S. RES. 78

Whereas 27 years ago a new era of providing emergency service was ushered in with the creation of the emergency 911 service;

Whereas the first emergency 911 service in the United States was developed by the independent Alabama Telephone Company, a member of the Continental system;

Whereas the Alabama Telephone Company chose Haleyville, Alabama, as the site of the first emergency 911 service in the United States;

Whereas Haleyville, Alabama, became the birthplace of emergency 911 service on Friday, February 16, 1968, when a demonstration call was made from Alabama Representative Rankin Fite of Hamilton, Alabama, at the Haleyville City Hall, to United States Representative Tom Bevill of Jasper, Alabama, at the Haleyville Police Department;

Whereas the historic first call began service that now serves the entire United States and has saved thousands of lives during the past 27 years; and

Whereas numerous men and women in the Haleyville area have conscientiously answered thousands of emergency phone calls during the past 27 years and have provided fast assistance as well as needed assurance to victims of accidents, crime, and illness: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating February 16, 1995, as ''Haleyville, Alabama, Emergency 911 Day'' and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayer.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Monday, February 13, 1995, the Federal debt stood—down to the penny—at exactly $4,805,964,501,071.04 (or $18,243.52 per person).

Mr. President, it is important that all of us monitor, closely and constantly, the incredible cost of merely paying the interest on this debt. Last year, the interest alone on the Federal debt totaled $190 billion.

Mr. President, my hope is that the 104th Congress can and will bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through February 10, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 218), show that the current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion, $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated January 30, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 13, 1995.

Hon. Pete Domenici, Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through February 10, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated January 30, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1995 104TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS FEBRUARY 10, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
ON–BUDGET			
Budget authority	1,238.7	1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	−0.8
1995–99[3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,712.6	−252.5
OFF–BUDGET			
Social Security outlays:			
1995	287.6	287.5	−0.1

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1995 104TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS FEBRUARY 10, 1995—Continued

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
1995–99	1,562.6	1,562.6	0.[4]
Social Security revenues:			
1995	360.5	360.3	−0.2
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

[4] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS FEB. 10, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	.....	.....	978,466
Permanents and other spending legislation	750,307	706,236	.....
Appropriation legislation	738,096	757,783	.....
Offsetting receipts	(250,027)	(250,027)	.....
Total previously enacted	1,238,376	1,213,992	978,466
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	.....
Total current level[1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	.....
Over budget resolution	.....	.....	766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

DEATH OF ROBERT MIER

Mr. SIMON. Mr. President, I rise today to commemorate Robert Mier, a distinguished Illinoisan who died of lymphoma on February 5. Mr. Mier's impact on cities in Illinois and throughout the world has been great.

Robert Mier served as the city of Chicago's economic development director from 1983 to 1989. During this time, he was the architect of Chicago's 1984 development plan, which became a national model for equity-oriented local municipal development. Mier's approach emphasized jobs, neighborhoods, and equitable distribution of resources and opportunities as a means to combat urban crime and poverty. During his Chicago tenure, Mr. Mier also spearheaded efforts to fight plant closings, and he worked toward empowering neighborhoods to spur development.

Mr. Mier joined the faculty of the University of Illinois in 1975, specializing in teaching and research on community economic development, social policy planning and methods of implementation. As founder of the University of Illinois' Center for Urban Economic Development, Mier prepared future generations in a ''bottom up'' approach to dealing with the problems facing our cities. The center continues today to provide technical assistance to community-based development organizations and policy research on local development.

More recently, Mr. Mier focused on writing and teaching, while still remaining active in developing urban economic programs in Chicago, as well as Los Angeles, Denver, and Belfast, Ireland.

Robert Mier's passing leaves a great void that will be felt not only by his family, friends, and colleagues, but by the world as well. His life is a sterling example of an activist leader of an important cause, whose insight and commitment will inspire generations to come.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–31. A resolution adopted by the Association of Hawaiian Civic Clubs relative to agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

POM–32. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on the Judiciary.

''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 Minnesota 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 Minnesota's Senators and Representatives in Congress.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 244. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes (Rept. No. 104–78).

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. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the coversion of cropped wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 400. A bill to provide for appropriate remedies for prison conditions, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 401. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider; to the Committee on Finance.

By Mr. KOHL:

S. 402. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. INOUYE, and Mr. JEFFORDS):

S. 403. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

S. 404. A bill to consolidate the administration of defense economic conversion activities in the Executive Office of the President; to the Committee on Armed Services.

S. 405. A bill to amend the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 to give priority in the provision of community economic adjustment assistance to those communities most seriously affected by reductions in defense spending, the completion, cancellation, or termination of defense contracts, or the closure or realignment of military installations; to the Committee on Armed Services.

S. 406. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies to the recipient's surviving spouse, subject to a reduction of 50 percent in the last monthly payment if the recipient dies during the first 15 days; to the Committee on Finance.

S. 407. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 408. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

S. 409. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 410. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. COHEN):

S. 412. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. LEAHY, Mr. LAUTENBERG, and Mr. KERRY):

S. 413. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 414. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. BINGAMAN):

S. 415. A bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. LEAHY):

S. 416. A bill to require the application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL:

S. 417. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

By Mr. CONRAD. (for himself, Mr. DASCHLE, Mr. WELLSTONE, and Mr. BAUCUS):

S. 418. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN:

S. Res. 78. A resolution to request the President to issue a proclamation designating February 16, 1995, as ''Haleyville, Alabama, Emergency 911 Day,'' and for other purposes; considered and agreed to.

By Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. FRIST, Mr. BROWN, Mr. MURKOWSKI, Mr. BENNETT, and Mr. GRAMM):

S. Con. Res. 6. A concurrent resolution to express the sense of the Congress that the Secretary of the Treasury should submit monthly reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives concerning compliance by the Government of Mexico regarding certain loans, loan guarantees, and other assistance made by the United States to the Government of Mexico; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropped wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WETLANDS REFORM LEGISLATION

Mr. DASCHLE. Mr. President, in 1985, as part of the farm bill, Congress enacted landmark legislation to protect America's wetlands. The swampbuster provision, as it is called, significantly reduced artificial incentives to drain agricultural wetlands.

In 1990, Congress reauthorized the farm bill. In the process, it evaluated problems that emerged from the implementation of the swampbuster provision and modified the law to meet those concerns.

It is now time for Congress to pass a new multiyear farm bill. Once again, this exercise provides an opportunity to address legitimate problems in wetlands policy.

Let me be clear. America's agricultural producers understand the need for wetlands conservation. Farmers accept that agricultural wetlands provide critical habitat for birds, animals and plants, and supply a mix of other benefits such as water storage, water purification and aesthetics that often decline when wetlands are altered.

But farmers are also rightfully concerned about the arbitrary way in which certain wetlands regulations are enforced by the USDA. And so am I.

I've spoken with farmers all across South Dakota who are deeply frustrated by the inflexibility of certain USDA wetlands regulations. I've heard horror stories about farmers who have been slapped with huge fines—ruinous fines—for unintentional and accidental violations of the law.

I've looked into many of these claims and found the complaints to be legitimate. Farmers have been penalized unfairly because of the inflexibility of agricultural wetlands policy. And some of the problems are a result of a lack of agreement between various Federal agencies regarding the intent of the swampbuster legislation.

The vast majority of farmers are doing everything they know how to preserve wetlands. They understand it is in their interest to do so. But no one can comply with regulations if they cannot understand them, or if the agencies responsible for enforcing them can't agree on policy.

The bill we are introducing today establishes a simpler, more flexible agricultural wetlands policy. It provides a reasonable, commonsense approach to real problems that farmers face while at the same time protecting our Nation's precious wetlands.

Our legislation addresses three major problems. First, it simplifies the rules under which farmers may mitigate wetlands.

Second, it reforms the penalty system to distinguish between inadvertent or accidental damage and willful destruction of wetlands.

And third, it provides farmers who voluntarily agree to conserve wetlands with a fair return from their land.

Under the current law, farmers are allowed to move and replace an existing wetland, but only if they agree to restore a wetland that had been drained prior to December 31, 1985. This process is called mitigation.

The new law extends this option to agricultural wetlands that are frequently farmed but were not drained before 1985. It will add flexibility for producers by giving them another option to choose from while still protecting valuable wetlands.

That's the first section of this bill.

The bill also makes a distinction between accidental and willful harm to wetlands. As many of you know, the penalties for wetlands violations—even minor violations—sometimes are so harsh that they can literally force farmers out of business. I spoke with one South Dakota farmer, for instance, who was going to be fined $97,000 because someone else had driven a tractor through a wetlands area on his farm without his knowledge or consent. The tractor had caused deep ruts and altered the condition of the wetland.

Fortunately, the USDA agreed to reduce the fine if the farmer restored the property to its original condition. However, he still had to pay a fine of $2,000 for a violation he did not commit.

This bill reduces the penalty for first-time violations if—and only if—the producer acted in good faith. Instead of being subjected to huge fines, the farmer would be required to restore the wetland to its former condition. The proposal would still deal firmly with repeat violators by subjecting them to graduated fines up to $10,000. And those who willfully destroy wetlands would face repayment of program benefits and expulsion from future farm programs.

Finally, this legislation gives farmers who voluntarily retire some of their acreage a fair return for their land by permitting them to enroll wetlands in the Federal Conservation Reserve Program. Farming is risky business that often operates on narrow profit margins. Farmers cannot afford to retire productive acreage without receiving some compensation.

Mr. President, our proposal is based on the original intent of the Swampbuster legislation, which was to encourage producers to do the right thing, not to drive them out of business. We can protect America's fragile wetlands without ruining producers financially or punishing them unjustly. The key is sensible, flexible regulations that motivate, rather than discourage, compliance. This legislation meets that test, and I hope that the appropriate congressional committees will give it timely and serious consideration.

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. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVERSION OF CROPPED WETLAND.

(a) EXEMPTIONS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended—

(1) in subsection (f)(2), by inserting after ''1985,'' the following: ''through the enhancement of cropped wetland described in section 1231(b)(4)(F), or through the creation of a wetland,''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''may be reduced under paragraph (2)'' and inserting ''shall be waived'';

(B) by striking paragraph (2) and inserting the following:

''(2) GRADUATED SANCTIONS.—In lieu of making a person ineligible under section 1221, the Secretary shall reduce by not less that $750 nor more than $10,000, depending on the degree to which wetland functions and values have been impaired by the violation

of section 1221, program benefits described in section 1221 that the person would otherwise be eligible to receive in a crop year if the Secretary determines that—

''(A) the person—

''(i) is actively restoring the wetland under an agreement entered into with the Secretary to fully restore the characteristics of the converted wetland to its prior wetland state; or

''(ii) has previously restored the characteristics of the converted wetland to its prior wetland state, as determined by the Secretary; and

''(B) the Secretary determines that—

''(i) the penalty for violation of section 1221 has been waived under paragraph (1) for the person only once in the previous 10-year period on a farm of the person; and

''(ii) the person converted a wetland, or produced an agricultural commodity on a converted wetland, in good faith and without the intent to violate section 1221.''; and

(C) by adding at the end the following;

''(4) AFFILIATED PERSONS—If a person is subject to a reduction in benefits under section 1221 or this section and the affected person is affiliated with other persons for the purpose of receipt of the benefits, the reduction in benefits of the affiliated persons under section 1221 or this section shall be in proportion to the interest held by the affected person.''.

(b) CONSERVATION RESERVE.—Section 1231(b)(4) of the Act (16 U.S.C. 3831(b)(4)) is amended—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F) if the crop land is a wetland on which the owner or operator of a farm or ranch uses normal cropping or ranching practices to produce an agricultural commodity in a manner that is consistent for the area where the production is possible as a result of a natural condition, such as drought, and is without action by the producer that destroys a natural wetland characteristic.''.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 400. A bill to provide for appropriate remedies for prison conditions, and for other purposes; to the Committee on the Judiciary.

THE STOP TURNING OUT PRISONERS ACT

Mrs. HUTCHISON. Mr. President, I have introduced a bill today called the STOP Act. The purpose of the STOP Act is to keep our Federal courts from taking over State prisons. Many States today are operating at over 100 percent capacity. In my State of Texas, however, the Federal courts have ruled in the Ruiz case that on any given day 6,100 beds, 14 percent of total space available in Texas, are vacant. This Ruiz settlement has forced many of our State prisons to maintain a permanent vacancy rate of 11 percent.

What has happened, Mr. President, is that there has been release of violent criminals early. They are serving an average of 2 months for every year of their sentence in my State to comply with a ruling that is patently unreasonable.

This is actually a compromise. This bill will curb the ability of Federal courts to take over the policy decisions of State prisons, particularly when they do not have any responsibility to pay for these added costs. A massive construction program in Texas that will be completed within the next year will give the State of Texas an official prison capacity of 146,000. But if we could eliminate the effect of this case, we could add 6,000 more people who would serve their sentences and would not be going out on the streets of Texas murdering, raping, and injuring the people of my State.

In fact, Mr. President, I have to say that one of my friends from college, a wonderful person, was murdered by one of these early-release prisoners. It was a stunning thing to happen. Unfortunately, that was not the only time it has happened in my State.

Our present system today is operating and constructing prisons with a budget of $3.75 billion and is expected to grow to $4.4 billion for the next 2-year period beginning September 1 of this year. What we are going to try to do with this bill is pare back the ability of Federal judges to substitute their judgment for that of State governments who are required to keep the people safe and also, of course, to keep the prisoners in prison. It is their job to pay for it; it is their job to implement criminal law in their States.

The bill will set out the right for prisoners to live as comfortably as possible. But that will not be more important than the right of the victims, the right of the people to live safely in their neighborhoods. It is a matter of prioritizing what the rights are.

I think it is very important that we speak to this issue, and I am very proud that the House of Representatives has already done so. Congressman BILL ARCHER sponsored this bill in the House and has put it on as an amendment to a bill that will be coming to the Senate shortly. I think it is important that I have introduced the bill today, because what has happened in my State is so stark and we are spending billions on prisons because of this onerous decision which was not appealed. I had urged that it be appealed but it was not. So we are building these extra prisons because of a ruling that I think could have been appealed and would have been overturned at the appellate level. It will give standing to local officials and State government officials to step in on a case when they think that the Federal courts have gotten out of line.

We need relief and many other States in this country need relief. After all, the Federal prisons are operating at approximately 160 percent of capacity. Yet, in my State, it is lower than 90 percent capacity. We certainly need those extra beds. What has happened is, of course, our counties are burgeoning with prisoners that they cannot send up to the State prison system because there is no space under this onerous ruling. So I have introduced this bill today. I hope we can get swift enactment and, most especially, I hope if the bill comes over from the House, that we will be able to make sure that is also in the Senate bill.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 401. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider; to the Committee on Finance.

HARD APPLE CIDER TAX TREATMENT LEGISLATION

Mr. LEAHY. Mr. President, today, I am introducing tax legislation designed to stimulate the apply industry in the United States. I am pleased that my friend from Vermont, Senator JEFFORDS, is joining me as an original cosponsor of this bill.

In recent years, hard apple cider or apple cider with an alcohol level at or below 7 percent has emerged as a popular alternative to beer. Current tax law, however, unfairly taxes hard apple cider at a much higher rate than beer despite the two beverages similar alcohol levels. The bill I am introducing today will correct this inequity.

Present law taxes hard apple cider regardless of its alcohol level as a wine, subject to a tax of $1.07 per wine gallon. My legislation would clarify that hard apple cider containing not more than a 7-percent alcohol level be taxed as beer, subject to a tax of approximately 22.6 cents per gallon. The legislation would continue taxing small domestic producers of hard apple cider at a reduced rate.

I believe this small tax change would allow hard apple cider producers to compete fairly with beermakers. As hard apple cider grows in popularity, applegrowers and processors across the country should prosper because hard apple cider is made from culled apples, the least marketable apples. I have received letters from the Vermont Department of Agriculture, the New Hampshire Department of Agriculture, the Maine Department of Agriculture, and the New York Apple Association in support of this legislation.

Mr. President, I ask for 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. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TAX TREATMENT OF HARD APPLE CIDER.

(a) HARD APPLE CIDER CONTAINING NOT MORE THAN 7 PERCENT ALCOHOL TAXED AS BEER.—Subsection (a) of section 5052 of the Internal Revenue Code of 1986 (relating to definitions) is amended to read as follows:

''(a) BEER.—For purposes of this chapter (except when used with reference to distilling or distilling material)—

''(1) IN GENERAL.—The term 'beer' means beer, ale, porter, stout, and other similar fermented beverages (including saké or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume brewed or produced from malt, wholly or in part, or from any substitute therefor.

''(2) HARD APPLE CIDER.—The term 'beer' includes a beverage—

''(A) derived wholly (except for sugar, water, or added alcohol) from apples containing at least one-half of 1 percent and not more than 7 percent of alcohol by volume, and

''(B) produced by a person who produces more than 100,000 wine gallons of such beverage during the calendar year.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 5041 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended by striking ''wine)'' and inserting ''wine, but not including hard apple cider described in section 5052(a)(2))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply on and after the date of the enactment of this Act.

By Mr. KOHL:

S. 402. A bill to provide for the appointment of one additional Federal district judge for the Eastern District of Wisconsin, and for other purposes; to the Committee on the Judiciary.

THE WISCONSIN FEDERAL JUDGESHIP ACT OF 1995

● Mr. KOHL. Mr. President, I introduce the Wisconsin Federal Judgeship Act of 1995, which would create an additional Federal judgeship for the Eastern District of Wisconsin and situate it in Green Bay, where a district court is crucially needed. Let me explain how the current system hurts—and how this additional judgeship will help—businesses, law enforcement agents, witnesses, victims, and individual litigants in northeastern Wisconsin.

The four full-time district court judges for the Eastern District of Wisconsin currently preside in Milwaukee. Yet for most litigants and witnesses in northeastern Wisconsin, Milwaukee is well over 100 miles away. Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed, driving from Green Bay to Milwaukee takes nearly 2 hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and the driving time alone often results in witnesses traveling for a far longer period of time than they actually spend testifying.

Moreover, Mr. President, as is the case all across America, Federal crimes are on the rise in northeastern Wisconsin. These crimes range from bank robbery and kidnapping to Medicare and Medicaid fraud. The trials for these crimes are held in Milwaukee, requiring victims and witnesses to travel a substantial amount of time, and passing on to the taxpayers the expenses for transportation, board, and housing.

Mr. President, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these cases are never filed—precisely because the northern part of the State lacks a Federal court.

Prosecuting cases on the Menominee Indian Reservation causes specific problems that alone justify a Federal judge in Green Bay. Under current law, the Federal Government is required to prosecute all felonies committed by Indians that occur on the Menominee Reservation. The reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic. And because the Justice Department compensates attorneys, investigators, and sometimes witnesses for travel expenses, the existing system costs all of us.

Mr. President, the creation of an additional judgeship in the Eastern District of Wisconsin is clearly justified on the basis of caseload. In 1994 the Judicial Conference, the administrative and statistical arm of the Federal judiciary, recommended the creation of additional Federal judgeships in 16 different judicial districts. In determining where to place these judges, the Conference looked primarily at ''weighted filings,'' that is, the total number of cases filed per judge modified by the average level of case complexity. In 1994, new positions were justified where a district's workload exceeded 430 weighted filings per judge. On this basis, the Eastern District of Wisconsin clearly merits an additional judgeship: it tallied more than 435 weighted filings in 1993 and averaged 434 weighted filings per judge between 1991–93. In fact, though our bill would not add an additional judge in the Western District of Wisconsin, we could make a strong case for doing so because the average weighted filings per judge in the Western District was almost as high as in the Eastern District.

Mr. President, this legislation is simple, effective, and straightforward. It creates an additional judgeship for the Eastern District, requires that one judge hold court in Green Bay, and gives the Chief Judge of the Eastern District the flexibility to designate which judge holds court there. And this legislation would increase the number of Federal district judges in Wisconsin for the first time since 1978. During that period, more than 252 new Federal district judgeships have been created nationwide, but not a single one in Wisconsin.

And don't take my word for it, Mr. President, ask the people who would be most affected: each and every sheriff and District Attorney in northeastern Wisconsin urged me to create a Federal district court in Green Bay. I ask unanimous consent that a letter from these law enforcement officials be included in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a letter from the U.S. Attorney for the Eastern District of Wisconsin, Tom Schneider, also be included. This letter expresses the support of the entire Federal law enforcement community in Wisconsin—including the FBI, the DEA, and the BATF—for the legislation I am introducing. Perhaps most importantly, the people of Green Bay also agree on the need for an additional Federal judge, as the endorsement of my proposal by the Green Bay Chamber of Commerce demonstrates.

In conclusion, Mr. President, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most importantly, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin. As the courts are currently arranged, the northern portion of the Eastern District is more remote from a Federal court than any other major population center, commercial or industrial, in the United States. For these sensible reasons, I urge my colleagues to support this legislation and its House companion, H.R. 362, introduced by my good friend Representative TOBY ROTH.

We hope to enact this measure, either separately or as part of an omnibus judgeship bill the Judiciary Committee may consider later this Congress.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

(a) SHORT TITLE.—This Act may be cited as the ''Wisconsin Federal Judgeship Act of 1995''.

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the eastern district of Wisconsin.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, shall reflect the change in the total number of permanent district judgeships authorized under subsection (a), such table is amended by amending the item relating to Wisconsin to read as follows:

''Wisconsin:

''Eastern 5

.....

''Western ..... 2''.

(d) HOLDING OF COURT.—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

AUGUST 8, 1994.

Senator HERB KOHL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KOHL: We are writing to urge your support for the creation of a Federal District Court in Green Bay. The Eastern District of Wisconsin includes the 28 eastern-most counties from Forest and Florence Counties in the north to Kenosha and Walworth Counties in the south.

Green Bay is central to the northern part of the district which includes approximately one third of the district's population. Currently, all Federal District Judges hold court in Milwaukee.

A federal court in Green Bay would make federal proceedings much more accessible to the people of northern Wisconsin and would alleviate many problems for citizens and law enforcement. Travel time of 3 or 4 hours each way makes it difficult and expensive for witnesses and officers to go to court in Milwaukee. Citizen witnesses are often reluctant to travel back and forth to Milwaukee. It often takes a whole day of travel to come to court and testify for a few minutes. Any lengthy testimony requires an inconvenient and costly overnight stay in Milwaukee. Sending officers is costly and takes substantial amounts of travel time, thereby reducing the number of officers available on the street. Many cases are simply never referred to federal court because of this cost and inconvenience.

In some cases there is no alternative. For example, the Federal government has the obligation to prosecute all felony offenses committed by Indians on the Menominee Reservation. Yet the Reservation's distance from the Federal Courts and prosecutors in Milwaukee poses serious problems. Imagine the District Attorney of Milwaukee being located in Keshena or Green Bay or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

As local law enforcement officials, we try to work closely with other local, state and federal agencies, and we believe establishing a Federal District Court in Green Bay will measurably enhance these efforts. Most important, a Federal Court in Green Bay will make these courts substantially more accessible to the citizens who live here.

We urge you to introduce and support legislation to create and fund an additional Federal District Court in Green Bay.

Gary Robert Bruno, Shawano and Menominee County District Attorney.
Jay Conley, Oconto County District Attorney.
John DesJardins, Outagamie County District Attorney.
Douglas Drexler, Florence County District Attorney.
Guy Dutcher, Waushara County District Attorney.
E. James FitzGerald, Manitowoc County District Attorney.
Kenneth Kratz, Calumet County District Attorney.
Jackson Main, Jr., Kewaunee County District Attorney.
David Miron, Marinette County District Attorney.
Joseph Paulus, Winnebago County District Attorney.
Gary Schuster, Door County District Attorney.
John Snider, Waupaca County District Attorney.
Ralph Uttke, Langlade County District Attorney.
Demetrio Verich, Forest County District Attorney.
John Zakowski, Brown County District Attorney.
William Aschenbrener, Shawano County Sheriff.
Charles Brann, Door County Sheriff.
Todd Chaney, Kewaunee County Sheriff.
Michael Donart, Brown County Sheriff.
Patrick Fox, Waushara County Sheriff.
Bradley Gehring, Outagamie County Sheriff.
Daniel Gillis, Calumet County Sheriff.
James Kanikula, Marinette County Sheriff.
Norman Knoll, Forest County Sheriff.
Thomas Kocourek, Manitowoc County Sheriff.
Robert Kraus, Winnebago County Sheriff.
William Mork, Waupaca County Sheriff.
Jeffrey Rickaby, Florence County Sheriff.
David Steger, Langlade County Sheriff.
Kenneth Woodworth, Oconto County Sheriff.
Richard Awonhopay, Chief, Menominee Tribal Police.
Richard Brey, Chief of Police, Manitowoc.
Patrick Campbell, Chief of Police, Kaukauna.
James Danforth, Chief of Police, Oneida Public Safety.
Donald Forcey, Chief of Police, Neenah.
David Gorski, Chief of Police, Appleton.
Robert Langan, Chief of Police, Green Bay.
Michael Lien, Chief of Police, Two Rivers.
Mike Nordin, Chief of Police, Sturgeon Bay.
Patrick Ravet, Chief of Police, Marinette.
Robert Stanke, Chief of Police, Menasha.
Don Thaves, Chief of Police, Shawano.
James Thome, Chief of Police, Oshkosh.

U.S. ATTORNEY,
EASTERN DISTRICT OF WISCONSIN,
Milwaukee, WI, August 9, 1994.

To the District Attorney's, Sheriffs and Police Chiefs Urging the Creation of a Federal District Court in Green Bay:

Thank you for your letter of August 8, 1994, urging the creation of a Federal District Court in Green Bay. You point out a number of facts in your letter:

(1) Although ⅓ of the population of the Eastern District of Wisconsin is in the northern part of the district, all of the Federal District Courts are located in Milwaukee.

(2) A federal court in Green Bay would be more accessible to the people of northern Wisconsin. It would substantially reduce witness travel time and expenses, and it would make federal court more accessible and less costly for local law enforcement agencies.

(3) The federal government has exclusive jurisdiction over most felonies committed on the Menominee Reservation, located approximately 3 hours from Milwaukee. The distance to Milwaukee is a particular problem for victims, witnesses, and officers from the Reservation.

I have discussed this proposal with the chiefs of the federal law enforcement agencies in the Eastern District of Wisconsin, including the Federal Bureau of Investigation, Federal Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, Secret Service, U.S. Marshal, U.S. Customs Service, and Internal Revenue Service-Criminal Investigation Division. All express support for such a court and give additional reasons why it is needed.

Over the past several years, the FBI, DEA, and IRS have initiated a substantial number of investigations in the northern half of the district. In preparation for indictments and trials, and when needed to testify before the Grand Jury or in court, officers regularly travel to Milwaukee. Each trip requires 4 to 6 hours of round trip travel per day, plus the actual time in court. In other words, the agencies' already scarce resources are severely taxed. Several federal agencies report that many cases which are appropriate for prosecution are simply not charged federally because local law enforcement agencies do not have the resources to bring these cases and officers back and forth to Milwaukee.

Nevertheless, there have been a substantial number of successful federal investigations and prosecutions from the Fox Valley area and other parts of the Northern District of Wisconsin including major drug organizations, bank frauds, tax cases, and weapons cases.

It is interesting to note that the U.S. Bankruptcy Court in the Eastern District of Wisconsin holds hearings in Green Bay, Manitowoc, and Oshkosh, all in the northern half of the district. For the past four years approximately 29% of all bankruptcy filings in the district were in these three locations.

In addition, we continue to prosecute most felonies committed on the Menominee Reservation. Yet, the Reservation's distance from the federal courts in Milwaukee poses serious problems. A federal court in Green Bay is critically important in the federal government is to live up to its moral and legal obligation to enforce the law on the Reservation.

In summary, I appreciate and understand your concerns and I join you in urging the creation of a Federal District Court in Green Bay.

THOMAS P. SCHNEIDER,
U.S. Attorney, Eastern District of Wisconsin.●

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. INOUYE, and Mr. JEFFORDS):

S. 403. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans' Affairs.

THE READJUSTMENT COUNSELING SERVICE AMENDMENTS ACT OF 1995

Mr. AKAKA. Mr. President, in behalf of myself and Senators DASCHLE, WELLSTONE, INOUYE, and JEFFORDS, I am today reintroducing legislation I offered in the last Congress that would make numerous improvements in the organization, policies, and programs known as the vet center program. The Readjustment Counseling Service Amendments of 1995 is similar to legislation I introduced in the 103d Congress, S. 1226, the Readjustment Counseling Service Amendments of 1994, which the Senate unanimously approved last March. The bill I am introducing today is in fact identical to S. 1226 as reported by the Veterans' Affairs Committee on November 3, 1993.

As my colleagues know, vet centers are storefront, community-based centers operated by the Department of Veterans Affairs [VA] that, in an informal, user-friendly environment, offer counseling services to returned Vietnam-era veterans and post-Vietnam combat veterans. Since the program was first authorized in 1979, it has grown from 87 facilities to 202 today, operating in all 50 States. Together, these centers have helped more than 1.1. million veterans successfully readjust to civilian life, including 94,686 last year. In the process, the vet center program has established leadership in such areas as post-traumatic stress disorder, homelessness, disaster assistance, sexual trauma, alcohol and substance abuse, suicide prevention, the physically disabled, and minority veterans.

The Readjustment Counseling Service Amendments of 1995 attempts to ensure that the program remains viable, relevant, and responsive to the needs of today's veterans. It hopes to accomplish these goals by achieving two general aims. On the one hand, it would preserve that which is best in the vet

center program by codifying and improving its organizational structure and those administrative practices which have hitherto made the program uniquely effective. On the other hand, it would enhance the ability of vet centers to undertake new challenges by expanding eligibility to new categories of veterans and encouraging VA to explore the potential of vet center-based health care and benefits services.

Specifically, my legislation would: Codify the current organizational structure of RCS and require that funding for the program be specifically identified in the budget; raise the director of RCS to the Assistant Chief Medical Director level; expand eligibility for Vet Center services to all combat veterans, regardless of period of service, and authorize services for all other veterans on a resource-available basis; authorize bereavement counseling provided through vet centers for the families of veterans who died in combat, and authorize such counseling to survivors of veterans who died of other service-related causes on a resource-available basis; establish a statutory Advisory Committee on the Readjustment of Veterans; require VA to develop a plan to assign additional employment, training, and benefit counselors at vet centers; require a report on the feasibility and desirability of collocating vet centers and VA outpatient clinics; and, undertake a pilot program authorizing the provision of limited, primary health care services at veteran centers.

Mr. President, the provisions of my bill have been variously endorsed by the major veterans service organizations, RCS field staff, and the Department itself at hearings on S. 1226 conducted by the Veterans' Affairs Committee during the last Congress. Indeed, the full Senate effectively endorsed the provisions of the bill I am offering today when it passed S. 1226 early last year. I hope that Senators will once again express support for the preserving and improving the unique vet center program by cosponsoring and supporting enactment of this important legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 403

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 ''Readjustment Counseling Service Amendments of 1995''.

SEC. 2. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 7305 of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) A Readjustment Counseling Service.''.

(b) ORGANIZATION.—The Readjustment Counseling Service shall have the organizational structure and administrative structure of that service as such structures were in existence on January 1, 1993.

(c) REVISION OF ORGANIZATIONAL STRUCTURE.—(1) The Secretary of Veterans Affairs may not alter or revise the organizational structure or the administrative structure of the Readjustment Counseling Service until—

(A) the Secretary has submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a full and complete statement of the proposed alteration or revision; and

(B) a period of 60 days has elapsed after the date on which the report is received by the committees.

(2) In the computation of the 60-day period under paragraph (1)(B), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(d) BUDGET INFORMATION RELATING TO THE SERVICE.—Each budget submitted to Congress by the President under section 1105 of title 31, United States Code, shall set forth the amount requested in the budget for the operation of the Readjustment Counseling Service in the fiscal year covered by the budget and shall set forth separately the amount requested for administrative oversight of the activities of the service (including the amount requested for funding of the Advisory Committee on Readjustment of Veterans).

SEC. 3. DIRECTOR OF THE READJUSTMENT COUNSELING SERVICE.

(a) DIRECTOR.—Section 7306(b) of title 38, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(4) one shall be a person who (A)(i) is a qualified psychiatrist, (ii) is a qualified psychologist holding a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and has successfully undergone an internship approved by that association, (iii) is a qualified holder of a master in social work degree, or (iv) is a registered nurse holding a master of science in nursing degree in psychiatric nursing or any other mental-health related degree approved by the Secretary, and (B) has at least 3 years of clinical experience and 2 years of administrative experience in the Readjustment Counseling Service or other comparable mental health care counseling service (as determined by the Secretary), who shall be the director of the Readjustment Counseling Service.''.

(b) STATUS OF DIRECTOR.—Section 7306(a)(3) of such title is amended by striking out ''eight'' and inserting in lieu thereof ''nine''.

(c) ORGANIZATIONAL REQUIREMENT.—The Director of the Readjustment Counseling Service shall report to the Under Secretary for Health of the Department of Veterans Affairs through the Associate Deputy Under Secretary for Health for Clinical Programs.

SEC. 4. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) READJUSTMENT COUNSELING.—(1) Subsection (a) of section 1712A of title 38, United States Code, is amended to read as follows:

''(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B) of this paragraph, the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

''(B) A veteran referred to in subparagraph (A) of this paragraph is any veteran who—

''(i) served on active duty during the Vietnam era; or

''(ii) served on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subparagraph (D) of this paragraph) occurred in such area.

''(C) Upon the request of any veteran other than a veteran referred to in subparagraph (A) of this paragraph, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

''(D) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.

''(2) The counseling referred to in paragraph (1) shall include a general mental and psychological assessment of a covered veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.''.

(2) Subsection (c) of such section is repealed.

(b) OTHER COUNSELING.—Such section is further amended by inserting after subsection (b) the following new subsection (c):

''(c)(1) The Secretary shall provide the counseling services described in section 1701(6)(B)(ii) of this title to the surviving parents, spouse, and children of any member of the Armed Forces who is killed during service on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subsection (a)(1)(D) of this section) occurred in such area.

''(2) The Secretary may provide the counseling services referred to in paragraph (1) to the surviving parents, spouse, and children of any member of the Armed Forces who dies while serving on active duty or from a condition (as determined by the Secretary) incurred in or aggravated by such service.''.

(c) AUTHORITY TO CONTRACT FOR COUNSELING SERVICES.—Subsection (e) of such section is amended by striking out ''subsections (a) and (b)'' each place it appears and inserting in lieu thereof ''subsections (a), (b), and (c)''.

SEC. 5. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following:

''§ 1712C. Advisory Committee on the Readjustment of Veterans

''(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereafter in this section referred to as the 'Committee').

''(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among veterans who—

''(A) have demonstrated significant civic or professional achievement; and

''(B) have experience with the provision of veterans benefits and services by the Department.

''(3) The Secretary shall seek to ensure that members appointed to the Committee

include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, and women.

''(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed 2 years. The Secretary may reappoint any member for additional terms of service.

''(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

''(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

''(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

''(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

''(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

''(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

''(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account veterans of the Vietnam era, and the readjustment needs of such veterans.

''(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

''(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

''(B) a review of the programs and activities of the Department designed to meet such needs; and

''(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

''(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

''(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

''(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

''(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

''(2) Section 14 of such Act shall not apply to the Committee.''.

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following:

''1712C. Advisory Committee on the Readjustment of Veterans.''.

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 1712C of such title (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.

SEC. 6. PLAN FOR EXPANSION OF VIETNAM VETERAN RESOURCE CENTER PILOT PROGRAM.

(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan for the expansion of the Vietnam Veteran Resource Center program established pursuant to the amendment made by section 105 of the Veterans' Administration Health-Care Amendments of 1985 (Public Law 99–166; 99 Stat. 944). The plan shall include a schedule for, and an assessment of the cost of, the implementation of the program at or through all Department of Veterans Affairs readjustment counseling centers.

(2) The Secretary shall submit the plan not later than 4 months after the date of the enactment of this Act.

(b) DEFINITION.—In this section, the term ''Department of Veterans Affairs readjustment counseling centers'' has the same meaning given the term ''center'' in section 1712A(i)(1) of title 38, United States Code.

SEC. 7. REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINICS.

(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.

(2) The Secretary shall submit the report not later than 6 months after the date of the enactment of this Act.

(b) COVERED MATTERS.—The report under this section shall include an assessment of the following:

(1) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(2) The effect of such collocation on the capacity of such centers to carry out their primary mission.

(3) The extent to which such collocation will impair the operational independence or administrative integrity of such centers.

(4) The feasibility of combining the services provided by such centers and clinics in the course of the collocation of such centers and clinics.

(5) The advisability of the collocation of centers and clinics of significantly different size.

(6) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(7) The amount of any costs savings to be achieved by Department as a result of such collocation.

(8) The desirability of such collocation in light of plans for the provision of health care services by the Department under national health care reform.

(9) Any other matters that the Secretary determines appropriate.

SEC. 8. VET CENTER HEALTH CARE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the provision of health-related services to eligible veterans at readjustment counseling centers. The Secretary shall carry out the pilot program in accordance with this section.

(b) SERVICES.—(1) In carrying out the pilot program, the Secretary shall provide the services referred to in paragraph (2) at not less than 10 readjustment counseling centers in existence on the date of the enactment of this Act.

(2) The Secretary shall provide basic ambulatory services and health care screening services by such personnel as the Secretary considers appropriate at each readjustment counseling center under the pilot program. The Secretary shall assign not less than one-half of a full-time employee equivalent at each such center in order to provide such services under the pilot program.

(3) In determining the location of the readjustment counseling centers at which to provide services under the pilot program, the Secretary shall select centers that are located in a variety of geographic areas and that serve veterans of a variety of economic, social, and ethnic backgrounds.

(c) PERIOD OF OPERATION.—(1) The Secretary shall commence the provision of health-related services at readjustment counseling centers under the pilot program not later than 4 months after the date of the enactment of this Act.

(2) The pilot program shall terminate 2 years after the date on which the Secretary commences the provision of services under paragraph (1).

(d) REPORT.—(1) The Secretary shall submit to Congress a report on the pilot program established under this section. The report shall include the following:

(A) A description of the program, including information on—

(i) the number of veterans provided basic ambulatory services and health care screening services under the pilot program;

(ii) the number of such veterans referred to Department of Veterans Affairs general health-care facilities in order to provide such services to such veterans; and

(iii) the cost to the Department of Veterans Affairs of the pilot program.

(B) An analysis of the effectiveness of the services provided to veterans under the pilot program.

(C) The recommendations of the Secretary for means of improving the pilot program, and an estimate of the cost to the Department of implementing such recommendations.

(D) An assessment of the desirability of expanding the type or nature of services provided under the pilot program in light of plans for the provision of health care services by the Department under national health care reform.

(E) An assessment of the extent to which the provision of services under the pilot program impairs the operational or administrative independence of the readjustment counseling centers at which such services are provided.

(F) An assessment of the effect of the location of the centers on the effectiveness for the Department and for veterans of the services provided under the pilot program.

(G) Such other information as the Secretary considers appropriate.

(2) The Secretary shall submit the report not later than 18 months after the date of the enactment of this Act.

(e) DEFINITIONS.—For the purposes of this section:

(1) The term ''Department of Veterans Affairs general health-care facility'' has the meaning given such term in section 1712A(i)(2) of title 38, United States Code.

(2) The term ''eligible veteran'' means any veteran eligible for outpatient services under paragraph (1), (2), or (3) of section 1712(a) of such title.

(3) The term ''readjustment counseling center'' has the same meaning given the term ''center'' in section 1712A(i)(1) of such title.

By Ms. SNOWE:

S. 406. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies to the recipient's surviving spouse, subject to a reduction of 50 percent in the last monthly payment if the recipient dies during the first 15 days, to the Committee on Finance.

SOCIAL SECURITY PRO-RATE AMENDMENT LEGISLATION

● Ms. SNOWE. Mr. President, today I am introducing legislation to correct an inequity that exists in our Social Security system.

Currently, when a Social Security beneficiary dies, his or her last monthly benefit check must be returned to the Social Security Administration. This provision often causes problems for the surviving spouse because he or she is unable to financially subsidize the expenses accrued by the late beneficiary in their last month of life.

Current law makes an inappropriate assumption that a beneficiary has not incurred expenses during his or her last month of life. I know that my colleagues have heard, as have I, from constituents who lost a husband or wife toward the end of the month, received the Social Security check and spent all or part of it to pay the bills and then received a notice from Social Security that the check must be returned. For many of these people, that check was the only income they had and they are left struggling to find the money to pay back the Social Security Administration and pay the rest of the expenses their spouse incurred in their last month.

Therefore, my legislation would allow the spouse of the beneficiary who dies in the first 15 days of the month to receive one half of his or her spouse's regular benefits, and the spouse of the beneficiary who dies in the latter half of the month to receive the full monthly benefit.

I believe this is a fair and direct approach to an unfair situation. I hope that my colleagues will join me in supporting this legislation.●

By Ms. SNOWE:

S. 407. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 408. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

S. 409. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 410. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

DEFENSE CONVERSION LEGISLATION

● Ms. SNOWE. Mr. President, I introduce a package of legislation that will guide the Federal Government in a role that is becoming more and more important to communities across America—defense conversion. In today's economic climate, the American people are demanding greater accountability for every dollar spent, so that even as we reduce spending we do so wisely, and in a way that does not compromise our Nation's economic security. The legislation I will introduce today will help the Federal Government live up to its defense conversion responsibilities by reassigning and consolidating coordination of our efforts to the Executive Office of the President; providing tax credits for training and defense conversion efforts, and ensuring that economic development tools are available first to communities and industries hardest-hit by defense base closings.

With the end of the cold war and the disintegration of the Soviet military threat to Western Europe, the new environment of international security makes it possible to reduce the level of defense spending. I believe that any defense reductions must be made, however, in a careful and thoughtful manner because we must keep in mind the unrest in regions from Bosnia to Chechnya has threatened this fragile peace.

I believe that sound defense planning must be focused on the level of military capability this Nation would need in wartime. While an austere defense posture may seem adequate in peacetime, even a limited international crisis can upset these perceptions almost overnight.

It has been more than 5 years since the collapse of the Berlin Wall and the end of the cold war. The dramatic change in superpower relations has permitted the United States to make significant cuts in defense spending. That has led to a debate about how much to cut from the defense budget, and along with many of my colleagues, I believe that defense spending has been cut too much, too fast. Since 1987, the Defense Department's procurement budget has been cut by 47 percent. This will be the 12th year in a row that inflation-adjusted defense spending has declined, and the first year that defense spending was exceeded by another area of America's budget, spending on entitlements and human services.

Even as we reduce the defense budget, however, the Federal Government still has a responsibility to help the industries, communities, and individuals adversely affected by these drastic cuts in defensespending and by the closure or major realignment of military installations across the country. The challenges of successful defense conversion are enormous. And as we address these enormous challenges, we must provide the economic policies, tools, and incentives needed to stimulate both the economy and defense conversion initiatives.

My home State of Maine has endured a great deal of hardship brought on by cuts in defense spending. Defense-related enterprises in Maine span the spectrum of defense activities, ranging from the large Brunswick Naval Air Station and Kittery-Portsmouth Naval Shipyard, to smaller bases such as Cutler Naval Telecommunications Station and the Listening Station at Winter Harbor. Maine is also proud of the numerous large and small private companies that do business with the Pentagon. These range from the State's largest private employer—Bath Iron Works—to smaller firms such as Saco Defense and Fiber Materials.

And we must not forget the hundreds of subcontractors and vendors that do business with these bases and companies. It is these smaller firms that are often overlooked when defense conversion is discussed. The fact is that defense-related jobs reach into every county in my home State of Maine. Every one of those jobs is important—military or civilian, large company or small. And whether in Maine or across the Nation, defense-related industries provide good jobs for hundreds of thousands of workers.

The closure of Loring Air Force Base this past September 30 exemplifies the defense conversion challenge facing Maine. Loring's closing resulted in the loss of nearly 20 percent of the employment, 14 percent of the income, and about 17 percent of the population of Aroostook County. At the other end of the State, Kittery-Portsmouth Naval Shipyard has seen its workforce cut almost in half since the fall of the Berlin Wall, from over 8,000 employees to just 4,100. And Bath Iron Works has seen its employment drop from a peak of 12,000 to just under 9,000 as a result of cuts in the defense budget. These stark numbers graphically illustrate the importance of successful defense conversion to the long-term health of Maine's economy.

Successful defense conversion does not happen overnight, and this legislation reflects that understanding. We

must also realize that successful defense conversion cannot be imposed from the top down by the Federal Government. Instead, the Federal Government must work with industries and communities in crafting defense conversion strategies and options that can help those same industries and communities in their efforts to overcome the severe economic consequences of defense downsizing.

The Department of Defense has always been the dominant government agency involved in defense conversion. Yet virtually every one of its defense conversion programs were imposed upon it by either the President or the Congress, not designed by the Pentagon itself.

My legislation proposes to change this relationship, and consolidates responsibility for most of the Federal Government's defense conversion activities squarely where it belongs: within the Executive Office of the President. Companion legislation that I am introducing today would also, in effect, establish a defense conversion czar, a high-level executive official who is directly responsible to the President for the implementation and coordination of this critical effort.

The simple fact of the matter is that of all the agencies within the Federal Government, the Defense Department is institutionally unsuited to direct such a crucial government venture. The central purpose of the Defense Department is to provide, equip and train the military forces needed to ensure the security of the Nation, to deter war, and to fight and win wars if deterrence fails. These institutional goals run counter to the basic premise of defense conversion—to help people, communities, and industries become less dependent on defense spending.

A report issued last year by the General Accounting Office underscored that the Pentagon and defense conversion are fundamentally mismatched. That GAO report cited an evaluation by the Defense Department's own Inspector General of the department's defense conversion programs. After closely examining one of those programs, the inspector general found that ''ineffective planning and oversight had resulted in implementation problems.''

Implementation problems. I don't believe that the working people of Maine who depend on wise defense conversion for their jobs and livelihood will understand implementation problems. I don't believe that the communities of Maine and America will tolerate implementation problems. This is why we must consider the advice of the congressional mandated Defense Conversion Commission, which 3 years ago took a hard look at the Federal Government's defense conversion efforts. Along with other Members of Congress whose State and districts have a big stake in the success of defense conversion efforts, I appeared before the Commission, and closely followed its findings.

In its final report, the Commission made an even stronger case for decreasing the influence of the Defense Department. The Commission noted that:

> While the Department of Defense has a large role to play, overall direction for defense conversion and transition actions must come from the Executive Office of the President.

I agree with the Commission's conclusion.

The legislation I am introducing today will consolidate America's defense conversion efforts within the Executive Office of the President—a step that, based on this sort of unequivocal report, should have been taken long ago. The thousands of Maine workers who depend on defense-related industries for their livelihoods, the millions of Americans who are watching our actions today, and indeed, all of our citizens need to know that the Federal Government will wisely consider conversion efforts. Americans should know that one individual, reporting directly to the President, is responsible for the effective implementation and coordination of our overall defense conversion strategy.

I have long believed that tax credits can provide an excellent incentive to encourage economic development and growth. Two of the bills that I am introducing today utilize this concept. The first provides tax credits to help give employers the inventive to hire workers who have lost their jobs through either the closure of a military installation or from reductions-in-force at a military installation. It will also provide those same tax credits to employers who have hired laid off workers from a defense contractor or major subcontractor. The second bill will provide tax credits to defense-dependent industries to invest in worker retraining and retooling in order to help them diversify into commercial markets.

Finally, the Economic Development Administration [EDA] within the Department of Commerce is actively involved in numerous successful defense conversion efforts throughout the country. The legislation I am introducing today amends the fiscal year 1991 Defense Authorization Act, which has served as the guidance for the EDA's defense conversion duties when utilizing funds authorized in defense bills.

Under current law, the EDA does not give any special preference to defense conversion projects. This legislation specifically directs that, when funds are authorized for use by the EDA through the Defense Authorization Act, the EDA will ''ensure that [these] funds are reserved for communities identified as the most substantially and seriously affected by the closure or realignment of a military installation or the curtailment, completion, elimination, or realignment of a major defense contract or subcontract.''

Mr. President, defense conversion ultimately boils down to another form of economic development—albeit one which affects the livelihoods of millions of Americans. Our mission is to ensure that the Federal Government makes successful defense conversion a reality. We must give our citizens the tools they need to literally turn swords into plowshares. While this will take a great deal of time and hard work, I believe that a partnership between private enterprise and government will make it a reality. The legislation that I introduce today will help move that effort along. As I said on the Floor of the House in 1991, our responsibilities to the American people do not end with the base closure process. Instead, our responsibilities are only beginning.

I urge my colleagues to join me in supporting this package of legislation to ensure sound defense conversion policies into the future.●

By Ms. SNOWE:

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; to the Committee on Finance.

THE LONG-TERM CARE IMPROVEMENT ACT

● Ms. SNOWE. Mr. President, long-term care means different things to different people. It means home-health care for those who need some help, but do not require round-the-clock care. It means respite care so those families who are struggling to keep a loved one at home can have a short break and some time to themselves. And it means nursing home care for those in need of institutional services.

As we continue the debate on health care reform this year, it is important that we all remember that any major reform of our health care system will be incomplete if it does not address some of the problems facing our long-term care system. I am introducing legislation today that addresses four areas that are in need of change: setting standards for private long-term care insurance; changing the tax code to make insurance more affordable; providing respite care tax credits for family caregivers; and providing a tax credit to those who care for Alzheimer's victims at home.

Private insurance coverage for long-term nursing home care is very limited with private insurance payments amounting to 1 percent of total spending for nursing home care in 1991. In 1986, approximately 30 insurers were selling long-term care insurance policies of some type and an estimated 200,000 people were covered. As of December 1991, the Health Insurance Association of America [HIAA] found that more than 2.4 million policies had been sold, with 135 insurers offering coverage.

HIAA estimates that the long-term care policies paid $80 a day for nursing home care and $40 a day for home health care; they had a lifetime 5 percent compounded inflation protection; a 20-day deductible period and a 4-year maximum coverage period. These policies had an average annual premium in

December 1991 of $1,781 when purchased at the age of 65, and $5,627 when purchased at the age of 79.

We need to make sure that these policies are not only affordable, but that they deliver the benefits they promise. The National Association of Insurance Commissioners [NAIC] has produced standards for long-term care policies which cover the spectrum of issues—from disclosure to clearly defining the benefits, cost and time period covered. The Federal Government should require that all States meet this standard in any long-term care policies sold in their States. My bill would put the NAIC standards into law.

There is general agreement that we need to change the tax code to take away any disincentives to purchasing long-term care insurance. In addition, the change may encourage employers to offer long-term care policies as an optional benefit, as they would be able to deduct the cost, too. This bill will treat private long-term care insurance policies like accident and health insurance for tax purposes. It would also define a dependent as any parent or grandparent of the taxpayer for whom the taxpayer pays expenses for long-term care services. This change will allow children and grandchildren to deduct the long-term care expenses they pay. Current law requires that an individual must pay 51 percent of the expenses for a dependent before they can be deducted.

Over 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, or daughters-in-law. Family caregivers provide between 80 and 90 percent of the medical care, household maintenance, transportation and shopping needed by older persons. Numerous studies have found that family caregivers give up their jobs, have reduced their working hours or have rejected promotions in order to provide long-term care to loved ones.

My bill will expand the dependent care tax credit to make it applicable for respite care expenses and make the credit refundable. A respite care credit would be allowed for up to $1,200 for one qualifying dependent and $2,400 for two qualifying dependents. This money could go, for example, toward hiring an attendant for an elderly dependent during the work day, or for admittance to an adult day care center. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Such a respite care credit will save dollars for both caregiving families and the Government by postponing, or even avoiding, expensive institutionalization.

Finally, this legislation will provide tax deductions from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related disorder. It would allow deductions of expenses, other than medical, which are related to the home health care, adult day care and respite care of an Alzheimer's victim.

In most cases of Alzheimer's disease, families will bear the brunt of the responsibility of care. Many caregivers of dementia victims spend more than 40 hours a week in direct personal care. These families are trying to cope with the needs of a dependent older Alzheimer's victim with little or no financial or professional help.

In the face of the continued and intense involvement of the family caregiver, services that provide respite from the ongoing pressures of care become essential in the caregivers' ability to support the Alzheimer's victim at home. Home health care, adult day care and long-term respite care all provide opportunities to free caregivers from their caregiving responsibility and are crucial in enabling employed caregivers to continue working. Most caregivers willingly provide care for dependent and frail elderly family members. Even so, the presence of these supportive services can be a crucial factor in continued caregiving activities.

It is important to provide some tax relief for those expenses related to their continued care in the home. Perhaps by such action we can delay the institutionalization of dementia victims. Surely we can provide some financial relief to their caregivers.

I urge my colleagues to join me in supporting this bill.●

By Ms. SNOWE (for herself and Mr. COHEN):

S. 412. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Environment and Public Works.

THE BOTTLED WATER STANDARDS ACT OF 1995

● Ms. SNOWE. Mr. President, today, I, along with Senator COHEN, am introducing legislation designed to make the regulatory process for bottled water more efficient and responsive, while expanding health protections for the consuming public.

This bill, the Bottled Water Standards Act of 1995, requires the FDA to publish final regulations for a contaminant in bottled water no more than 6 months after EPA has issued regulations for that same contaminant in public drinking water. It may come as a surprise to some Senators that public drinking water and bottled water are regulated by different agencies of the Federal Government. But in fact, the FDA has the responsibility for ensuring the safety of bottled water, while EPA maintains separate authority for regulating public drinking water supplies.

Unfortunately, the FDA has not always been timely in issuing its regulations for bottled water after EPA publishes its standards for tap water. On December 1, 1994, FDA published a final rule of 35 contaminants in bottled water. Nearly 4 years earlier, however, in January 1991, the EPA regulations for these contaminants have already been issued. In the interim period, bottled water producers and consumers were left in limbo. Their product was subject to industry safety standards and various State rules, but the Federal standards that provide an important additional assurance for bottled water had not been completed. This circumstance was very unfair to both producers and consumers of bottled water and we should not let it continue.

My bill will ensure a more expeditious response in the future. In addition to the 6-month deadline for new contaminants, the FDA will be given 1 year to issue final regulations for contaminants that the EPA already regulates, but that have not yet received new FDA standards for bottled water. If the FDA fails to meet either the 6-month or 1-year deadlines, the existing EPA standard is automatically implemented for bottled water.

In some cases, FDA may determine that a particular contaminant regulated by EPA does not occur in bottled water. My bill would allow the FDA to simply issue such findings in the Federal Register before the deadline periods expire.

The bill also stipulates that in all cases, the FDA standards for bottled water must be at least as stringent as the EPA's standards for public drinking water. The bill does reserve the FDA's right to issue more stringent standards, however, adding an extra measure of public health protection if necessary.

Mr. President, it is my hope that this legislation will prompt the FDA to coordinate its regulatory activities for drinking water contaminants with the EPA. The bill would therefore have the effect of improving the efficiency of the Federal regulatory process—something all of us agree is necessary—while enhancing health protections for consumers. It represents a clear win-win proposition for our constituents.

The bottled water industry generates sales in the billions, and it serves millions of American consumers. Surely, these producers and consumers alike deserve the kind of consideration from their Government that my bill guarantees. Last year, Members in both the House and the Senate agreed with this commonsense approach. Language very similar to that found in my bill was included in the House and Senate versions of the Safe Drinking Water Act reauthorization bills considered last year, and it was included without controversy. I hope that the Bottled Water Standards Act of 1995 will enjoy similar support in the Senate this year.●

● Mr. COHEN. Mr. President, I am pleased to join my colleague from Maine, Senator SNOWE, today to introduce legislation that will help to ensure public safety and consumer confidence.

More and more Americans are drinking bottled water every day. Companies

such as Poland Spring in Maine, have grown tremendously in recent years. Unfortunately, because of a jurisdictional quirk, all too common in our Federal Government, bottled water is not currently required to meet the same safety standards that we have placed on tap water.

Tap water is regulated by the Environmental Protection Administration, which sets rigorous and comprehensive standards to ensure the safety of our Nation's drinking water. Bottled water is considered a food item and is therefore regulated by the Food and Drug Administration. In carrying out its responsibility to regulate bottled water, the FDA has failed, for whatever reason, to keep pace with EPA's detailed tap water regulations. Consequently, tap water must meet higher standards than bottled water.

I want to make it clear that the bottled water industry firmly believes that their product is as safe, if not safer than tap water. But because bottled water is not required to meet tap water standards, the industry cannot adequately defend itself against allegations about the quality of bottled water.

In an effort to resolve this dispute, the legislation being introduced today would simply require the FDA to publish regulations for a specific contaminant in bottled water no more than 6 months after the EPA has issued regulations for that same contaminant in tap water. If that contaminant is not a risk for bottled water, then FDA must formally make such a determination. If the FDA fails to meet this 6 month deadline, the EPA regulations would then apply to both tap water and bottled water.

I believe this proposal is a very reasonable and workable solution to this problem. I think both consumers and the bottled water industry, which welcomes this bill, would benefit from the changes this legislation attempts to achieve. I look forward to working with my colleagues toward the passage of this bill.●

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. LEAHY, Mr. LAUTENBERG, and Mr. KERRY):

S. 413. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKING WAGE INCREASE ACT OF 1995

Mr. DASCHLE. Mr. President, generations of Americans have been raised to believe that hard work is a virtue and that if you work hard, you can get ahead and share in the American dream. But for many Americans today, putting in 40 hours per week will not ensure that they will be able to buy their own home or send their children to college.

In fact, for some workers, a full-time job doesn't even pay enough to keep their families out of poverty.

Workers who earn the minimum wage have seen their standard of living decline dramatically since the 1970's. Even with an adjustment for inflation, the minimum wage is now 27 percent lower than it was in 1979.

Looked at another way, the minimum wage is at its second lowest level in four decades. And if it remains at $4.25 per hour, its buying power will continue to erode.

As the value of the minimum wage has fallen, the number of working families living in poverty has increased. I'm sure that many Americans would be shocked to learn that more than 11 percent of families with children where the householder is employed have incomes below the poverty line.

That an individual could work 40 hours per week, 52 weeks per year and still not provide for his or her children goes against our most basic notices of fairness and equity.

This startling fact becomes even more important as the Nation turns its attention to the issue of welfare reform. Most Americans—Democrats and Republicans alike—feel strongly that we must break the cycle of dependency upon public assistance and require those who are able to work.

But the simple truth is this. We can't encourage people to work if the wages they earn will not even pay for their most basic needs and the needs of their children.

So we must find a way to make work pay.

Raising the minimum wage is not the sole solution to this problem, but it is a good first step.

And for the 36 percent of minimum-wage workers who are the sole breadwinners in their families, it is a very meaningful first step.

The legislation I am introducing today with Senators KENNEDY, PELL, DODD, SIMON, HARKIN, MIKULSKI, WELLSTONE, LEAHY, KERRY, and LAUTENBERG will help to restore the earning power of the minimum wage. Modeled on the last increase in the minimum wage—which passed with overwhelming bipartisan support and was signed by President Bush—the bill calls for a 45-cent increase in July, followed by a second 45-cent increase next year.

This modest increase will not fully compensate for the erosion in the value of the minimum wage since the 1970's. However, when combined with the 1993 expansion of the earned income tax credit, this increase will ensure that minimum-wage workers and their families remain above the poverty level.

The American public understands that men and women should be paid a living wage for their labor. In a poll conducted by the Wall Street Journal and NBC, 75 percent of those polled support an increase in the minimum wage.

Despite the broad public support for an increase, some Republican leaders have expressed their opposition, arguing that requiring businesses to pay higher wages will lead to overall job loss. However, recent studies by some of the Nation's leading labor economists have concluded that when the minimum wage is at a low level, a modest increase will not effect employment negatively.

In 1992, for example, New Jersey raised its minimum wage by 80 cents per hour, from $4.25 to $5.05. Economists found no reduction in employment opportunities as a result of this increase.

Paying workers a living wage is not a Democratic or Republican issue. It is an issue of fairness and equity. It's my hope that Senators and Representatives on both sides of the aisle will join together to do what is right for low-wage workers.

I think a recent editorial in the Huron, SD, Plainsman said it best: ''Taking home $5 per hour is hardly making a living. But those on the lower end of the pay scale * * * deserve at least that much.''

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. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Working Wage Increase Act of 1995''.

SEC. 2. INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 3, 1995, not less than $4.70 an hour during the year beginning July 4, 1995, and not less than $5.15 an hour after July 3, 1996;''.

Mr. DODD. Mr. President, I rise today as an original cosponsor of legislation increasing the minimum wage because I see it as one of our best tools to reform welfare by making work pay.

Nearly everyone recognizes the need to overhaul our welfare system to encourage work and responsibility. We must institute work requirements and provide job training to make work possible. But we must also take concrete action to make work more attractive than public assistance.

The current minimum wage is simply inadequate. If you work full time for $4.25 an hour, your annual income is only $8,500 a year. That is well below $12,500, which is the poverty level for a family of three.

The minimum wage continues to lose ground as a percentage of average hourly wages—in fact, by next year the minimum wage will be at it lowest point since the Eisenhower administration. A recent survey in Baltimore found that 27 percent of the regulars at city soup kitchens and food pantries were working people with low-wage

jobs. It is clear that the minimum wage is not a living wage, and it's time for us to do something about it.

Many opponents claim that most minimum wage earners are middle-class high school students. That is simply not true. Two-thirds of the Nation's 4.2 million minimum-wage workers are adults over the age 21. The average minimum-wage earner brings home about half of his or her family's annual income.

Another claim frequently made by critics of the minimum wage is that it destroys entry-level jobs. This argument is repeated so frequently that it has become a mantra, but recent economic analysis suggests it doesn't hold up. Several recent economic studies have found that the last two increases in the minimum wage had an negligible impact on employment.

After surveying the literature on the subject, Harvard labor economist Richard Freeman concludes that ''at the level of the minimum wage in the late 1980's, moderate legislated increases did not reduce employment and were, if anything, associated with higher employment in some locales.''

In the past, increasing the minimum wage has been a broadly bipartisan issue. In 1989, the vote to increase the wage was 382–37 in the House and 89–8 in the Senate. The public has clearly spoken about the issue. A Wall Street Journal/NBC News poll found that 75 percent of the public supports increasing the minimum wage, while only 20 percent oppose it.

I hope that we can put our partisan differences aside to provide millions of hard-working Americans with a modest boost they very much need and reduce welfare dependency at the same time.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 414. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs

THE ALASKA NORTH SLOPE OIL EXPORT BAN ACT OF 1995

Mrs. MURRAY. Mr. President, I am pleased to join with my colleague from Oregon, Senator HATFIELD, in reintroducing legislation that will extend indefinitely the restrictions on the export of Alaska North Slope crude oil. Twenty years ago, Congress passed legislation that enabled oil to be produced on the North Slope. That legislation involved a careful balancing of a variety of interests. Foremost was our national energy security. In the face of a heavy reliance on imported oil, Congress determined that any oil produced from the North Slope should be used by American consumers unless the President found and Congress agreed that it was in the national interest to export all or any portion of that oil. Of equal importance, Congress was deeply concerned about the Alaska environmental impacts of North Slope oil production. Knowing that the Alaskan tundra and the wildlife would be endangered by oil pipeline construction and oil production, Congress saw no sense in facing these risks for the sake of supplying oil to foreign nations.

By 1977, ANS crude was flowing through the Trans-Alaska pipeline system to the lower 48 States and Hawaii. From the pipeline's terminus at Valdez, AK, it moved by U.S.-flag Jones Act tankers to ports in the States of Washington and California. In both of these States, refineries were either built or modified to handle the surge of oil, which immediately reduced west coast reliance on imported crude. In Oregon, as well as in California and Washington, shipyards expanded to handle the construction and repair of more than 50 ships that carried ANS crude. A pipeline was built across Panama to provide an efficient means of transporting ANS crude that could not be sold on the west coast to gulf coast ports. Shipyards in the gulf benefitted from new tanker construction and repair business. The U.S. merchant marine was also a beneficiary of ANS crude, with the creation of over 2,000 jobs and the maintenance of a U.S. flag tanker capacity that would not have existed if ANS crude had been exported. This merchant marine capability not only created jobs, it helped to bolster our national defense by providing tankers flying the U.S.-flag that could be—and subsequently were used—in times of national emergency. In the early years of ANS crude production, west coast consumers enjoyed lower prices at the pump because of the abundant supply of Alaska oil. Above all, ANS crude reduced our reliance on imported oil and, together with a national energy conservation effort, helped to prevent our reliance on imported oil from being used against us as a foreign policy weapon.

Mr. President, we in the State of Washington are directly affected by the congressional policy of restricting exports of Alaska oil. With ANS crude exports, we would have an influx of large foreign-flag tankers offloading crude oil to smaller ships along our coast so our refineries could be supplied with the oil we need. This offloading is an environmental hazard that we can ill afford. Thousands of jobs in refineries and related industries have been created in our State, and many Washingtonians perform ANS tanker repair work in the port of Portland.

In this Congress, as they have done many times in the past, my distinguished colleagues from Alaska, Senators STEVENS and MURKOWSKI, have proposed legislation that would eliminate the ANS export restrictions. Their goal is understandable. Every barrel of ANS oil that is exported increases that State's severance tax revenues. However, I remind my colleagues that the law says that exports should be permitted only if they are in the national interest, not just the interest of the State of Alaska.

Indeed, that question is an important one for the Senate to keep in mind as it considers this issue. Congress has also passed other laws that place nearly identical national interest restrictions in the export of all oil from any State, as well as from offshore areas and the naval petroleum reserves. My distinguished colleagues from Alaska are asking for an exemption from a policy that applies to every other State where oil if produced.

At a time when our reliance on imported oil has reached a historic high, and when the Commerce Department has found that the level of oil imports poses a national security threat, Congress should not be permitting exports of ANS crude. Our energy security demands that the national interest restrictions on exports remain in place. Equally compelling is our need to protect the environment. Every barrel of Alaska oil that is exported must be replaced by a barrel of foreign oil that will come to the United States on large foreign-flag tankers. That would amount to a reckless endangerment of our coastal environment.

Aside from increasing the tax revenues of the State of Alaska, the primary beneficiary of Alaska oil exports would be British Petroleum, the largest producer of ANS crude. This foreign-owned oil company will be able to reduce its oil transportation costs and, thus, increase its profits. None of us should be lulled into the false belief that British Petroleum's increased profits would mean increased production in Alaska. The North Slope fields are producing at their maximum level today. They are now old fields whose production has inevitably gone into decline, but continue to produce 25 percent of our Nation's oil.

Nor will taking ANS crude from its west coast markets increase California oil production. The refineries that process Alaska oil can't handle the additional volumes of heavy grade of oil produced in California. They will replace any lost Alaska oil with foreign oil. In addition, Alaska oil sells on both the west and gulf coasts at world price levels. The only price impact of exports would be to permit British Petroleum to gain the power to set higher prices for the smaller amounts of ANS crude that would remain available to the west coast. If that price is passed through, it will harm consumers. The integrated oil company refineries—including those who are able to use supplies of oil they produce in Alaska—will be able to absorb any price increase. However, west coast independent refiners are in a poor position to absorb increases in the price of their crude oil stocks because their profit margins will not permit it. In addition, these independents do not have the docking facilities to handle large foreign-flag ships, nor do they have the storage tanks to handle supplies of this

size. Inevitably, ANS exports will endanger the continued existence of independent refineries and the thousands of men and women who depend on these refineries for their livelihood.

Finally, Mr. President, there is the issue of ships. The fleet that carries Alaska oil is aging. Within the past few days, the U.S. Coast Guard has launched an investigation to determine if existing regulation of these tankers is adequate. Their action comes on the heels of the discovery of four structural failures in ships that carry ANS crude to the west coast ports within the past month alone. Congress has already dealt with the issue of tanker safety in the Oil Pollution Act of 1990, which requires the gradual phase-in over the next few years of new, double-hulled tankers that will present far less danger to our environment. The proposal to export Alaska oil stipulates the U.S.-flag ships be used. There is a significant difference between a U.S. flag and a Jones Act ship. Jones Act ships must be built and repaired in the United States, while U.S.-flag ships can be foreign vessels that are placed under U.S. registry. To replace its aging fleet on ANS tankers, British Petroleum would under current law be required to enter into long-term charters ranging from 10 to 15 years in order to guarantee the financing and the construction of these ships. However, if it is permitted to use foreign-built vessels, British Petroleum can engage in short-term hires of existing, single-hulled vessels whose age does not require replacement under OPA90 for several years. British Petroleum should be constructing new Jones Act ships now. That would be the responsible and prudent policy to follow. Instead, they are continuing to use aging ships that pose a threat of structural failures. In addition, British Petroleum and its allies in Congress seek to deprive United States shipyards of much-needed new construction work. Jobs that would have been created by this work will be lost at the same time as our environment is endangered.

Mr. President, it is clear that the State of Alaska and British Petroleum will benefit from Alaska oil exports. However, it is equally clear that these are the only beneficiaries of exports. Our national energy security, our environment, and the jobs of U.S. workers will be placed in jeopardy. Maintaining the restrictions on ANS exports is good policy for America. I urge my colleagues to cosponsor the legislation I am proud to introduce today.

Mr. HATFIELD. Mr. President, I am pleased to join Senator PATTY MURRAY in introducing legislation to extend the current restrictions on exports of Alaskan North Slope crude oil contained in section 7(d) of the Export Administration Act. In previous years, Congress has expressed strong bipartisan support for these restrictions. I am confident that Congress will again affirm its commitment to promoting national energy security by passing this important legislation.

Since the Alaskan oil export restrictions were first exacted by Congress in 1973, they have provided enduring benefits for our Nation. We now have an efficient transportation infrastructure to move crude oil from Alaska to the lower 48 States and Hawaii. In addition, these restrictions have helped limit our reliance on OPEC and unstable Persian Gulf oil supplies. Furthermore, we have been able to enhance a domestic merchant marine that continues to help supply the essential oil requirements of our domestic economy and our military.

Despite the lessons of two major oil crises and the Persian Gulf War, we foolishly continue to rely on foreign oil as a major energy source. U.S. oil imports now exceed half of our daily oil requirement. Government and private estimates now predict that by the year 2010, imports will equal 59 percent.

Permitting the export of any Alaskan North Slope crude would only exacerbate this already serious problem. By allowing the export of Alaskan oil to Japan and other Pacific rim countries, we would further increase our dependency on Middle Eastern oil, increase consumer petroleum costs on the west coast, threaten the vitality of our domestic tanker fleet, and cause net Federal revenue losses. Moreover, Alaskan oil exports would cause job losses in the maritime and related ship-supply industries on the west coast. Mr. President, these are costs which this Nation simply cannot afford.

Our ability to withstand future energy crises will certainly be tested if we fail to take the appropriate steps now to protect our own energy resources. By extending indefinitely the current export restrictions on Alaskan crude oil in section 7(d) of the act, we will reaffirm the policy of keeping this country on the right path toward energy security.

I commend Senator MURRAY for her leadership. I look forward to working with her, members of the Senate Banking Committee, and other interested Senators, as this proposal moves forward.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. BINGAMAN):

S. 415. A bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes; to the Committee on the Judiciary.

THE PROFESSIONAL BASEBALL ANTITRUST REFORM ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to introduce legislation that, if and when it becomes law, will bring about an end to the baseball strike. In fact, the players have already voted to end their strike if this bill becomes law.

Unlike other legislation that has been proposed, my bill would not impose a big-government solution. On the contrary, it would get government out of the way by eliminating a serious Government-made obstacle to settlement. Seventy-three years ago, the Supreme Court ruled that professional baseball is not a business in interstate commerce and is therefore immune from the reach of the Federal antitrust laws. This ruling was almost certainly wrong when it was first rendered in 1922. Fifty years later, in 1972, when the Supreme Court readdressed this question, the limited concept of interstate commerce on which the 1922 ruling rested had long since been shattered. The Court in 1972 accurately noted that baseball's antitrust immunity was an aberration that no other sport or industry enjoyed. But it left it to Congress to correct the Court's error.

A limited repeal of this antitrust immunity is now in order. Labor negotiations between owners and players are impeded by the fact that baseball players, unlike all other workers, have no resort under the law if the baseball owners act in a manner that would, in the absence of the immunity, violate the antitrust laws. This aberration in the antitrust laws has handed the owners a huge club that gives them unique leverage in bargaining and discourages them from accepting reasonable terms. This is an aberration that Government has created, and it is an aberration that Government should fix.

The legislation that I am introducing would provide for a limited repeal of professional baseball's antitrust immunity. This repeal would be limited to the subject matter of major league labor relations. It would not affect baseball's ability to control franchise relocation, nor would it affect the minor leagues. It also would not affect any other sport or business.

This legislation would not impose any terms of settlement on the disputing parties, nor would it require that they reach a settlement. Rather, it would simply remove a serious impediment to settlement—an impediment that is the product of an aberration in our antitrust laws. In short, far from involving any governmental intrusion into the pending baseball dispute, the legislation would get Government out of the way.

I am pleased to report that this bill has bipartisan support. Original cosponsors include Senators MOYNIHAN, GRAHAM, and BINGAMAN.

I am even more pleased to report that the baseball players have already voted to end their strike if this bill becomes law. There will be a full 1995 baseball season if Congress acts quickly on this long overdue measure.

I urge my colleagues in the Senate and the House to support this legislation.

• Mr. MOYNIHAN. Mr. President, I am pleased to be an original cosponsor of the Professional Baseball Antitrust Reform Act of 1995, a bill drafted by the distinguished chairman of the Judiciary Committee, Senator HATCH. I hope

this legislation will help to facilitate negotiations in—and settlement of—the professional baseball strike that has gone on for 6 long months now.

This bill is designed to be a partial repeal of major league baseball's antitrust exemption. It would leave the exemption in place as it pertains to minor league baseball and the ability of major league baseball to control the relocation of franchises.

On January 4, 1995, the first day of the 104th Congress, I introduced my own legislation on this subject. My bill, S. 15, the National Pastime Preservation Act of 1995, would apply the antitrust laws to major league baseball without the exceptions suggested by my friend from Utah.

In 1922, the Supreme Court of the United States, in Federal Baseball Club versus National League, held that ''exhibitions of base ball'' were not interstate commerce and thus were exempt from the antitrust laws. Fifty years later, in Flood versus Kuhn in 1972, the Court acknowledged that in fact baseball is a business engaged in interstate commerce, but declined to reverse Federal Baseball, citing a half century of congressional inaction on the matter.

Clearly baseball is a business engaged in interstate commerce, and should be subject to the antitrust laws to the same extent that all other businesses are. But the greater point is that the strike must be settled through good-faith bargaining between the parties. I will support this and any other effort that will move the parties forward toward a collective bargaining agreement—and the resumption of baseball in America as soon as possible.

I thank my friend from Utah for inviting me to cosponsor this legislation, and hope other Senators agree with us that the time has come to act.●

By Mr. THURMOND (for himself and Mr. LEAHY):

S. 416. A bill to require the application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

THE MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT OF 1995

Mr. THURMOND. Mr. President, I rise today to introduce the Major League Baseball Antitrust Reform Act of 1995 to repeal the antitrust exemption which shields major league baseball from the antitrust laws that apply to all other sports. I am pleased to have Senator LEAHY, the ranking member of the Antitrust, Business Rights, and Competition Subcommittee which I chair, join me in introducing this bill.

The Thurmond-Leahy legislation addresses baseball's antitrust exemption, but is not specially drafted in an attempt to solve the current baseball strike. Although the ongoing strike raises questions about the antitrust exemption, major league baseball's problems go far deeper than this one strike. Baseball has suffered a strike or lockout every time a contract has expired during the last quarter century. Baseball has had eight strikes or lockouts in a row, the worst work stoppage record of all professional sports. Removing the antitrust exemption will not automatically resolve baseball's problems, but I believe it will move baseball in the right direction.

Despite our interest in seeing the players return to the field, we must be ever mindful of the need to limit Federal Government intervention into matters best left to private remedies. The Congress should determine how much Federal involvement, if any, serves the public interest in this area. But as long as the special antitrust exemption remains in place for baseball, the Congress is involved. The Congress has an impact on the sport by simply permitting the special exemption to remain long after the factual basis for it has disappeared.

It is now well-known that baseball's antitrust exemption is essentially a historical accident. The exemption was established in 1922 by the Supreme Court—not the Congress—when the Court held that professional baseball was not interstate commerce and therefore could not be subject to the Federal antitrust laws. Since that time, the Supreme Court held that baseball is, of course, interstate commerce, but the Court refused to end the exemption. Instead, the Court held that it is up to the Congress to make any necessary changes in the exemption. In light of the Supreme Court decisions in this area, we must recognize that responsibility has shifted to the Congress to address the exemption and whatever effects it may have on major league baseball's problems.

Some Members of Congress believe that we should not get involved during the current strike, while other Members have asserted that in the absence of a strike there is no need for the Congress to take action on this issue. Whether there is a strike or not, it is my belief that it is proper for the Congress to consider this antitrust issue as a matter of public policy. The Congress has considered baseball's antitrust exemption in the past, including serious attention by the Senate Judiciary Committee last year, prior to the current strike. I intend to continue working on this issue, even if the strike were to end today.

As a practical matter, there is no guarantee that any legislation on this subject will be enacted promptly, despite our best efforts, given the press of other business in both the Senate and the House. Thus, this legislation ought to have little impact on baseball's negotiations. The players and owners certainly should continue to work to settle their differences without assuming that congressional intervention will occur.

The Thurmond-Leahy legislation would repeal baseball's antitrust exemption, while maintaining the status quo for the minor leagues. Protecting the current relations with the minor leagues is important to avoid disruption of the more than 170 minor league teams which are thriving throughout our Nation. This is a priority which other Members and I have clearly expressed. The Thurmond-Leahy bill also makes clear that it does not override the provisions of the Sports Broadcast Act of 1961, which permits league-wide contracts with television networks.

Nor does the Thurmond-Leahy legislation affect the so-called nonstatutory labor exemption. The nonstatutory labor exemption shields employers from the antitrust laws when they are involved in collective bargaining with a union. Court interpretations of the nonstatutory labor exemption are somewhat unsettled. But there is no doubt that, at a minimum, repealing baseball's special exemption would permit antitrust challenges in the absence of a collective bargaining arrangement, and would place baseball on the same footing as other professional sports and businesses.

I am also concerned about the issue of franchise relocation, a subject on which I held hearings in the mid-1980's while serving as chairman of the Judiciary Committee. Relocation is a significant issue to baseball, as well as other professional sports. If the antitrust laws need adjustment in this area, we should consider this matter in the context of all professional sports. Thus, the Thurmond-Leahy bill does not address franchise relocation, but separate legislation is being considered to protect objective franchise relocation rules in all professional sports.

Mr. President, I join the millions of Americans who are anxious for the 1995 baseball season to begin, and encourage the owners and players to resolve their differences. But again, I believe the proper role for the Congress is to repeal the Court imposed antitrust exemption. This will restore baseball to the same level playing field as other professional sports and businesses. By removing the antitrust exemption, the players and owners will have one less distraction keeping them from developing a long-term working relationship, and the Congress will no longer be intertwined in baseball because of the special exemption.

● Mr. LEAHY. Mr. President, today I join with Senator THURMOND to introduce the Major League Baseball Antitrust Reform Act of 1995. As chairman and ranking Democrat on the Senate's Antitrust Subcommittee, we will be participating in hearings later this week into the exemption from the Federal antitrust laws enjoyed by major league baseball. Our antitrust laws are intended to protect competition and benefit consumers. No one is or should be above the law. Yet for over 70 years, major league baseball has operated outside our antitrust laws. I think that should be reviewed and corrected.

Last summer, the Senate Judiciary Committee had an opportunity to right this situation when we considered a bill to repeal baseball's antitrust exemption that was very similar to the

bill we are introducing today. While Senator THURMOND and I supported the measure, some of our colleagues blinked and the measure was defeated.

Soon thereafter negotiations between major league baseball owners and players disintegrated. We have since witnessed a preemptive strike, the unilateral imposition of a salary cap, failed efforts at mediation, the loss of one season and likely obliteration on a second, and pleas from all corners to resolve the current impasse going for naught.

In my view, major league baseball's exemption from Federal antitrust laws has significantly contributed to the problem that confronts us all today. Had Congress repealed that out-of-date, judicially proclaimed immunity from law, I believe that this matter would not be festering. I hope that we will, at long last, take up the issue of major league baseballs' antitrust exemption.

Baseball has been the national pastime. It has served to bind parent to child. It teaches important values including the benefits of teamwork and doing ones best. It is part of our history. The game's current caretakers are about to cost the American people another year without baseball.

Seniors who look forward to the joys of spring training and to following their favorite teams on radio or television will have to do without. Youngsters looking for positive role models, contemporary heros, and a sport to span generations or Americans will be shortchanged.

Cities and towns that have invested millions in facilities to support major league baseball will be cheated. Vendors and others who rely on baseball for jobs that help them scratch out a living for themselves and their families will be hit, again.

There is a public interest in the resumption of true, major league baseball. The current situation derives at least in part from circumstances in which the Federal antitrust laws have not applied, Congress has provided no regulatory framework to protect the public, and the major leagues have chosen to operate without a strong, independent commissioner who could look out for the best interests of baseball. Thus, competing financial interests continue to clash, with no resolution in sight.

In my view, the burden of proof is on those who seek to justify baseball's exemption from the law. No other business or professional or amateur sport is possessed of the exemption from law that major league baseball has enjoyed and abused.

I look forward to our prompt hearings and to move ahead thoughtfully to consider whether major league baseball, as it is currently organized, is entitled to exemption from legal requirements to which all other businesses must conform their behavior. It is time to forge a legal framework in which the public will be better served. Since the multibillion-dollar businesses that have grown from what was once our national pastime are now big business being run accordingly to a financial bottom line, a healthy injection of competition may be just what is needed.●

By Mr. KOHL:

S. 417. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

MORTGAGE REVENUE BOND FINANCING LEGISLATION

● Mr. KOHL. Mr. President, I reintroduce legislation that will help Wisconsin and several other States extend one of our most successful veterans programs to Persian Gulf war participants and others. This bill will amend the eligibility requirements for mortgage revenue bond financing for State veterans housing programs.

Wisconsin uses this tax-exempt bond authority to assist veterans in purchasing their first home. Under rules adopted by Congress in 1984, this program excluded from eligibility veterans who served after 1977 or who had been out of service for more than 30 years. This bill would simply remove those restrictions.

Wisconsin and the other eligible States simply want to maintain a principle that we in the Senate have also strived to uphold—that veterans of the Persian Gulf war should not be treated less generously than those of past wars. This bill will make that possible.●

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. WELLSTONE, and Mr. BAUCUS):

S. 418. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION RESERVE PROGRAM EXTENSION ACT OF 1995

● Mr. CONRAD. Mr. President, I introduce the Conservation Reserve Program Extension Act of 1995. I am pleased to be joined in offering this legislation by Senator DASCHLE, Senator WELLSTONE, and Senator BAUCUS.

Established in the 1985 farm bill, the Conservation Reserve Program [CRP] is one of the most popular programs ever offered by the U.S. Department of Agriculture. Its objective, as stated in the 1985 farm bill, was ''to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms or ranches.''

Several factors led to the creation of the program: The United States had accumulated large surpluses of agricultural commodities; commodity prices were extremely low; the agricultural economy was in a precipitous downturn; the cost of agricultural programs was increasing, and soil erosion was actually increasing in some areas of the country. Thus, Congress decided to initiate a program to reduce surplus commodities by retiring cropland, increase prices, boost producer income, and just as important, sharply reduce soil erosion.

Although the program's goal of maintaining higher prices was not as measurable as producers in my State would have liked—a goal which is obviously affected by other factors—the program was well-received and achieved positive results. Between 1986 and 1989, farmers were given nine opportunities to enroll land in the CRP, and they enrolled 33.9 million acres. As a result, the program returned normalcy to the agricultural sector and, along with conservation compliance requirements of the 1985 farm bill, helped reduce soil erosion substantially.

Conditions were different during the debate over the 1990 farm bill, and the CRP was modified to meet those conditions. The CRP was broadened to include more environmentally sensitive lands. Bids were accepted on the basis of an environmental benefits index that measured the potential contribution to conservation and environmental program goals that land would provide if enrolled. Seven goals were set for the program. The goals included surface water quality improvement, potential ground water quality improvement, preservation of soil productivity, assistance to farmers most affected by conservation compliance, encouragement of tree planting, enrollment in hydrologic unit areas identified under the water quality initiative, andenrollment in conservation priority areas established by Congress. These changes broadened the scope of the program, helping it achieve positive, measurable results.

Although initially mandated to research 40 to 45 million acres, according to USDA's Economic Research Service the CRP now includes 36.4 million acres through 375,000 contractual agreements. This represents about 8 percent of total U.S. cropland. The CRP has reduced soil erosion by 700 million tons per year, a reduction of 22 percent compared with conditions that existed prior to the program. In addition, the program has produced enormous benefits for wildlife, both game and nongame species. It is no surprise that reauthorization of the CRP is the primary legislative goal of nearly every wildlife organization.

The CRP has had a significant impact on North Dakota agriculture. Consider the following statistics provided by USDA's Agricultural Stabilization and Conservation Service:

Number of bids	26,600
Number of contracts	18,520
Acres contracted	3,180,569
Average rental rate	$38
Total annual rental	$121,998,974

Commodity base acres involved include:

Wheat	1,138,046
Corn	134,417

Barley	580,059
Oats	263,683
Sorghum	1,837
Total base acres	2,118,042

Total annual erosion reduction: 45,842,990 tons.

The future of this program is central to the debate over the 1995 farm bill in my State.

The legislation we are introducing today represents our effort to address the questions of participants in our States and many others who have concerns about the future of CRP: farm implement dealers, fertilizer and pesticide companies, local business people, lenders, conservationists, ranchers, hunters, and various other parties.

Recently, the U.S. Department of Agriculture made two significant announcements that signal its intentions over the future of the CRP. On August 24, 1994, USDA announced 1-year contract extensions to participants whose contract expires on September 30, 1995.

On December 14, 1994, USDA announced that action would be taken to modify and extend all CRP contracts and to improve the targeting of the CRP to more environmentally sensitive acres.

As a result of these announcements, the Congressional Budget Office [CBO] adjusted its baseline projections for CRP spending. However, the new baseline suggests that the new CRP will shrink to less than half its size, about 15 million acres.

I believe a 15-million acre CRP is insufficient to maintain the broad benefits of the program. Passage of this legislation is necessary to maintain program benefits.

First, environmental benefits will be lost. As I noted, he CRP provides outstanding improvements in water quality, soil quality, and wildlife habitat. Even more benefits could be gained through enactment of our bill. A mistake was made once before in allowing a similar program, the soil bank, to expire. From 1956 to 1972, USDA managed the soil bank, to divert cropland from production in order to reduce inventories, and to establish and maintain protective vegetative cover on the land. In 1960, there were 28.7 million acres under contract. Although many forces were at work in ending the program such as commodity prices in the world market, by the mid-1970's most land had returned to crop production. Many of those acres are now enrolled in the CRP.

Second, commodity prices will likely fall. As CRP contracts expire, several surveys have shown that a majority of farmers will return the land to production, increasing stocks and depressing prices. According to USDA's Economic Research Service, wheat prices would fall 9 percent; corn prices would fall 5 percent. Lower prices and increased acreage receiving payments would increase total deficiency payments 21 percent.

Third, the debate over the 1995 farm bill could become an increasingly difficult budget fight. Some members of Congress continually suggest that Federal farm programs should be cut significantly to solve our budget deficit. I disagree. Agriculture spending has been cut significantly in recent years. If other Federal programs had taken the same reductions agriculture has, our deficit problem would be much less serious, if not solved. If we fail to fully extend the CRP, the budget pressures on agriculture will very likely increase dramatically, threatening farm income that is already at insufficient levels.

Fourth, the combination of lower prices and the loss of rental payments will have serious financial implications for producers and landowners in North Dakota and many other States. If, as some of my colleagues have suggested, the CRP is significantly downsized at the same time farm programs are eliminated, the combined impact would seriously erode land values, and hurt rural schools, businesses and communities, and lending institutions.

I believe that is the wrong approach to Federal agriculture policy. I believe the CRP is an important part of a long-term strategy to maintaining a sound rural economy. The bill I am introducing would lead us in that direction by accomplishing the following:

Requiring the Secretary of Agriculture to offer current contract holders the option of renewing their current contract for 10 years upon expiration. Acreage not reenrolled would be required to follow a basic conservation plan.

Requiring the Secretary to use a bidding system to enroll new acres into the CRP with cost-share assistance available for carrying out conservation measures and practices. Three criteria shall be used by USDA to determine new enrollment: water quality, soil quality, and wildlife habitat.

By moving forward on such a policy, it is my belief that we will be making better long-term decisions for this valuable national resource. The benefits to society in improved water and soil quality and wildlife habitat are real and measurable. Let us not repeat the errors of the past when the soil bank was cavalierly eliminated.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the names of the Senator from Colorado [Mr. BROWN], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. BENNETT], the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Florida [Mr. MACK], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Carolina [Mr. THURMOND], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from Wyoming [Mr. SIMPSON] 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.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of 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.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 285, a bill to grant authority to provide social services block grants directly to Indian tribes, and for other purposes.

S. 311

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 311, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

S. 324

At the request of Mr. WARNER, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 324, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 348

At the request of Mr. NICKLES, the names of the Senator from Minnesota [Mr. GRAMS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 348, a bill to provide for a review by the Congress of rules promulgated by agencies, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the name of the Senator from Rhode Island

[Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE CONCURRENT RESOLUTION 6—RELATIVE TO MEXICO

Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. FRIST, Mr. BROWN, Mr. MURKOWSKI, Mr. BENNETT, and Mr. GRAMM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 6

Whereas Mexico is an important neighbor and trading partner of the United States;

Whereas on January 31, 1995, the President announced a program of assistance to Mexico, that includes swap facilities and securities guarantees in the amount of $20,000,000,000, using the exchange stabilization fund established pursuant to section 5302 of title 31, United States Code and the Federal Reserve System;

Whereas the program of assistance also involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank for International Settlements, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

Whereas the involvement of the exchange stabilization fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

Whereas assistance provided by the International Monetary Fund, the International Bank for Reconstruction and Development, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

Whereas the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds from the exchange stabilization fund, the Federal Reserve System, and the International Monetary Fund; and

Whereas the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico: Now, therefore, be it

Resolved, That it is the sense of the Congress that—

(1) the Secretary of the Treasury should, in conjunction with reports required under section 5302 of title 31, United States Code, by te 30th day after the end of each month, submit a detailed report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives describing, with respect to such month—

(A) the condition of the Mexican economy;

(B) any consultations between the Government of Mexico and the Department of the Treasury or the International Monetary Fund; and

(C) any funds disbursed from the exchange stabilization fund, including any swap facilities or securities guarantees, pursuant to the approval of the President issued on January 31, 1995;

(2) each report submitted under paragraph (1) should include, with respect to the month for which the report is submitted—

(A) a full description of the activities of the Mexican Central Bank and Mexican exchange rate policy, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy;

(B) information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy;

(C) a complete documentation of Mexican tax policy and any proposed changes to such policy;

(D) a list of planned or pending Mexican Government regulations affecting the Mexican private sector;

(E) any efforts to privatize public sector entities in Mexico; and

(F) a full disclosure of all financial transactions, both inside and outside of Mexico, directly involving funds disbursed from the exchange stabilization fund and the International Monetary Fund, including transactions with—

(i) individuals;

(ii) partnerships;

(iii) joint ventures; and

(iv) corporations; and

(3) the Secretary of the Treasury should continue to submit reports under paragraph (1) until the Secretary determines that no further risk exists to United States taxpayers of default by the Government of Mexico on funds provided from the exchange stabilization fund, the Federal Reserve System, or the International Monetary Fund pursuant to the program of assistance approved by the President on January 31, 1995.

● Mr. MACK. Mr. President, a few weeks ago, President Clinton arranged a financial package for Mexico. The package involves the exchange stabilization fund, the International Monetary Fund, the Federal Reserve, and other international organizations and governments to help Mexico get through its liquidity crisis. There is no doubt that the United States has a great interest in the health of Mexico's economy. We are concerned about Mexico, not only as a trading partner but as a good neighbor. This particular financial package expands that relationship. Indeed, it puts U.S. tax dollars at risk, and Congress needs to play an oversight role.

I am concerned that Mexico's problems leading to this financial arrangement were rooted in bad economic policies. Mexico's central bank violated sound money principles. Excessive money supply growth was the root cause of the devaluation of the peso. Followup policies of wage and price controls will drive away private investors and hurt Mexican citizens.

My understanding is that Treasury Secretary Rubin has promised the House and Senate Banking Committees a ''detailed picture of developments in Mexico'' so that Congress can be fully informed of Mexican economic policies and therefore its ability to repay loan obligations. The Treasury is currently required to report to Congress on any disbursements from the exchange stabilization fund. Because of the magnitude of the current commitment, I feel it is necessary for Treasury to provide additional information to the Banking Committee regarding the condition of the Mexican economy and consultations between the Government of Mexico and the International Monetary Fund or the United States Treasury Department. That is why I, with several other Senators, am introducing the Mexican Loan Compliance Resolution.

This resolution will make sure that the information Congress needs to evaluate the Mexican loan is the same information that will be provided by Treasury. The resolution asks for Treasury to provide: Information on monetary policy in Mexico, including potential devaluation plans and information on the Mexican money supply; information on the institution of wage and price controls, changes in tax policy, and privatization efforts; a list of planned or pending Mexican Government regulations affecting the Mexican private sector; and a full disclosure of all financial transactions directly involving funds disbursed from the exchange stabilization fund and the International Monetary Fund.

Just as American voters made clear to our government in November that they wanted change, Mexican voters rallied for change in their election last Sunday. The Institutional Revolutionary Party [PRI], the party of President Zedillo, that delivered the devaluation of the Mexican peso, suffered a bruising defeat. The people in the Mexican state of Jalisco voted overwhelmingly for candidates from the National Action Party [PAN], electing a new governor, achieving a majority in the state legislature, and winning 90 of 124 municipal offices. While only the Mexican people can determine whether the PAN party will fully reflect their desire for change, the Mexican people recognized who was responsible for 40 percent of their purchasing power vanishing with the devaluation, and they held their leaders accountable. The new Congress elected in November recognizes that it's accountable too. By ensuring that Mexico follows policies that will help the Mexican people and strengthen its economy, we will fulfill our obligation to protect United States taxpayers whose dollars are on the line.●

SENATE RESOLUTION 78—RELATIVE TO HALEYVILLE, AL, EMERGENCY 911 DAY

Mr. HEFLIN submitted the following resolution; which was considered and agreed to:

S. RES. 78

Whereas 27 years ago a new era of providing emergency service was ushered in with the creation of the emergency 911 service;

Whereas the first emergency 911 service in the United States was developed by the independent Alabama Telephone Company, a member of the Continental system;

Whereas the Alabama Telephone Company chose Haleyville, Alabama, as the site of the first emergency 911 service in the United States;

Whereas Haleyville, Alabama, became the birthplace of emergency 911 service on Friday, February 16, 1968, when a demonstration call was made from Alabama Representative Rankin Fite of Hamilton, Alabama, at the

Haleyville City Hall, to United States Representative Tom Bevill of Jasper, Alabama, at the Haleyville Police Department;

Whereas the historic first call began service that now serves the entire United States and has saved thousands of lives during the past 27 years; and

Whereas numerous men and women in the Haleyville area have conscientiously answered thousands of emergency phone calls during the past 27 years and have provided fast assistance as well as needed assurance to victims of accidents, crime, and illness: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating February 16, 1995, as ''Haleyville, Alabama, Emergency 911 Day'' and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

BOXER (AND OTHERS) AMENDMENT NO. 240

Mrs. BOXER (for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. INOUYE, Mr. AKAKA, and Mrs. MURRAY) proposed an amendment to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

At the end of Section 5, add the following: ''The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists.''

HOLLINGS (AND SPECTER) AMENDMENT NO. 241

Mr. HOLLINGS (for himself and Mr. SPECTER) proposed an amendment to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, beginning on line 3, strike ''That the'' and all that follows through line 9, and insert the following: ''That the following articles are proposed as amendments to the Constitution, all or any of which articles, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:''.

On page 3, immediately after line 11, insert the following:

''ARTICLE —

''SECTION. 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

''SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

''SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

''SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation.''.

JOHNSTON AMENDMENTS NOS. 242–243

(Ordered to lie on the table.)

Mr. JOHNSTON submitted two amendments intended to be proposed by him to the joint resolution House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 242

On page 3, between lines 3 and 4, insert the following:

''Section 7. The judicial power of the United States courts shall extend to any case or controversy arising under this Article.

''Section 8. Any person may commence an action for appropriate redress in any federal court of competent jurisdiction to enforce this Article.''

AMENDMENT NO. 243

At the end of Section 6, add the following: ''The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.''

JOHNSTON (AND OTHERS) AMENDMENT NO. 244

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. LEVIN, Mrs. BOXER, and Mr. PRYOR) submitted an amendment intended to be proposed by them to the joint resolution House Joint Resolution 1, supra; as follows:

At the end of Section 6, add the following: ''No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.''

JOHNSTON AMENDMENTS NOS. 245–247

(Ordered to lie on the table.)

Mr. JOHNSTON submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 245

On page 3, between lines 8 and 9, insert the following:

''SECTION . Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.''

AMENDMENT NO. 246

On page 1, lines 4 and 5, strike ''is proposed as an amendment to the Constitution of the United States, which'' and insert ''shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the enactment of legislation specifying the means for enforcing the provisions of the amendment, which amendment''.

AMENDMENT NO. 247

At the end of Section 6, add the following: ''The judicial power of the United States shall not extend to any case or controversy arising under this article, except for cases or controversies seeking to define the terms used herein, or directed exclusively at implementing legislation adopted pursuant to this section.''

BINGAMAN AMENDMENT NO. 248

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be propose by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, strike lines 9 through 11, and insert the following:

''SECTION 8. This article shall take effect beginning with the later of the following:

''(1) fiscal year 2002;

''(2) the second fiscal year beginning after its ratification; or

''(3) the end of the first continuous seven-year period starting after the adoption of the joint resolution of Congress proposing this article during which period there is not in effect any statute, rule, or other provision that requires more than a majority of a quorum in either House of Congress to approve either revenue increases or spending cuts.''.

FEINGOLD AMENDMENTS NOS. 249–250

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the joint resolution House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 249

On page 2, line 6 after ''vote'' insert: ''or unless Congress shall provide by law that an accumulated budget surplus of not to exceed 1 percent of total outlays for a fiscal year shall be available to offset outlays to the extent necessary to provide that outlays for that fiscal year do not exceed total receipts for that fiscal year''.

AMENDMENT NO. 250

On page 2, line 3 after ''not exceed'' insert: ''99 per centum of''.

LEAHY (AND OTHERS) AMENDMENT NO. 251

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. BUMPERS) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, line 4, strike ''is proposed as an amendment to the Constitution of the United States, which'' and inserting ''shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the completion by the General Accounting Office of a detailed analysis of the impact of the article on the economy and budget of each State and''.

At the end of section 3, add the following: ''The President shall include with the proposed budget a report detailing the impact of the budget on the economy and budget of each State.''.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I would like to announce the third in a series of hearings on regulatory reform before the Senate Committee on Governmental Affairs. This hearing, to be held

on Wednesday, February 15, will provide a forum for various witnesses to discuss cost/benefit analysis, regulatory accounting, and risk analysis.

The hearing will be held in the Senate Dirksen Office Building, SD–342, from 9:30 a.m. to 12:30 p.m.

For further information, please call Paul Noe at (202) 224–4751.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT, AND COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the public that a joint hearing has been scheduled before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The hearing will take place Tuesday, February 28, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the findings of the Task Force on Alternative Futures for the Department of Energy National Laboratories.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call David Garman at (202) 224–7933 or Judy Brown at (202) 224–7556.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources on S. 395, the Alaska Power Administration Sale Act, including title II, the Trans-Alaska Pipeline Amendment Act of 1995.

The hearing will take place on Wednesday, March 1, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 14, at 9:30 a.m., in SR–332, to discuss what regulatory reforms will help strengthen agriculture and agribusiness.

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

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 A.M. on Tuesday, February 14, 1995, in open session, to receive testimony from the unified commanders on their military strategies, operational requirements, and the defense authorization request for fiscal year 1996, including the future years defense program.

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 Tuesday, February 14, 1995, at 10 a.m. to hold a hearing on foreign policy overview and the State Department fiscal year 96 budget presentation.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 14, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget.

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

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, February 14, 1995, at 9 a.m. in Senate Dirksen room 226, on Federal crime control priorities.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works be granted permission to meet Tuesday, February 14, 1995, at 2:30 p.m., to conduct a hearing on the Reauthorization of the Water Resources Development Act and the U.S. Army Corps of Engineers' fiscal year 1996 budget request.

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

ADDITIONAL STATEMENTS

STATEMENT ON THE INTRODUCTION OF S. 395, ALASKA POWER ADMINISTRATION SALE ACT

• Mr. STEVENS. Mr. President, yesterday, Senator MURKOWSKI and I introduced legislation to authorize and direct the Secretary of Energy to sell the Alaska Power Administration's two hydroelectric projects and terminate the Alaska Power Administration; and to permit the export of Alaskan North Slope crude oil carried on U.S. flag vessels. I urge my colleagues to join in support of this legislation.

For Senators who are less familiar with the Alaska Power Administration, it is a unit of the U.S. Department of Energy. The Alaska Power Administration has had the responsibility for operation, maintenance, transmission, and power marketing for the two Alaskan Federal hydroelectric projects, Eklutna and Snettisham, which were authorized to encourage economic and industrial development in Alaska. Congress never intended that Snettisham and Eklutna would remain under Federal control. And, as this is an issue that I have worked on for many years, I am glad that the present administration supports the Federal divestiture of these two projects and the termination of the Alaska Power Administration upon completion of the sales.

This legislation includes significant improvements over previous proposed legislation. The sales of the projects will proceed under the terms of two separate purchase agreements that provide and require transition plans for the Federal employees of the projects, including but not limited to Federal employee benefits for Alaska Power Administration employees, delineation of responsibilities of the purchasers and the sellers through the transition to new ownership, protection for nonpower users of project lands and water, and environmental management plans. Additionally, the projects, including future modifications, will continue to enjoy their exemption from the requirements of the Federal Power Act.

Our legislation will also amend the Trans-Alaska Pipeline Authorization Act to permit the export of Alaskan North Slope crude oil. As I have said before, this vital legislation will create jobs around the Nation and increase oil production in Alaska and California. It will also ensure the continued survival of the independent U.S. tanker fleet manned by U.S. crews, and thus enhance our national security while eliminating an injustice that for too long discriminated exclusively against the citizens of Alaska. With the administration's support, we intend to move this bill as quickly as possible to begin creating jobs, spurring energy production, and preserving our independent tanker fleet.

Congress enacted the original export ban shortly after the commencement of the Arab-Israeli war and the first oil boycott in 1973. The original intent of the law was to enhance energy security, but today it actually threatens our energy security by discouraging energy production and creating unnecessary hardships for the struggling domestic oil industry. In 1994, for the first time in history, more than half the oil used in the United States was imported. Imports in 1994 accounted for 50.4 percent of domestic demand, and it is the decline in domestic production that has led to higher imports. Most North Slope crude oil is delivered to

the west coast, especially California, on U.S. flag vessels. The export ban drastically reduces the market value of the oil and creates an artificial surplus on the west coast. This depresses the production and development of both North Slope crude and the heavy crude produced by small independent producers in California.

Our legislation would go a long way toward helping to revive the domestic oil industry, create American jobs, and preserve our U.S. tanker fleet. In June 1994, the Department of Energy released a comprehensive report which concluded that Alaskan oil exports would boost production in Alaska and California by at least 100,000 barrels per day by the end of the decade. The Department also concluded that exports of this oil on U.S. flag ships would help create as many as 25,000 new jobs and generate hundreds of millions of dollars in new State and Federal revenues. Our legislation would require the use of U.S. flag ships to carry the exports, meaning that, in general, the ships which carry this oil today will continue to do so in the future.

Mr. President, I emphasize that this legislation will increase jobs for Americans. It will help small businesses by permitting the oil market to function normally. It will help keep U.S. seamen employed in a U.S. tanker fleet. It will slow the decline of production of North Slope crude oil and encourage production in California, which will, in turn, help to salvage our energy security. Finally, it will help to eliminate an injustice which has unfairly discriminated against Alaska's citizens for too long. We urge the administration to join with us to help move this legislation as quickly as possible.●

FIRST WOMAN PILOT IN SPACE

● Mr. MOYNIHAN. Mr. President, it is with great pleasure that I rise today to recognize the achievements of Air Force Lieutenant Colonel Eileen Marie Collins, a native of Elmira, NY. On Friday, February 3, Lt. Col. Collins became the first woman to pilot a NASA space shuttle. As pilot on the *Discovery*, Col. Collins' main duty was to operate and maintain the engines, battery-powered hydraulic system, and electrical system. As we all saw, the *Discovery* rendezvoused with the Russian space station *Mir*, another historic achievement on this flight. The *Discovery*'s 8-day flight is the first of eight missions NASA hopes to carry out this year.

Colonel Collins began taking flying lessons at the age of 19 while studying mathematics and science at Corning Community College, in Corning, NY. She holds a bachelor of arts degree in mathematics and economics from Syracuse University. After graduating in 1979 from Air Force undergraduate pilot training at Vance Air Force Base in Oklahoma, she became an instructor on T–38 and C–141 aircraft. From 1986 to 1989 she taught mathematics at the Air Force Academy and continued as a flight instructor. It was in 1990, while she was attending the Air Force Test Pilot School at Edwards Air Force Base in California, that NASA selected her to be an astronaut.

Now Colonel Collins joins the ranks of other astronauts from New York such as Mario Runco, Jr., and Ronald J. Grabe. I congratulate her for this great milestone in her career, and wish her success in all future endeavors.●

THE SURGEON GENERAL NOMINATION

● Mr. MCCONNELL. Mr. President, as most of my colleagues know, I have generally held the view that a President is entitled to the nominees of his choice, and the Senate's constitutional role of advice and consent is an inherently limited one.

At least until the Supreme Court nomination of Judge Robert Bork, it seemed to me that matters of ideology and politics should not figure prominently into the Senate's calculation when it reviewed a President's nominees. That standard may have been irrevocably transformed by the still-painful memories of the Bork nomination, but I think it still applies to less consequential presidential nominations.

Now that the White House is embroiled in yet another embarrassing battle over one of its nominees, it is attempting to raise the specter of unfair, ideologically driven opposition. Caught in a self-made web of contradictory statements and blatant falsehoods, the administration is now asserting that concerns about Dr. Henry Foster, its nominee for Surgeon General of the United States, are motivated entirely by moral conservatism, all engineered by the ''religious right.''

This smokescreen is an insult to the intelligence of every Member of this body.

Since when are ACT–UP and the National Organization for Women considered rightwing zealots? Yet both these organizations have serious reservations about Dr. Foster's record. I imagine that the Democratic Senators who have expressed misgivings about this botched nomination would be amused to hear themselves described as hard-line conservatives—agents of the religious right, no less. Yet that is what the White House wants us to believe.

Perhaps a little history is in order to set the record straight.

Ever since the President's nomination of Dr. Foster as Surgeon General, we have been subjected to yet another round of White House credibility bingo. When Senator KASSEBAUM first asked about Dr. Foster's abortion practices, the White House responded that he had performed only one. Then Dr. Foster announced that the number was ''under a dozen.'' Then 55 and 700 abortions popped up in public accounts of Dr. Foster's research on abortion-related procedures. Now, Dr. Foster has called bingo at 39.

One doesn't have to be against abortion to find it troubling that a nominee can't get his story straight about how many of them he has performed. After all, we're not talking about how many M&M's the man has eaten in his lifetime.

But the White House credibility game gets worse. Last weekend, it was disclosed that Dr. Foster also performed experimental sterilizations on severely retarded women. Leaving aside the serious issues of privacy rights and medical ethics which these incident raise, it is again troubling that neither the White House nor its nominee found them significant enough to mention at the outset. Perhaps they hoped no one would find out.

Mr. President, more is at issue here than one nominee. Because of this administration, we are struggling to salvage the public respect and dignity of the position of Surgeon General. Over the last 2 years, our Nation has been forced to sit and watch as this once-respected office was made an object of ridicule by the actions and remarks of the previous appointee. We cannot allow that to happen again—before or after a nominee is confirmed.

The White House just can't figure out that the business of the Surgeon General is public health—not politics. It is about fighting serious diseases and health risks, not promoting some left-wing, politically correct agenda. After the embarrassing controversies and ultimate removal of Dr. Joycelyn Elders, one would think the White House had finally learned its lesson.But this is one administration that never quite seems to get it.

The Nation's advocate for public health does not have a large staff at his or her disposal, or a large budget. Instead, the primary asset which a Surgeon General must use in protecting the public's health is the public's trust. If a Surgeon General is regarded as untrustworthy or ill-equipped by the public, that Surgeon General will be unable to perform his or her job in any meaningful way.

That is why the issue of credibility is so fundamental to this particular nomination. And on the question of credibility, this nominee has a serious problem—one which has been compounded by severe incompetence at the White House. As stated in a February 10 editorial in the New York Times:

> Misleading statements by candidates for high position simply cannot be condoned * * *. [T]he Administration put out false information on the number of abortions performed by Dr. Foster * * *. [B]oth he and the Administration made it look as if their accounts were unreliable or designed to mask a more troubling history.

Rather than admit the plain facts, the administration now wants to turn this nomination into a holy war over abortion. That is a gross distortion of reality and an evasion of the White House's responsibility for its negligent handling of this nomination.

A number of Senators, newspapers, and outside interest groups—all of whom could be fairly characterized as pro-choice—have expressed deep concerns regarding this nomination, because of the credibility issue. In fact, I think it is fair to say that this nominee's problems have no more to do with abortion than Zoe Baird's problems had to do with antitrust policy.

We have had a number of controversial Surgeons General, some of whom I have disagreed with vehemently. But I have never seen, at least not since this administration, a Surgeon General who—by their own actions and statements—utterly squandered the public trust that is so essential to this job.

As I said at the outset, it is generally my approach to give the President wide latitude in appointing the various members of his administration. But with the facts that have come tumbling out about this nominee—many of them in direct conflict with each other—and given the excruciating history of the last Clinton administration official to hold this job, I must regrettably join with my colleagues who have called on the White House to withdraw the nomination immediately.

Every day that goes by will simply do more damage to a nominee who is, by all accounts, a decent and accomplished individual. What is more, every new report of withheld and false information will only serve to further erode the credibility of the office of Surgeon General, at a time when public esteem for the position is at an all-time low.

I think everyone in this body is ready to work with the President to find a new candidate for Surgeon General who would command the public's trust at the very outset. I may not agree with that new nominee on some issues, or even on most issues. But the point is to restore the integrity and dignity of the office, and that will require a nominee who comes untarnished by lapses in candor or allegiance to an extreme political agenda.

Playing the abortion card—as the White House is now doing so extravagantly—is merely a convenient dodge. The real issue is credibility: the credibility of the nominee, and the credibility of this administration.●

RETIREMENT OF REAR ADM. JOHN E. GORDON

● Mr. NUNN. Mr. President, on April 19, 1994, the Senate confirmed the nomination of Adm. Frank Kelso, the Chief of Naval Operations, to retire in grade. During the debate on the nomination, a number of Senators raised issues concerning Admiral Kelso's accountability with respect to matters related to the misconduct at the 1991 Tailhook Symposium. At one point, a Senator indicated that no one, other than a victim of the misconduct, lost his or her job as a result of Tailhook. In response, I noted that a number of individuals, including the Secretary of the Navy, resigned as a result of Tailhook.

In the course of my remarks, I stated that ''the Navy JAG, the Judge Advocate General, resigned over this.'' I made that statement based upon the fact that the retirement of the Judge Advocate General was announced at the time that the Navy made public its initial reaction to the DOD inspector general's report on the Navy's conduct of the Tailhook investigations. Subsequent to my remarks, I have been informed by the Navy that the then-Judge Advocate General, Rear Adm. John E. Gordon, did not resign in response to the Tailhook report.

The Navy has advised me that Rear Admiral Gordon was appointed to be the Judge Advocate General on November 1, 1990, and was immediately scheduled for retirement on November 1, 1992, in accordance with prior Navy practice. Rear Admiral Gordon formally submitted his request for retirement on September 9, 1992, prior to the September 21, 1992 issuance of the DOD/IG report, and retired on November 1, 1992, in accordance with the date originally set in 1990. The Navy has further advised me that no official adverse action was taken against Rear Admiral Gordon.

To put this matter in perspective, the Navy has advised me that in the aftermath of the Tailhook matter, 29 Navy and Marine Corps personnel were punished under article 15 of the Uniform Code of Military Justice—nonjudicial punishment—and 3 flag officers received letters of censure from the Secretary of the Navy. Sixty Navy and Marine Corps personnel received nonpunitive administrative letters and 19 received informal counseling.

I appreciate the opportunity to clarify the record.●

MEXICAN LOAN COMMITMENTS RESOLUTION

● Mr. D'AMATO. Mr. President, I am pleased today to cosponsor with Senator MACK the Mexican loan commitments resolution.

As I stated on February 8, the President never should have circumvented the will of the American people to bail out a mismanaged Mexican Government and global currency speculators. I remain outraged that American taxpayers have been forced to do something they did not want to do. The President knew full well that Congress would never approve a $40 billion bailout. He never should have submitted to economic blackmail.

The President's use of $20 billion from our Exchange Stabilization Fund [ESF] to bail out Mexico was unprecedented. This fund was intended to stabilize the dollar, not the Mexican peso or any other foreign currency. It is not the President's personal piggy bank. The President has now committed $20 billion of the approximately $25 billion the ESF has available for lending. Are sufficient funds left in the ESF to stabilize the dollar's exchange rate in the event of a crisis? What happens if Mexico defaults? Does the President propose to raise taxes or cut needed domestic programs to replenish the ESF?

The Banking Committee intends to hold oversight hearings on the President's use of the ESF to bail out Mexico. These hearings will address, among other issues: First, the President's legal authority to use the ESF to provide $20 billion in loans, loan guarantees, and other assistance to Mexico; second, the need for such assistance to Mexico; third, Mexico's compliance with the conditions imposed for United States assistance; fourth, the administration's monitoring of economic conditions in Mexico during 1994, including whether the administration or the International Monetary Fund [IMF] participated in Mexico's December 20 decision to devalue the peso; and fifth, lessons of the Mexican peso crisis, including the risk of similar crises occurring in other nations.

The Mexican loan commitments resolution expresses the sense of the Senate that Congress must receive sufficient information to judge the success or failure of the President's Mexican adventure. This resolution urges the Secretary of the Treasury to provide the Senate Banking Committee with monthly information on: First, economic conditions in Mexico, and second, Mexico's use of the funds it obtains from the ESF and IMF. The Secretary now submits a monthly ESF financial statement to the Senate and House Banking Committees.

Mr. President, in a February 9 letter to me, Secretary Rubin expressed a willingness to provide some additional information to the Banking Committee on Mexico's economic condition, and Mexico's use of our assistance. I ask that the Secretary's letter be included in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

The purpose of this resolution is to detail the information that the Senate believes the Secretary must submit to allow the Banking Committee to monitor the President's extraordinary use of the ESF to aid Mexico.

The resolution urges the Secretary to provide the Banking Committee with information on:

The activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy;

The implementation and extent of wage, price, and credit controls in the Mexican economy;

Mexican tax policy;

Planned or pending Mexican Government regulations affecting the Mexican private sector; and

Any efforts to privatize public sector entities in Mexico.

This information will allow the committee to determine whether Mexico's Government has instituted the tight money and free market reforms needed to improve its economy.

The resolution further asks that the committee be provided with a full disclosure of all financial transactions, both inside and outside of Mexico, directly involving funds disbursed from the ESF or the IMF. This information will allow the committee to determine whether these funds are being used to strengthen the peso or to refinance Mexico's debt. As Senator BENNETT urged last week, these funds should be used to extinguish excess pesos not to bail out speculators in Mexican tesobonos.

Finally, this resolution asks that the committee be informed of any consultations involving Mexico between the Untied States Department of the Treasury, the IMF, and the Bank of International Settlements. This information will assist the committee in evaluating the success of the multilateral effort to aid Mexico.

Mr. President, I hope my dire predictions about the President's use the ESF to aid Mexico turn out to be wrong. I hope that Mexico prospers, and that American taxpayers are not left holding the bag.

Mr. President, I strongly urge passage of the Mexican loan commitments resolution. The information specified in this resolution will allow Congress to blow the whistle if Mexico fails to life up to its commitments—to stop the peso press, to balance its budget, and to privatize. We must protect American taxpayers, not badly run foreign governments.

EXHIBIT 1

SECRETARY OF THE TREASURY,
DEPARTMENT OF THE TREASURY,
Washington, DC, February 9, 1995.

Hon. ALFONSE M. D'AMATO,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: In your floor statement of February 8, you called on the Department of the Treasury to provide the Banking Committee with monthly information on (i) economic conditions in Mexico, and (ii) Mexico's use of the funds it will obtain through our support package. As you know, the Treasury Department presently submits a monthly report to the House and Senate Banking Committees on Exchange Stabilization Fund (ESF) operations. We are happy to supplement this monthly report with the information you requested. The report will also provide a detailed picture of developments in Mexico, as well as an analysis of Mexico's compliance with our agreed economic terms and conditions. This information will enable the Congress and the American people to review actions we are taking in America's interests to deal with Mexico's financial situation.

Let me assure you that we fully share your concerns about the need to ensure Mexico's proper use of our support.

To that end, Mexico has already agreed to meet a tough set of economic conditions imposed by the IMF as a requirement for accepting support from the Fund. These include strict monetary targets that will hold Mexico to negative real monetary growth, and disciplined fiscal targets that will move Mexico to budget surplus. In addition, the Mexicans have committed themselves to pushing forward with their privatization program and further opening their economy.

Our own framework agreement with Mexico will take the IMF program as a base. But we will also require the Mexicans to agree to additional obligations, over and above those imposed by the IMF, to protect our own resources. We will insist that Mexico take steps to assure the independence of its central bank. Moreover, we will require far greater transparency and regular reporting on Mexico's financial condition and policies. We will further ensure Mexico provides us with the data we need to determine independently whether Mexico is complying with our conditions and the IMF's conditions. Let me emphasize to you that we will preserve the right to halt our support program if we conclude that Mexico is not cooperating, or if we judge that Mexico's economic situation is deteriorating.

Please let me know if I or my staff can be of any further assistance.

Sincerely,

ROBERT E. RUBIN.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise today to continue my weekly practice of reporting to the Senate on the death toll by gunshot in New York City. Last week, 7 people were killed by firearms in New York City, bringing this year's total to 75.

With over 16,000 murders by gunshot nationally each year, we obviously have a long way to go in our efforts to curb the plague of gun violence. To be sure, we've made some progress, particularly with passage of the Brady law and the recent ban on semiautomatic assault weapons. Unfortunately, there is a powerful lobby working against us. If any one doubts this, they need only look at the most recent congressional elections. The National Rifle Association's $3.2 million campaign to defeat targeted congressional candidates proved successful in 19 of 24 races.

We must continue to fight the gun lobby. Efforts at the national level will continue to be difficult, and we must enlist the help of States and localities. Indeed, some States and localities have already taken important steps. Last year, for instance, the city of Chicago became the first in the Nation to ban the sale of all handgun ammunition. In addition, as reported in a New York Times article late last year, police departments in two other cities, Indianapolis and Kansas City, have mounted successful campaigns to rid their streets of guns. Simply by vigorously enforcing infractions of the law that give them the legal basis to search individuals, police in these two cities have confiscated an impressive number of illegal guns. In the first 3 weeks of the program in Indianapolis, special police teams seized an AK–47 rifle, a Mac 10 semiautomatic weapon, a Glock 19 semiautomatic pistol, and a host of other illegal guns. In Kansas City, which has already completed a 6-month gun-interception experiment, gun-related crimes declined by almost 50 percent in the area in which the program was implemented.

These are by no means novel approaches. In fact, New York City's Police Commissioner William Bratton adopted similar methods when he headed the city's transit police. In an effort to crack down on the thousands of fare-evaders on the city's subway system each day, Bratton directed sweep teams to apprehend these illegal passengers. As it turns out, 1 in 20 of those passengers carried illegal weapons. The resulting arrests led to a 48-percent decline in subway crimes.

I commend the efforts of the cities of Chicago, Indianapolis, and Kansas City to the attention of Senators, and I hope the Senate will consider gun control and ammunition control legislation in the near future.●

RULES OF THE COMMITTEE ON SMALL BUSINESS

● Mr. BOND. Mr. President, pursuant to Senate, rules, I ask unanimous consent that the Committee on Small Business' rules for the 104th Congress be printed in the RECORD at this time.

The Committee rules follow:

COMMITTEE RULES

(As adopted in executive session January 11, 1995)

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. MEETINGS AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on 3 days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Cong. Rec. §3231 (daily ed. March 21, 1986).

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. Written notice of all hearings shall be given, as far in advance as practicable, to Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such, Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 48 hours in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. SUBCOMMITTEES

The Committee shall have no standing subcommittees.

5. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended: provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.●

ORDERS FOR WEDNESDAY, FEBRUARY 15, 1995

Mr. INHOFE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Wednesday, February 15, 1995, and that following the prayer, the Journal of the 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 immediately resume consideration of House Joint Resolution 1, the constitutional amendment to balance the budget.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

PROGRAM

Mr. INHOFE. Mr. President, for the information of all Senators, votes are expected to occur throughout Wednesday's session of the Senate, with the first vote occurring possibly as early as 10:30 a.m.

In addition, it may be necessary for the Senate to remain in session into the evening in order to make progress on the pending balanced budget amendment.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senator INHOFE recognized to speak for up to 45 minutes; and that following the conclusion of the Senator's statement, the Senate stand in recess under a previous order.

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

THE 11 ARGUMENTS IN OPPOSITION

Mr. INHOFE. Mr. President, last Sunday I had occasion to be attending church at the First Presbyterian Church in Tulsa, OK, which is not unusual since I was married in that church 35 years ago. Dr. James Miller, who is the head minister there, preached a sermon on Matthew 28, verses 16 and 17.

For somebody who may not remember that last chapter of Matthew, it was after Christ had been crucified and had been resurrected. During that timeframe, there were some women who said that they had seen Christ somewhere around the hills above the Sea of Galilee, so they told the disciples to go up there and they could find the living Christ, who had surely arisen. So 11 disciples went up. Those 11 disciples saw Christ with their own eyes. They heard him with their own ears, and still they doubted him.

It occurred to me if such incontrovertible truth could have been doubted by the disciples back then, then maybe we have been worrying too much about the American people. Because certainly if they doubted truth like that, then the American people would see through the phony and transparent arguments against the balanced budget amendment.

So I went home and I got the Congressional RECORD out. I do not think many Members of Congress of either House spend a lot of time reading the CONGRESSIONAL RECORD. I know I do not. But I did that morning. I looked up to find the 11 strongest arguments that were made in opposition to the balanced budget amendment.

I decided I would have one argument for each of the disciples. That seemed to be a reasonable thing. Most of these were arguments that were articulated by the very gifted Senator from West Virginia, [Mr. BYRD].

I would like to run over these arguments, the 11 arguments, that have been used over and over and over again in opposition to the passing of the balanced budget amendment to the Constitution.

The first one, which I will read verbatim is:

> Proponents have refused to lay out a detailed plan to get to a balanced budget. How can you tell if it will be good for the country if you do not know the details?

Well, I know we have already voted on that amendment, and we were able to successfully table the amendment. But what we can tell and what we do know is that the status quo is bad for the country. Continuing business as usual, doing nothing, just keeping on doing the same thing we have been doing for the past 40 years, is not going to work, and the public is not demanding a detailed plan.

I think that is very significant. We hear so much about, ''Tell us exactly what you are going to do. Tell us where you are going to cut. Tell us, play by play, what is going to happen in the next 7 years.'' They are not asking about that. That is not what this amendment is all about.

What we do not realize, many Members, is that this is really, truly a historic time in America. When we think about the other historic decisions that were made throughout the history of this country, they were never followed by detailed plans.

We can remember so well when John Fitzgerald Kennedy made a commitment that within a decade we would put a man on the moon. Now, I think there may have been some around that time that said, ''Show us how you will do it. We do not want to make that commitment. We do not know what it will cost. We do not know how to do it. We need the details.''

But at that time, the rockets were not built. The astronauts were not named. There were not any spacecrafts designed. No one could say exactly how to do it. Yet, following the same line of reasoning, we would say that we would have expected President Kennedy to have said: All right, on February 20, 1962, we are going to get an astronaut by the name of John Glenn to orbit the

earth three times. Then, 3 years later, on December 15, 1965, we will go get a great Oklahoman named Tom Stafford, along with Wally Schirra, and they are going to achieve the first rendezvous in space between Gemini 6 and Gemini 7. Then, 3 years later, Christmas of 1968, we are going to have the first manned lunar orbit by Apollo 8 spacecraft. Three astronauts are going to go up and they are going to read aloud from the Book of Genesis. And then, finally, on July 20, 1969, we will have two astronauts, Neil Armstrong and Buzz Aldrin, that are going to land and walk on the moon.

No one believes that that is a reasonable request, that he should have done that.

Some Members in this Chamber are old enough, as I am, to remember when Franklin Delano Roosevelt declared war in the Axis powers, and that threat that was out there—and there were many people in Congress at that time who did object to it, who did not want to go to war, who did not think it was necessary. They actually did ask for the plan at that time.

How could he have given any details? Could he have said that on June 6, 1944, we are going to send 156,000 troops into Normandy onto five beaches? Then, 6 months later, December 26, we will time this to the day after Christmas, we will have the Battle of the Bulge, and General Patton will send his third army in and do their thing. And then, finally, on August 6, 1945, if you declare war with me, we will drop an atomic bomb on Hiroshima, and I think we will use a B–29 to do that, and we will name it the Enola Gay.

Now, all Senators know that that is not reasonable. Yet, that is the way we went into war, and there were people expecting more details than we were able to give them at that time. I suggest, Mr. President, that this is war that we are in the middle of now. We have been waiting for this time, this opportunity, for 40 years. It is here. We must seize this opportunity.

The second objection that was made by the very distinguished Senator from West Virginia was that proponents want to treat people like children, hiding the hard truth from them.

Well, now, I take exception to that, because I have four children. I never hid the hard truth from them. I remember once, when my number two child, whose name is Perry, was a very small child, and he looked a little bit like this guy here. We got him his first bicycle and we live in kind of a hilly neighborhood, and we taught him to balance. He was so excited. Finally, he was ready to go all the way around the block, and he came back to his home in triumph. He was sweating; he was hot. He came up to me and said, ''Dad, I wish the whole world was downhill.'' So I told him the hard truth is the whole world is not downhill. The world is uphill and downhill.And I never hid the truth from them. The hard truth is that continuing business as usual will lead to disaster, procrastinating and avoiding the problem, acting like it does not exist. It is time for our country to grow up into this stage of maturity where it understands the significance on what we are to embark. The hard truth is the world is not all downhill, you have to pedal uphill. The balanced budget amendment is not going to be easy—it will take sacrifice—but we have to do it for our children.

The third argument that was made was that proponents say they are tired of Washington telling people what to do, the Washington-knows-best mentality, but the balanced budget amendment is the ultimate Washington mandate. No, Senator, you have it backward. Those who oppose the balanced budget amendment, who have been running things in this town for the last 40 years, they are the ones with the Washington-knows-best mentality. They have continued business as usual for the past 40 years, in spite of the fact that 70 to 80 percent of the people in America want a balanced budget amendment to the Constitution.

You might wonder, why do they want a balanced budget amendment to the Constitution? Why can they not just say, ''Let's elect people who are going to balance the budget?'' It is because for 40 years we, in this body, have demonstrated very clearly that we are incapable of balancing the budget.

I cannot remember one person that I have seen campaigning in the years I have been in politics who said, ''Elect me and I want to go to Washington, I am going to spend more money and raise taxes and we are also going to raise the deficit and increase the national debt.'' They never campaign on that. And yet when they get here, that is what they do.

That is what the last election was all about. Those who stood up in the last election and caused the revolution of November 8, as it has now become familiar with most of the people, have done so because they know that the time is here and those standing in the way, like the Senator that is making these statements, are saying that they know better than 70 or 80 percent of the people know.

In a way, though, he is right, the balanced budget amendment to the Constitution is a mandate, but it is a mandate on Congress that says, ''Do what you are elected to do but whatever you do, you have to balance the budget by'' a certain date, which happens to be the year 2002.

What this would do is force Congress to do what it should have been willing to do without being forced to do. We had a Congressman in the State of Oklahoma that used to take exception to me when I talked about passing a balanced budget amendment to the Constitution. He would say, ''Why? That is what we are elected to do, we are supposed to do that.'' The point is, for 40 years, we have demonstrated that we are incapable of doing it and we have not done it.

Argument No. 4 was that proponents of the balanced budget amendment are saying swallow the snake oil but do not read the label. In fact, there is no label.

The problem, I say to that Senator, is we have been swallowing the snake oil now for 40 years and every year they have been buying votes by spending the taxpayers' money on program after program. But where was the label that ever warned that if you keep spending money like this our future generations are going to have to pay for it?

The problem is the politicians never told us how their well-meaning spending programs would affect the future generations and put us on the brink of bankruptcy. The day is here and the public is demanding change.

If anybody has to swallow the snake oil, I rather it be us and not our children and grandchildren.

The fifth argument that was used is all these Governors who are boasting about cutting taxes in their States should know that the balanced budget amendment will require them to impose huge State tax increases.

That is simply not true, and we hear this over and over again and yet, why do the majority of the Governors of the States throughout America want a balanced budget amendment to the Constitution? If what the Senator says is true, they would not, but they know that they are in a position to cut tax rates, to encourage economic growth and to actually do something about increasing revenue through economic activity.

This is exactly what happened in the 1980's. I stood on the floor today and I watched four Senators refute the fact that in the 1980's we increased revenues by cutting taxes. In fact, they stood up and they said, ''Look what happened in the 1980's. Reagan came along and he cut taxes and we had huge deficits as a result of it.''

Let us look at what happened in the 1980's. In the 1980's, yes, we did cut the tax rate. We had the most devastating cuts that we have had in contemporary history. The total revenues after those cuts—keep in mind the marginal rate, the top rate, went from 70 percent down to 28 percent, and what happened as a result of that? We dramatically increased revenues because people were free to participate in the profits that they could make that they knew the Government was going to let them keep. So we lowered the rate and we increased economic activity and we increased revenues. This all happened in the 1980's.

In 1980, the total revenues generated for the Federal Government amounted to $517 billion. In 1990, after all of these cuts, the total revenues had grown to $1.31 trillion, almost double. And look at the income tax. That is where all the cuts took place, capital gains tax

and income tax. The total gross revenues that were derived from the income tax of 1980 amounted to $244 billion. In 1990, it was $466 billion. It almost doubled, and that is after the greatest tax cuts in the marginal rates.

And yet people in this body will not understand that. They do not understand that America was founded on a principle that if you go out and work harder, you are able to keep that which you have earned and pass it on to future generations. It is no wonder when you look at some of the leaders of this country; look at Laura Tyson. Laura Tyson, in case some are not familiar, was chief economic adviser to the President of the United States. Laura Tyson was quoted in 1992 in the Wall Street Journal as saying, and I am going to read this quote because I do not want to get it wrong, and I may read it twice because it is hard for people to understand that this actually was a person in this kind of a position who would make this statement. Listen to what she said:

> In direct contradiction to 12 years of Republican ideology, there is no relationship between the level of taxes the Nation pays and its economic performance.

No relationship between the level of taxation—in other words, you could raise the level of taxation to 100 percent so that a person would not be able to keep anything and that person would end up having to take nothing home and would still be motivated to risk his capital to go out and participate in this great economic system.

It is just not true. But we have top leaders in this country that are saying it is true. It is just incredible to believe that this could happen. We had two Senators from North Dakota today that said, ''Look what happened in this country during the 1980's: We cut taxes and the deficits went up.'' Do you know why the deficits went up, Mr. President? They went up because people in this body and the body down the hall kept increasing Federal programs, kept spending more money, and as more and more money came in, as the revenues doubled between 1980 and 1990, they still insisted on raising the number of programs and Government expenditures to the point where the deficits went on up and up and up and up.

The balanced budget amendment will require the rate of increase in Federal spending to be slowed, we know that, but it does not mean that any programs actually have to be cut.

And all the scare tactics—they are calling veterans and saying your benefits are going to be cut, your COLA's are going to be cut. They are calling Social Security recipients and telling older Americans—what an inhuman thing to do to them—telling them their Social Security is going to be impaired, their Medicare is going to be impaired and that just is not true. Those who are saying it know it is not true.

There was a study made a couple years ago and updated the other day, that said if you take the Government programs we have in place today and increase these Government programs by 2 percent a year—in other words, put growth caps on—have every Government program increase by 2 percent a year, we would be able to balance the budget by the year 2001, and that is without cutting one program.

We know in reality it would not happen that way because there are some programs that are good programs and maybe they should increase, but the average would have to stay down within that growth cap.And that is realistic. That is something that can happen. And the people of America understand this. The States understand this. Three-quarters of the States right now are just waiting, just waiting to be in a position to ratify this amendment.

Objection No. 6 was that the balanced budget amendment is a pig in a giant poke. I am not sure what he is talking about. Maybe you know what it means, Mr. President, but I am not sure I know. But if it means that a pig in the poke is something bad that is made to look like something good, and if that is true, then the chronic deficits as far as the eye can see are the real pig in the poke.

I had an experience the other day. I got a call from a young lady who is a brilliant intellectual. She instructs at the University of Arkansas, coincidentally, the home State of our President, and yet she is a conservative intellectual scholar. Her name is Dr. Molly Rapert.

Anyway, I got a call and she said, ''You know, Senator, I know something about pigs.''

Well, now, for those of you not familiar with Arkansas, it is the home of the Arkansas Razorbacks, and so they kind of use pigs and hogs and razorbacks interchangeably. And she said, ''I know something about pigs. And if there are pigs in a poke, then those pigs are in Washington and they are the ones that are at the trough eating all that is out there, raising the deficit, increasing spending. Those are the true pigs in the poke.'' And that comes from someone in academics, a very bright young lady.

It is kind of interesting because it was not long ago I had a conversation with the young lady and she made a reference that an awful lot of people her age are not having families because they know if they have families, those families are going to be born into an environment where children are going to have to pay, according to the CBO, 82 percent of their income in taxes. And I can understand that. Why give birth to someone who is going to be enslaved working for the Government?

The other day at the National Prayer Breakfast, I was entertaining international visitors that came in, and there was one from one of the Baltic States who said, ''How much money can you keep of the money that you earn?'' And I said, ''Well, you keep about 60 percent of it.'' And that was just kind of somebody I grabbed out of the air. He said, ''That's wonderful.'' He said, ''Did you know in my country we can only keep about 20 percent of it?''

Mr. President, if we do not do something to change the course we are on, the young people like Dr. Molly Rapert are going to give birth to children who will have to pay 82 percent of their income in taxes, more than in that Baltic country that was represented here at the National Prayer Breakfast. But I can say to the Molly Raperts and others around, do not worry about it. It is time to have families because we are going to pass this balanced budget amendment to the Constitution and we are going to downsize Government. The time is here to do it.

The next statement that was made by one of the Senators on this floor that I pulled out of the RECORD was, ''The balanced budget amendment will give the politicians license to cut and slash and burn needed programs.''

If you change one word in that sentence and substitute the word courage for the word license, it would read this way and I would agree with it: ''The balanced budget amendment will give the politicians courage to cut and slash and burn programs that we are currently paying for.''

You stop to think about the amount of money that is thrown around in this Government that we could save. Right now we are talking about bailing out Mexico. We have a President of the United States who unilaterally said that we are going to spend as much as $40 billion bailing out Mexico. And then we find out that most of the money is not going to go to Mexicans when they need it; it is going to go to creditors.

It happens that the President of Mexico prior to this President, Carlos Salinas, did a very fine job; he did a lot to stabilize the economy, so all of a sudden we had European investors, multinational banks—we had investors from all over the world that heretofore would not invest, would not buy Mexican debt and now they are doing it. And they are getting paid high interest rates for it. All of a sudden something happened to the economy down there. They looked at dear old America, and we have a President—I just heard something today. That figure dropped down to $20 billion. It may be back up to $40 billion of our taxpayers' money could be impaired to bail out Mexico.

How many people in America know that it was not long ago, the 21st of October, that the President of the United States unilaterally said to North Korea, we are going to offer up to $4 billion of our American dollars to help you with a light water reactor because you promise you are going to get out of the nuclear business and we want to help you do it—$4 billion. In the meantime, until you get it built, we are going to give you $25 million worth of crude oil between now and the time that it is built. This is taxpayers'

money we are talking about. How recklessly it is handled.

Back in the real world, I had a number of businesses. I was in real estate development, insurance, and I was also in aviation, and here a couple years ago I had the honor of becoming the first Member of Congress—I was serving in the other body at that time —to fly an airplane around the world—at his own expense. And so I did, and we went across, to follow the tracks of a very famous aviator from Oklahoma. His name was Wiley Post. Some may remember, Mr. President, he was the one with the patch over one eye and you wonder how could he be such a good pilot with one eye.

Anyway, he flew the *Winnie Mae* around the world, and we were celebrating in Oklahoma, since he was one of our two famous Oklahomans that we are very proud of. I was going to retrace his tracks, and I did. We went across Siberia, at a very unique time in history, that is, when it was still the Soviet Union but the wall was down so we were able to go places that no one from the United States had been in 60 years since Wiley Post was there 60 years ago.

One place right here was Sovetski, Sovetski in Northwestern Siberia. Sovetski is so remote that in northwestern Siberia they still harness reindeer as their primary mode of transportation. I landed there. I saw one man who had not seen an American in 60 years since he saw Wiley Post there 60 years ago. And I spent a night there. They live in the communes we hear about. It was a beautiful, big, log structure. They all not only slept in the same big room; they ate in the same kitchen at the same table out of the same bowl. We think, well, how barbaric that is by our standards. These are the happiest people I ever saw. It is so remote in Sovetski that they never got into anti-American propaganda. They did not know we were ever bad guys.

And so we rejoiced together, made new friendships, and I spent the night in that same room, ate from the same bowl with them. I never saw a happier bunch of people in my life up in Sovetski in northwestern Siberia. That was in July and the snow was on the ground then.

We got back, and it was not more than a month later we had a bill that was going to take care of the housing needs in Russia, in that former Soviet Union. I looked at it, and I saw that a lot of that money was going to a little village called Sovetski in northwestern Siberia to help them with their housing needs.

Now, first of all, how presumptuous of us to say that those people in Sovetski would want to change and adopt our way of life. They are perfectly happy doing what they have done for a thousand years there, and they were doing quite well, I thought. And yet we are going to spend thousands and thousands of American taxpayer dollars to help those poor people in Sovetski that were so happy.

Wiley Post was the one who was flying the airplane when the other famous Oklahoman, Will Rogers, was killed. It crashed at Point Barrow, AK.

I think that Will Rogers is one of the great philosophers of history and I will read a quote from Will Rogers. Keep in mind, this was in 1934. He said: ''Lord, the money we do spend on Government. And it's not one bit better than the Government we got for one-third the money 20 years ago.''

Do you know what the total budget was that year, in 1934? Mr. President, $6.5 billion is what it cost. And that was three times more than it was 20 years before that. So we keep growing and growing and spending and spending and we do not have to do that.

There is no group that comes into our office that tells us to spend less money. A study was made the first year I was in the other body, which was 1987. And they analyzed and they talked to everyone when they came in the door of one particular Representative's office, and they did that for the entire year. They found out that 95 percent of the people who walk across the threshold of a congressional office are walking across to talk to the Congressman or the Senator to convince him or her to spend more money on a program. There is nobody out there coming in saying we want you to spend less money; it is to spend more money. So the people who stay here in Congress year after year and decade after decade, they get to thinking those are real people who are coming in. They do not realize the people out in America, real America, do not want that type of thing.

It is not the lobbyists and the individuals who come in who want money for a particular cause that are destroying us. It is the Congressmen in the House, and Senators in the Senate, who are voting for these massive increases.

The balanced budget amendment will work. In the State of Oklahoma it worked. We put it in in 1941. I went back and read some of the debate on the floor of the State senate in Oklahoma when we were installed, and some of the same arguments we are using here today they were using in 1941 in the State legislature. While liberals in the State legislature fight it every time, every year they try to figure out ways to get around the balanced budget amendment in Oklahoma, they cannot do it.

Several of my liberal friends came up to me over in the other body when we were considering this a couple years ago. They said, ''You know, Inhofe, I have to vote against the balanced budget amendment but I sure hope you get it passed.''

I said, ''Why is that?''

They said, ''That gives us an excuse so when people come in and they want me to vote for a program that I know I should not vote for, I can say, ''If it had not been for those guys passing the balanced budget amendment I would do it.'''

I know it is difficult to cut down the size of Government. One of my heroes in politics—and I think many Republicans share my notion about this man—was Ronald Reagan. I remember a speech that Ronald Reagan gave way back in 1964. I have often said that speech should be required reading for young people who are coming into the marketplace and into the society. One of the things he said in that speech I remember so well was, ''Immortality—there is nothing closer to immortality on the face of this Earth than a Government program once installed.''

That is true, because Government programs come along, at least theoretically, to take care of problems that exist in the country. If we have an environmental problem they form a Government agency and that Government agency comes in and says we are going to go ahead and take care of this problem. Then, when the problem goes away, the Government agency stays.

I had an experience many years ago, back in 1978. I was elected to be mayor of the city of Tulsa, a city of about a half-million people. I decided to conduct an experiment. Those cities that were large cities—they used the benchmark of 250,000 people—large cities at that time had a tendency to double in size every 5 years. I thought, why is this? What is the very nature of the bureaucracy? Bureaucracies want to grow.

I was on a radio talk show tonight and they talked about zero-based budgeting. Sure, great idea. The problem is, your bureaucrats will merely take a zero base, justify the budget they spent last year, and then come up and say why they need to spend more this year. It is a status symbol for bureaucrats to grow. They do not want to get small; they want to grow.

Anyway, I was the mayor of the city of Tulsa and I remember I was going to try to cut down the size of government. I knew there was a lot of waste so I found people who were inefficient or were not performing a function and I would fire them. A couple of weeks would go by and I would see the same people in the elevator. I would say ''I thought I fired you,'' and they would say, ''Well, you did, but I have been reinstated.''

Back then I found you cannot fire people for inefficiency in government. I developed a program and started defunding agencies and got them all. It worked beautifully.

No. 1 was a public television station. I never will forget, when I was first elected a guy came up to me and said, ''Congratulations, Mayor Inhofe, on your overwhelming victory. We are looking forward to having you as mayor of the city of Tulsa. When would you like to have Inhofe Hour? Every month? Or every week? Or every day?''

I said, ''What is Inhofe Hour?''

He said, ''That is when we take your programs and we put it on television,

on cable. We have designated a time for that purpose, and the people out there can know what your program is, what you are trying to do as mayor of Tulsa.''

I said, ''You are using taxpayers' money to propagandize the taxpayers.''

They said ''I guess it's that way.''

I said, ''I do not want the Inhofe Hour every month and I do not want the Inhofe Hour every week or every day. As a matter of fact, I am going to defund you.''

And I will never forget, across that screen for several weeks was, ''Call the mayor's office. They are trying to shut the doors of government.''

But you see, we did it anyway and it worked. We went through 5 years of holding government stable in terms of the size and the cost of government and expanding services at the same time. If you can do it in Tulsa, OK, and you can have a balanced budget amendment in the State of Oklahoma, you can certainly do it in our Federal Government.

The eighth statement that was made was, ''Senators are sent here to make intelligent and well-informed decisions on the people's behalf. How can they do that without the details?'' They are bringing up that same argument again and again.

They do it by looking at the record of the last 40 years. Nobody gave us the details when 40 years ago we started spending money that future generations are going to have to pay back. No one give us any details when we ran up a debt of $4.8 trillion. All they told us was the great things they were doing by opening the Federal Treasury, time and time again. Now we find a crisis which threatens the future, especially that of our children.

The balanced budget amendment is not a fly-by-night thing. It is not something that just was thought of recently. It is something that has been with us for a long time. I think someone may have already said this on the floor during this debate. Keep in mind, we are in the 12th day of debating the balanced budget amendment, the same one that passed the other body over there in 2 days.

Someone, I think, already mentioned the fact that a great Democrat, Thomas Jefferson, many years ago was not here, as many thought he was, during the construction of the Constitution. I believe he was in France at the time. When he got back over here he made a statement and said that if I could have one thing I would improve in this great document, the Constitution of America, it would be a mechanism that would prohibit Government from borrowing money. That was Thomas Jefferson.

It has been around for a long time. The first time I was exposed to the balanced budget amendment was many years ago when there was a very conservative and well-known U.S. Senator from the great State of Nebraska by the name of Senator Carl Curtis. Carl Curtis had an idea. Carl Curtis said, ''What we need to do is get the point across to the people in Congress, in both Houses of Congress, that Americans want to have a balanced budget amendment.'' He said, ''I have devised a way to do it and, State senator out in Oklahoma, I want you to help me.'' He came out in Oklahoma and this is what we did. We put together a program where we would preratify—since it takes three-quarters of the States to ratify the Constitution—we would preratify it by passing a resolution saying we are ratifying it the second it passes the U.S. Congress.

We started the first one in Oklahoma. I introduced the resolution. It says: We hereby ratify the balanced budget amendment that will be passed in the U.S. Congress. In fact, this is the first one that was there. There was a guy, Anthony Kerrigan, who was a syndicated columnist at that time. He wrote a column—this is 22 years ago. He called it ''A Voice in the Wilderness.''

Way out in Oklahoma the State senators have found a way to balance the Federal budget.

By the way, that was 1972. The total debt in 1972 was $240 billion. I remember when the National Taxpayers Union, or one group like that, they had an ad on television. They were trying to impress upon the people of America how significant $240 billion was. That was our debt at that time. Today it is $4.8 trillion. It was $240 billion. So they took $100 bills and started stacking them up until they were the height of the Waldorf Astoria. That was a high building in those days. That was to impress upon people how significant it was that our debt had reached the level of $240 billion. The deficit that year, by the way, was $15 billion.

I hope that if nothing else is accomplished from the debate that is taking place in both bodies on the balanced budget amendment, that the people of America are now so much better informed as to what is really going on when we talk about the deficit and the debt. We are talking about two different things. They are hardly related to each other because the deficit increases the debt.

Let me get to the ninth argument. I want to expand on that in just a minute. This was a rather long argument that was made. Argument No. 9:

The proponents talk of the balanced budget amendment, talk about the public opinion. Years ago Talleyrand said, ''There is more wisdom in public opinion than is to be found in Napoleon, Voltaire, or all the ministers of state, present or to come.''

But this is true only to the extent that public opinion is informed opinion. In the case of the balanced budget amendment public opinion is not informed. Even Senators do not know the details.

I see this as an insult to the people of America because people are informed. But you know, he was right when he said that there is more wisdom in public opinion than there is to be found in all of the great leaders. But this is not about details. This is about responsibility. I would submit that Talleyrand was right. There is more wisdom in public opinion than is to be found in the President, the Vice President, the entire Cabinet, and all of the rest of the ministers of the Clinton administration along with the Democratic Party who are all out lobbying against the passage of the balanced budget amendment to the Constitution.

The fact is the public is informed. People know that we cannot get serious and have a discussion about details unless we first make the commitment that we are going to pass a balanced budget amendment to the Constitution, and that we cannot spend more money than is coming in.

I am glad that the Senator brought up Talleyrand because he was a brilliant guy. If you remember, Talleyrand was the French foreign minister during the Napoleonic stage. One of the quotes was, ''It seems to me, sir, to be the beginning of the end.''

You know, I think he was right. I think this is the beginning of the end of big spenders in Congress in America.

He said, ''Speech was given to man to disguise his thoughts.''

I have seen a lot of that around here, too. I have seen a lot of Senators and Representatives making statements about all the bad things that were going to happen and all the trauma that would exist if we passed the balanced budget amendment to the Constitution. Yet they know better. They know this has to be done.

Talleyrand also said, ''Throw mud, throw mud. Some of it may stick.'' We have seen a lot of that in the last 12 days. Throw mud and hope some of it will stick.

But lastly, Talleyrand said—I kind of like this one; this is neat. He said, ''The wine is drawn. The wine is drawn. It must be drunk.''

I think what he was saying there is there comes a time when action has to take place. That time has come. The wine is drawn, it must be drunk. There are some partisan Republicans who have come up to me, and I probably should not divulge this. They said, ''If you were half as smart, you would let the Democrats defeat the balanced budget amendment to the Constitution. Then in 1996, we would wipe out everybody in office who voted against you.'' I guess looking at it from a purely partisan perspective, maybe that is the right way to do it. I do not believe that. I believe the Democrats and Republicans alike are going to respond to the people who are out there. But it is time. We cannot go any longer. We are going to have to do something.

There was a very famous person 150 years ago that came over to the United States of America. His name was Alexis de Tocqueville. A lot of people do not know this. But de Tocqueville came over here to study our system. When he got here he was so impressed with the

wealth of this Nation, with the fact that people could work and take home the products of their own labors, and that that had produced an incredible wealth that had not been dreamed of any time in the history of the world. It was all happening right here in this new world. But he was a very intelligent man. And de Tocqueville wrote a book about the wealth of this country. I am paraphrasing. He said once the people of this country find they can vote themselves money out of the public trust, the system will fail.

Are we almost there now? Yes, we are. They say that when that moment comes, it is when you have the majority of people on the receiving end of government and the system will fail because productivity will be gone.

The 10th argument that has been used by the well-meaning Senators, those who are very articulate, is one that I hope you will listen to very carefully, Mr. President. They said:

> The 1990 and the 1993 budget deals worked. The way to deal with the deficit is to continue the successful deficit reduction efforts of the last 5 years.

This is a Senator saying this on this floor.

> Since 1990, we have achieved over $900 billion in deficit reduction. We did not do it with a balanced budget amendment. But we did it with two major budget agreements, detailed blueprints which raised revenues, cut expenditures, and made hard choices. These budgets were on the table. All the details were fully debated.

Remember they said the 1990 and the 1993 budget deals worked, the successful deficit reduction efforts of the last 5 years.

This is the big problem we have in America. A lot of people believe that stuff. We have a President of the United States who stood up in the State of the Union Message and talked about all of this deficit reduction. Yet, while he is in there, every day the debt goes higher and higher and higher. Please do not think I am disrespectful when I talk about our President.

Teddy Roosevelt said:

> Patriotism means stand by your country. It does not mean stand by the President of the United States or any other elected official, save exactly the degree that he stands by his country. It is unpatriotic not to oppose him to the same degree that he by inefficiency or otherwise fails to stand by his country.

So we have a President who stands up and he passes these things. The first one we cannot hang on him. That was 1990. George Bush was President of the United States at that time. Several of us watched as he tried to accommodate the Democrats out at Andrews Air Force Base, when he had the Budget Committees from the House and the Senate out there saying, if you do not do this, we are not going to go along with any of your programs. And, finally, President Bush decided that he would agree to a tax increase, right after he had said in the campaign ''Read my lips.'' Look what happened. That was the cause of his demise. Everybody knows that. He knows it himself. He knows he should not have done that. But it was a judgment call made in good faith, trying to get along, trying to reach a bipartisan agreement on a budget. And he agreed to a tax increase when he did not need to do a tax increase.

I do not like all of this talk about what they talk about when they say that we cut the deficit. There is an article by the way, Mr. President. You ought to read it. I bet you have not read it yet. I believe it was in the December 1993 Reader's Digest, and the name of the article was ''Budget Baloney.'' Then in this article he describes, in a better way than I have ever seen it described before, just how we are able to tell it to the people at home that we are doing something and not let them really know what we are doing. He says, let us say a guy who has $5,000 wants a $10,000 car. He says, ''What I really want is a $15,000 car. So I will settle on a $10,000 car. I've just cut the deficit by $5,000.'' That is the losing game that we have been playing around here. The argument that we have had success in these budget deals is laughable. It has been a dismal failure. Yet, this is the strongest argument that they keep coming up with over and over again.

The budget deals were the largest tax increases in this Nation's history. The one in 1993 passed by one vote in the Senate and one vote in the House. It was against overwhelming public opposition. It helped lead to the Republican revolution of November 8, 1994. In fact, it was characterized as the largest tax-and-spend increase in the history of America or in public finance in America or any place in the world.

Let me repeat that: The largest tax and spend increase in the history of public finance in America or anyplace in the world. Those are not the words of conservative Republican Senator JIM INHOFE; those are the words of the Democrat Senator who was chairman of the Senate Finance Committee. Yet, this is used as an example of how we ought to behave in the future—to continue to pass these tax increases and spending increases and meanwhile the deficits go up and up and up.

Let me give you some specific figures. The 1993 Clinton budget deal, between the years 1994 and 1998, those 5 years, would increase the debt by $1.4 trillion. How many people in America know that—with all this talk about deficit reduction—if we do his budget deal from 1994 and carry it through to his projections through 1998, it would increase the debt by $1.4 trillion. If we go on up to the year 2000, it increases the debt by $2.1 trillion. In 1990, the same thing was true at that time. We had a budget deal that was made to go, over a period of 10 years, from 1990 to the year 2000, to $3.5 trillion.

Mr. President, this is the last argument that has been used by Senators who are opposed to a balanced budget and specifically to the balanced budget amendment to the Constitution. The argument is that the balanced budget amendment is nothing more than a slogan, an empty promise, and that most Senators who support it will not even be here in the year 2002 when it will take effect. Let me respond by saying that if the Senators vote against it, they are not going to be here at the end of their term.

I would like to, for a moment, give you a profile of those individuals who are opposed to the balanced budget amendment. If you look over here at the chart, we defeated the Right-To-Know Act. These are the supporters, the cosponsors. There were 41 cosponsors to the Right-To-Know Act. Of those 41 cosponsors, all 41 of them voted for the $16 billion stimulus plan, which was the largest single spending increase under one vote, and they also are rated by the National Taxpayers Union a ''D'' or an ''F.'' A lot of people do not realize that there are many rating organizations in Washington.

I never remember anyone going out and running for office saying ''I want to increase your taxes and increase spending.'' But when they get up here, that is exactly what they do. How is a voter to know how they are performing? Look at how they are rated. The National Taxpayers Union takes spending bills and says how we are rated in conjunction with the spending bills. If you look at those who wanted to kill the balanced budget amendment by having the right-to-know amendment on it, those individuals, all of them, voted for this $16 billion stimulus program.

Let me just tell you what that stimulus program had in it. That program was a $16.3 billion increase in spending; $500 million for shortfalls in the District of Columbia budget; for Federal agency staff increases; $1 billion for summer jobs; $1.1 billion for programs for housing programs; for AIDS treatment; $1.2 billion for Amtrak subsidies; $2.5 billion for pork-barrel community programs such as swimming pools, parking lots, ice rink, warming huts, alpine ski lifts, and other pork-barrel projects. That was $3 billion for various rich projects located strategically in various districts of those Members of Congress who went along with all of this.

Those are the individuals who voted for and who were cosponsors of the Right-To-Know Act. I do not say this in a disparaging way about these people, but you have to know who is opposed to the balanced budget amendment. The other chart we have, I think, addresses what this Senator—it happened to be the Senator from West Virginia that said most Members of Congress were not going to be around in 2002. This is why I say if they do not vote for this, they are not going to be around anyway. It does not matter. If you look very carefully, we not only had the spending bill increase, but the 1993 tax increase was the one that included a $267 billion tax increase and

still would increase the debt by $1.4 trillion.

There are eight Senators who are not here today who were here before. All eight of these Senators voted ''yes'' on the spending bill increase. All eight of the Senators voted ''yes'' on the Clinton tax increases—or seven out of eight of them. All eight of them have a ''D'' or an ''F'' rating by the National Taxpayers Union. In the House of Representatives, the same thing is true there.

So the conclusions I come to after having said all of this is that this is a war. This is the chance that we have to change all of this. And those of us who have been working for a balanced budget, by virtue of adding a balanced budget amendment to the Constitution, are not just considering what is happening to us today but to future generations.

Every dollar we spend now we are borrowing from future generations. That is why I have this picture. I will introduce you to these two people. This little girl is 21 months old. Her name is Maggie Inhofe. This little boy is 22 months old. His name is Glade Inhofe. They happen, by coincidence, to be my grandchildren. If we do not pass this, the CBO has said that during their lifetime—and there are 10 million more their age in America right now—they will have to spend 82 percent of their lifetime income on Government.

This is our chance to take them out of their bondage and their chains. I really believe now that Talleyrand was right. He said, ''The wine is drawn, it must be drunk.'' The time is here to pass a balanced budget to the Constitution and to turn our future generations free.

Thank you very much, Mr. President. I yield the floor.

RECESS UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER (Mr. GRAMS). Under the previous order, the Senate now stands in recess until 9:30 tomorrow morning, February 15.

Thereupon, the Senate, at 8:36 p.m., recessed until Wednesday, February 15, 1995, at 9:30 a.m.

EXTENSIONS OF REMARKS

THE LOW-INCOME HOUSING PRESERVATION ACT

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. McCRERY. Mr. Speaker, I rise today to join with Mr. JEFFERSON in introducing legislation to address the preservation needs of low-income housing. I am doing so because I believe that the Low-Income Housing Preservation Act is the kind of innovative, market-oriented approach that we, in Congress, must follow in the future to solve many of our Nation's housing problems.

The Low-Income Housing Preservation Act will encourage the investment of additional private capital in a large category of privately owned projects that provide housing at reduced rents to low-income tenants. It does so by eliminating some of the disincentives now in the Tax Code which have denied new investors virtually any incentive to invest in these affordable housing projects. As a result, the current owners are trapped in the projects without the ability to sell the projects to new investors with capital, or the ability to raise new capital for the projects themselves. In the meantime, the projects fall further and further behind in performing the rehab needed. The bill provides an effective and cost-efficient way to meet the increasingly serious needs of these projects for capital improvements by providing the benefits of a shortened depreciation schedule and limited relief from the passive loss rules for investors who agree to buy the projects, fix them up, and maintain them for low-income tenants.

This is the direction we must be going, as we attempt to reinvent Government. In the housing area in particular we need to find new solutions that rely less on bureaucratic programs run directly by HUD, and more on programs that harness the energy of the free enterprise system, while restricting the Government's role to a minimum. Government can provide a helping hand, but it is the private sector that must take the lead. That is what the Low-Income Housing Preservation Act would do. The bill would encourage the investment of new private capital in the projects, but only so long as the projects continue to serve low-income tenants. HUD would have a role in ensuring that the projects are maintained properly for these tenants, but it would do so without HUD playing the kind of direct programmatic role it has played in the case of some programs in the past.

At the same time that this bill will help solve a problem without more Government, it is fiscally responsible. Because of the way the bill is drafted, the estimate by the Joint Tax Committee indicates that the cost to the Federal Government over 5 years will be very low. But more importantly, it negates the need for alternative preservation programs at HUD that would cost much more, and require the involvement of large staffs just when we are trying to reduce the size of HUD and the Federal Government generally. Immediately upon passage, the legislation will enable HUD to sell at a higher price the mortgages on projects which they already hold because the owner has defaulted on the loan. This will reduce the loss to HUD from these defaults, and save the taxpayer money. Doing nothing, and allowing these projects to deteriorate beyond physical and financial help, would in the end cost the taxpayer much more because the Government would then have to fund the considerable expense of constructing new affordable housing projects that will be needed to replace the existing projects lost. I have no doubt that as a practical matter the legislation will save the taxpayer in the end far more than it will cost.

Historically, the country has placed considerable reliance on privately owned housing to provide affordable housing to low-income tenants. I think this is a wise policy, but to make it work we cannot deny all financial incentives to private investors to purchase and maintain these projects. The Ways and Means Committee recognized this in 1986 when it adopted the low-income housing tax credit. Before it is too late Congress must recognize the same for the stock of existing but aging low-income housing that has not been able to take advantage of the tax credit.

I urge my colleagues to join me in supporting this legislation.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

SPEECH OF

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

Mr. BILBRAY. Mr. Chairman, as my California colleagues in the Senate continue to grapple whether or not to pass a balanced budget amendment I wish to insert an editorial published in the San Diego Union Tribune into the CONGRESSIONAL RECORD.

I commend it to my California colleagues BOXER and FEINSTEIN, and urge them to support the balanced budget amendment.

[From the San Diego Union-Tribune, Jan. 26, 1995]

DISSECTING THE PROPOSED BALANCED BUDGET AMENDMENT

(By Brian Bilbray)

The balanced budget amendment to the Constitution, as proposed in the Republican's ''Contract with America,'' and developed into legislation with members of both parties, will accomplish a simple thing: It will set up a spending structure based upon priorities. The reason that we now have a $4.06 trillion debt is the result of a process without priorities.

And yet those who still do not get it—liberal Democrats in Congress and the White House—recently mounted a systematic campaign against the balanced budget amendment, which is scheduled to be voted on in the House of Representatives today. The so-called ''right to know'' provision announced two weeks ago by Sen. Tom Daschle—in consultation with President Clinton—illustrates the state of deep denial that exists inside the Washington Beltway.

The liberals' strategy is to discredit the amendment. They seek to accomplish this by scaring the American people, telling them that passage of a balanced budget amendment threatens Social Security, Medicare, agriculture supports and veterans benefits. However, opponents of the balanced budget amendment have made a tactical error.

Eighty percent of the American people support a balanced budget amendment. They know it will force the same fiscal discipline on the federal government that they live with every day. The biggest spenders in Congress are the most ardent foes of the amendment because it hampers their ability to deliver to the special interests. These big spenders' so-called ''right to know'' amendment is really just obstructionism masquerading as principled scrutiny. Their amendment would require Republicans to provide a seven-year budget detailing what cuts they plan to make in order to get a zero budget deficit.

When President Clinton presented his five-year budget in 1993, Democrats did not demand that he spell out where future cuts would be made. And yet they demand it from the Republican leadership.

The very nature of their demand underscores the depth of their misunderstanding of the issue: A balanced budget amendment is not about programmatic changes to a $1.6 trillion federal budget. It is about fundamentally altering the process of allocating taxpayers' dollars to these programs. It is about setting spending limits and priorities.

Which brings us to the best illustration of the fundamental differences between supporters of the amendment and its opponents: No one denies that a balanced budget amendment will force us to bite the bullet—the difference between Republicans and the liberals in Congress is who chews the lead.

The big spenders in Congress and the White House are opposed to a provision in one form of the balanced budget legislation to require a three-fifths ''supermajority'' vote in order to pass an income tax increase. Clearly, as has been demonstrated by 40 years of a Democrat-controlled Congress, their systemic bias is to raise taxes instead of reducing expenditures. Who takes the hit? The taxpayers.

From my perspective, spending cuts, not increased taxes, are the way to reduce the deficit. Thirty-one million Californians have lived with a balanced budget amendment for nearly 20 years. There is no reason why we cannot impose the same discipline at the federal level.

The three-fifths vote requirement provides a safeguard for American taxpayers who have heard too many times that higher taxes will result in deficit reduction. Historically, higher taxes have in fact resulted in higher spending. The requirement of a supermajority vote will address our problem

of a structural deficit caused by out-of-control spending. The balanced budget amendment will force the federal government to set priorities and then live within those priorities. The real culprit behind our national debt and yearly deficits is a process without discipline and virtually no mechanism to enforce discipline.

The liberals in Congress who demand a seven-year budget to chart our course to a zero deficit miss the point. They wish, obviously, to perpetuate a process that is as destructive to future generations as it is to our own.

CRIME PACKAGE FOR THE PEOPLE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. PACKARD. Mr. Speaker, the Republican Contract With America is committed to keeping its promise to fight crime. We continue to work to provide local police officers with the tools and resources they need to convict and confine criminals.

Our crime bill provides the flexibility and resources to get the job done. Local police officers know what their communities need—not the Federal Government. The Republican crime package enables local police officers to effectively respond to local crime problems.

The American people will no longer tolerate crime in their neighborhoods. They want real crime fighting tools, not big Government guidelines. Local government should have the resources to deal with crime because they are closest to it. The Republican crime bill gives them the resources they need while restoring local accountability.

Mr. Speaker, local government knows best how to fight crime on their streets—not Washington. Let's give them the resources and opportunity to do it. I urge my colleagues to support H.R. 728.

IN MEMORY OF FORMER CONGRESSMAN GEORGE MEADER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. WOLF. Mr. Speaker, I would like to bring to Members' attention the passing of former Congressman George Meader who served as a Republican Member of the House from the Second Congressional District of Michigan from 1950–64. Congressman Meader's daughter, Katherine Vandelly, and son-in-law, James E. Vandelly, are constituents of mine from the 10th Congressional District of Virginia. Congressman Meader passed away at the University of Michigan hospital on October 15, 1994, after a short illness. He was 87 years of age.

The son of a Methodist minister, Congressman Meader was born in Benton Harbor, MI, on September 13, 1907. He began his undergraduate studies at Ohio Wesleyan University and completed his A.B. degree at the University of Michigan in 1927. After marrying Elizabeth Faeth in 1928, he entered the University of Michigan Law School and earned his juris doctor degree in 1931.

Congressman Meader began his professional career as a practicing attorney in Ann Arbor during the 1930's, and was elected Washtenaw County prosecuting attorney in 1940. In 1943, he joined the famed Truman-Mead Senate War Investigating Committee in Washington, DC, serving first as assistant counsel, then as chief counsel. He returned to private law practice in 1947, then served as chief counsel to the Senate Fulbright Banking and Currency Subcommittee investigating FRC loans until his election to the 82d Congress in 1950. He represented the Second Congressional District of Michigan from 1950 to 1964, serving on the House Judiciary and Government Operations Committees.

After leaving Congress, Congressman Meader served as counsel to both the Joint Committee on the Organization of Congress and the Joint Committee on Congressional Operations before being elected president of the Former Members of Congress in 1974. He returned to private law practice in Washington, DC, and Ann Arbor until retirement. In the years following his service in the U.S. House of Representatives, Congressman Meader continued his ardent interest in improving the operations of Congress, as well as protecting the institutions of democratic government.

Congressman Meader was preceded in death by his wife, Elizabeth Meader, formerly of Ashcaffenburg, Germany, and by his daughter, Barbara Meader of Ann Arbor. He is survived by a son, Robert Meader, and wife Nancy; daughter Katherine Vandelly, and husband James. He is also survived by five grandchildren: David Meader, and wife Judy; Richard Meader, Randall Meader, and wife Kami; Cynthia Vandelly, James M. Vandelly; and four great-grandchildren: James A. Vandelly; Christopher, Scott, and Craig Meader. He is also survived by his sister, Frances Way, and brothers Dr. Ralph G. Meader, and wife Olive; and Edwin Meader, and wife Mary.

I know all Members would join with me in expressing the sympathy of the House to Congressman Meader's family.

TRIBUTE TO BRYAN WITTMAN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. QUINN. Mr. Speaker, I rise today in recognition of Mr. Bryan Wittman of Hamburg, NY.

It gives me great joy to share with everyone in the Congress the outstanding achievements of one of my constituents. Bryan is the son of Mrs. Norma Wittman of North Hampton Brook Drive.

Bryan, a native of my hometown of Hamburg, NY, attended St. Peter and Paul Grade School and St. Francis High School. He graduated from Ashland University with a bachelor of arts degree in radio and television.

Bryan began his career in 1976 for the Erie County Fair and as entertainment director of the Darien Lake Theme Park in New York. He then moved on to become promotions director for the Ice Capades.

In 1985, Bryan began his adventure with Disney. While serving as manager of advertising and promotions for Marriott's Great America Theme Park in Chicago, IL, Wittman was recruited to Disney World in Orlando, FL, as senior promotions representative. In 1988 he was relocated to Disneyland in Anaheim, CA, where he became manager of promotions.

Continuing in his career advancement in 1991, Bryan became director of marketing for Disney.

As of February 2, 1995, he has been promoted to vice president for promotions, publicity, and special events.

Bryan's energy and imagination have been praised by Disney executives as his hard work and abundant successes are a testament to his strong character.

Speaking as a resident of Western, NY, and as a Member of Congress, I applaud the outstanding accomplishments of Bryan Wittman.

THE AMERICANS WITH DISABILITIES ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. CRANE. Mr. Speaker, while we all support the concept of providing equal treatment and access for those with disabilities, I believe that Congress must take time to evaluate how the Americans With Disabilities Act [ADA] of 1990 embodies those concepts. We must decide how to maintain the benefits that ADA provides as well as eliminate the problems that it causes.

In pursuing this evaluation, I would recommend to my colleagues the following article, ''Why the ADA Could Ruin the Superbowl.'' The author, Deborah K. Schlussel, has vividly illustrated the problems encompassing the ADA. She gives unmistakable proof that the ADA has imposed unnecessary barriers on American companies and professional sports teams.

It is our duty to proceed in making the correct and necessary alterations to the Americans With Disabilities Act, and I hope my colleagues will keep this article in mind as Congress considers this issue.

WHY THE ADA COULD RUIN THE SUPERBOWL

(By Deborah K. Schlussel, J.D.)

This year's Superbowl, the contest between football's top American Football Conference (AFC) and National Football Conference (NFC) teams, has come and gone. But the Americans with Disabilities Act (ADA), a bill aimed at eliminating discrimination against the disabled, may change the Superbowl as we know it, and all professional sports competition, for that matter.

Though uncertain, it is conceivable that Title I of the ADA, a provision written to penalize private employers who discriminate based on disabilities, could make next year's Superbowl more closely resemble the Special Olympics, rather than the traditional contest between pro football's finest. The ADA prohibits employers from using ''selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the * * * selection criteria'' relate to ''essential functions'' of the job. The difficulty is that the courts (who may know nothing about the functions needed to be an inside linebacker), not the employers, ultimately decide the ''essential functions'' of the job.

Professional sports leagues, including the National Football League (NFL), National

Hockey League (NHL), National Basketball Association (NBA), and Major League Baseball (MLB), by their very nature, are inherently discriminatory, and their discrimination is necessarily based on disability. A man with a wooden leg can't be a running back, and a man with a limp won't be much more effective. Neither will make a good kicker. And they probably wouldn't make good forwards or defensemen on the NHL ice.

But what if a one-eyed man wanted to play pro hockey, or a man without use of his right arm felt qualified to be an NFL kicker, or a man with a bad back and a risky spine condition wanted to be an offensive lineman? In 1977–1979, a one-eyed hockey player, Gregory Neeld, sued both the NHL and the American Hockey League (AHL) for their refusal to let him participate in league play. The courts held that, as private employers, the leagues were not covered by federal rights laws barring discrimination against the disabled.

Now, however, the ADA extends civil rights protections for the disabled to all private employers with 15 or more employees, including employers, such as the major sports leagues and teams, and their pro-athlete employees. In the Neeld case, the one-eyed hockey player presented testimony that he only needed a protective mask to shield his remaining eye and would, then, be able to play hockey at a level on par with that of other professional hockey players.

Under the ADA, employers are required to ''reasonably accommodate'' disabled employees and job applicants, and most likely, a court would have required the NHL and AHL to provide Neeld with the protective mask and let him play hockey, despite the fact that his possession of only one eye put him at high risk of blindness. That may not sound so bad, but what if the NFL was required to let a man play football who needed to wear obtrusive, heavy leg and back braces on significant portions of his body? He probably couldn't run very fast, but he could still run and throw and catch the ball. Under the ADA, he could still perform the ''essential functions'' of the job. Thus, a court might force the NFL to let him play.

The problem is that Congress doesn't appear to have considered professional sports when it drafted Title I of the ADA, except with regard to the issue of drug testing, and because the ADA is fairly new, it has not yet been the subject of much litigation. Therefore, its provisions as they apply to professional sports, have not been sufficiently tested in the courts.

The ADA covers ''qualified individuals with a disability'' who are employees or applicants for employment, and defines ''qualified individuals'' as those who can perform the ''essential functions'' of the job, with or without ''reasonable accommodation'' by the employer. A one-armed man, for example, can arguably perform the ''essential functions'' of a defensive lineman, if he can still block the other team's players.

In addition, the ADA is extremely vague and ambiguous as to whom is ''disabled,'' and, thus, covered by the Act. It seems to be overinclusive in its definition of who is an individual with a ''disability,'' and, in fact, the only individuals explicitly excluded from coverage by the ADA are transvestites and illegal drug addicts who aren't seeking rehabilitation. (Perhaps, here, the only players the leagues could fire with impunity would be Larry Johnson of the NBA's Charlotte Hornets and Alexander Daigle of the NHL's Ottawa Senators, both of whom donned women's dresses in recent endorsement ads.)

Generally, when a law is vague, its definitions are refined and explained by court decisions, and because, as stated above, this law is relatively new (1990), and there have been few court cases interpreting its provisions, the sports league and their teams will have to look to court decisions involving Section 504 of the Rehabilitation Act of 1973, upon which the ADA is largely based, for legal precedent. In these cases, the courts have forced several high schools and universities to allow disabled athletes to participate in contact sports, including football players with one eye, one kidney, and other disabilities, regardless of the fact that they might pose a direct threat to themselves and others (because the courts felt the risk wasn't significant enough). These decisions may now be forced on professional sports.

In the ADA, the courts may soon have an opportunity to rewrite the rules of football. Under Title I of the Act, though some consideration is given to the employer's judgment as to what functions of the job are essential, the NFL's determination of the essential functions of a quarterback, is not final. Rather, the court decides, and in cases interpreting the Rehabilitation Act of 1973, the courts have rewritten job descriptions to their liking, as in the U.S. Supreme Court's deletion of the ability to lift with both arms as a job requirement for a U.S. Postal Service position, in Prewitt v. U.S. Postal Service, a 1981 case. In the near future, the court could decide that a man with two artificial arms could be the Dallas Cowboys' new kicker, because he can perform the ''essential functions'' of the job.

As Rep. Bill McCollum (R–FL) stated during the ADA debate on the Floor of the U.S. House of Representatives, ''The issue * * * [is] who decides what those essential functions are. Ultimately it could be a court, it could be a lot of different folks who could decide this thing in the long run.'' This ADA provides ample opportunity for ''courts [to] arbitrarily substitut[e] their judgment for an employer's when it comes to determining the essential functions of the job.''

The current standard ''NFL Player Contract'' requires that a player be, and ''maintain himself in excellent physical condition.'' The NFL may have to do some editing and go back to the printer. Next season's Los Angeles Raiders (with the Raider pirate as their mascot) might truly resemble Long John Silver, wooden leg and all. Superbowl XXIX, beware.

JEANNE GUTHEIL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. SOLOMON. Mr. Speaker, it is my pleasure to introduce you to Jeanne Gutheil of Moreau, NY, in our 22d Congressional District. For the past 5 years she has devoted her time and strength to the seniors of her area as director of the Moreau Senior Center.

Too often, it seems, people in our society dismiss the feelings and concerns of the aged. However, Jeanne has demonstrated an understanding and indeed, an appreciation of what they have to offer. From directing Meals on Wheels programs, to organizing senior-run charities, to arranging but trips to popular cities and sites, Jeanne has provided her senior neighbors with necessary assistance, enjoyment, and a sense of personal dignity.

In a time where society has become increasingly impersonal and dependent on strangers in government, Jeanne has exhibited the kind of community concern and activity which used to characterize this Nation. Mr. Speaker, as we attempt to limit the size and scope of government, might I suggest we would all do well to emulate the example of Mrs. Gutheil has set. It is time we all took such an active approach in tending to the welfare of our neighbors, especially our senior citizens who have given so much of themselves.

I am confident, Mr. Speaker, that with people like Jeanne Gutheil in the lead, we are capable of restoring the sense of pride in community that made America, and Americans, great.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

SPEECH OF

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 728) to control crime by providing law enforcement block grants.

Mr. BILBRAY. Mr. Chairman, there was a resonant message in the November elections: Americans are tired of Washington telling them what is best for their families and their communities. The bill we will consider today provides a response to that message.

The crime bill passed by the House last year is a perfect example of Washington passing a big government-knows-best, one-size-fits all solution. We know, as the American people do, that the most innovative and effective solutions to our crime problems are found and developed by those closest to the problem.

Today, as we consider the Local Government Law Enforcement Block Grants Act, I urge my colleagues to remember and respect the local control that will be granted by this legislation.

H.R. 728 provides local units of government with the resources to fight the crime problem that sweeps our Nation. However, this bill does not dictate how these resources must be used.

Instead, it provides unprecedented flexibility to those law enforcement officials closest to the crime problem. Funds in this bill can be used in a variety of ways—from improving security at schools to hiring and equipping law enforcement personnel.

We have heard a lot of rhetoric from the other side, and from President Clinton himself about our re-write of the crime bill. Here is what the Democrats had to say about the flexible funds available to localities in this bill: ''In short, these funds can—and no doubt will in too many cases—be used by local officials for ill-advised, wasteful, and even counterproductive uses.''

Apparently, the liberals in Congress and the White House think only Congress is wise enough to tell localities how best to spend their money. The truth is, the American people were angry at the presumption of the 1994 crime legislation. They know that pork barrel spending on discredited social programs will not keep their children safer. That is one of the main reasons they sent us to Washington—to pass legislation that does not merely masquerade as crime control.

LEGISLATION AUTHORIZING THE U.S. ARMY CORPS OF ENGINEERS TO DEVELOP A COMPREHENSIVE MANAGEMENT PLAN FOR THE KANKAKEE RIVER BASIN

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. EWING. Mr. Speaker, I am re-introducing legislation which I sponsored in the 103d Congress authorizing the U.S. Army Corps of Engineers to study and recommend solutions to the flooding problems in the Kankakee River basin. This legislation was included in the Water Resources Development Act of 1994, which was adopted in the U.S. House of Representatives, but not enacted into law.

The areas surrounding the Kankakee River and some of its tributaries have faced an increasing flood problem in recent years due to sedimentation and other factors. Storms which may not have caused flooding a few years ago, now cause major problems. In fact, the county of Kankakee, IL, commissioned a floodplain and mapping study of their own which altered their base flood elevations dramatically.

The Kankakee River basin is home to more than 1,000,000 people in both Illinois and Indiana, and the river is the area's greatest natural resource. Accordingly, this study has the support of the local community and environmental leaders.

In these tight budgetary times each funding request deserves strict scrutiny. However, failure to invest $500,000 for this 1 year study, will cost the Federal Government and the citizens of east central Illinois much more in the coming years. I trust my colleagues will agree with me that the Kankakee River Basin flooding problem should be addressed now, while it can still be inexpensively remedied. Thank you for your support of this much-needed legislation.

THE LEAGUE OF WOMEN VOTERS' 75TH ANNIVERSARY

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to congratulate the League of Women Voters on their 75th anniversary. Formed 6 months prior to their hardest-won victory, the ratification of the 19th amendment in 1920, this nonpartisan organization's mission has not changed since its founding: to build citizen participation in the democratic process.

With the enfranchisement of women, the league has since grown to become an indispensable fixture on the American political landscape. On a grassroots level, the league preserves democracy every day by registering voters, sponsoring candidate debates, and educating citizens on the issues of the day.

Mr. Speaker, I commend the league on their diamond anniversary, and I wish them continued success for the next 75 years.

JIMMY EARLE: INDUCTED TO TENNESSEE SPORTS HALL OF FAME

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. GORDON. Mr. Speaker, I rise today to recognize a constituent and special individual, Jimmy Earle, upon his induction to the Tennessee Sports Hall of Fame. His selection should come as no surprise as he has been successful everywhere he has coached.

A graduate of Middle Tennessee State University, Jimmy began his basketball coaching career in 1958 at Algood High School in Putnam County, TN. After 1 year, he became head coach at Smithville High School in DeKalb County compiling a 73–17 record.

He then stepped up to the college ranks as head basketball coach at Martin Methodist College in Pulaski, TN. At Martin College he once again produced winning teams with a record of 74–29. His teams also won three Dixie Conference Championships in 4 years.

In 1965, he joined the Middle Tennessee State University coaching staff as assistant basketball coach and head baseball coach. As head coach of the baseball team, his 1968 squad won the Ohio Valley Conference championship and he was voted conference Coach of the Year.

Jimmy was elevated to MTSU's head basketball coach in 1969 and for the next 10 years served in that capacity. Once again his winning tradition continued as he led his teams to two OVC championships and two trips to the NCAA tournament. In 1975 he became the first coach in school history to take a basketball team to the NCAA tournament.

He has served as MTSU's athletic director and as an observer of Southeastern Conference basketball officials.

I have known, worked with, and admired Jimmy Earle for almost 30 years. As a graduate of MTSU, I am extremely aware of his many contributions to my alma meter and community. His selection to the Tennessee Sports Hall of Fame is well deserved. Tennessee will long reap the benefits of his many years of service.

PERSONAL EXPLANATION

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. GREENWOOD. Mr. Speaker, on February 10, 1995, I inadvertently voted ''nay'' on rollcall vote 118, on passage of the Criminal Alien Deportation Act. I support the bill and intended to vote ''yea.''

IN HONOR OF THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. HORN. Mr. Speaker, in 1856, President Franklin Pierce delivered a special message to Congress underscoring the requirement for citizens to participate in the governing process of their Nation:

> No citizen of our country should permit himself to forget that he is a part of its Government and entitled to be heard in the determination of its policy and its measures, and that therefore the highest considerations of personal honor and patriotism require him to maintain by whatever power or influence he may possess the integrity of the laws of the Republic.

When President Franklin Pierce spoke this charge of citizen involvement in the mid-19th century, he was encapsulating the spirit of grassroots participation and, without knowing it, foreshadowing a 20th century American institution: the League of Women Voters. For the past three-quarters of a century, members of the league have provided a way for Americans at all levels of our society to influence the process and assure the expansion of our democracy.

The success of the League of Women Voters has been the result of an all-encompassing belief that democracy depends upon the informed and active participation of its citizens. Through this credo, the league agenda has led members to promote an open governmental system that is representative, accountable, and responsive. Internationally, the goal has been, and remains, to promote peace in an interdependent world by cooperating with other nations. Environmentally, members of the league have embraced goals that will promote protection and wise management of natural resources in the public interest. The league and its members' commitment to democracy has meant their active support to secure social and economic justice for all Americans.

It is my great pleasure to salute the founders of the League of Women Voters, as well as the many thousands of members who have carried on their tradition for three-quarters of a century. America is a stronger nation for their determination and their efforts.

CONGRATULATIONS TO JERREL D. SMITH ON HIS RETIREMENT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. GEPHARDT. Mr. Speaker, I rise today to recognize the contributions and work of Jerrel D. Smith of St. Louis, MO.

Jerrel Smith, vice president, environmental, safety, and health for the Union Electric Co. of St. Louis, MO, retired on January 31, 1995. He will assume a new role as environmental policy consultant to the senior management of the Union Electric Co.

In his 37 years of service to Union Electric Co., Mr. Smith has played an active role in assisting Federal, State, and local legislative and regulatory entities in establishing environmental protection. During his career, he has participated in the formation and implementation of many environmental laws. Of particular note was his work with us on the Clean Air Act, which will help us achieve reductions in air pollution in a way that achieves tough new standards in a cost-effective manner. This work will save ratepayers in eastern Missouri many millions of dollars.

The 104th Congress acknowledges the many achievements of Jerrel Smith. We thank him for his continuing contributions to the development of effective national policies—and wish him best of luck in his new endeavors.

SALUTING THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. STOKES. Mr. Speaker, I rise today as we pay tribute to the 75th anniversary of one of the most steadfast and respected political organizations in the Nation, the League of Women Voters. Today, as we mark this historic event, we recognize the contributions of this distinguished organization.

Since its founding in 1920, the League of Women Voters has been on the national forefront of voter education. Their Presidential debates have become center stage for Presidential campaigns, and their informative voter guides impact every election, including those at the city government level.

In my congressional district, the League of Women Voters has dutifully served not only their members, but the population as a whole through informative debates and other voter activities that have become their hallmark. Under the leadership of Miss Belle Sherwin, who served as the national president of the League between 1924–34, the Cleveland League adopted ''Every Woman An Intelligent Voter'' as the spirit that lead their charge through these 75 years. The League developed get-out-the-vote campaigns, voting booth improvements, and objective questionnaires that have become models for the rest of the country.

Since its inception, the League of Women Voters of Cleveland has been the epitome civic-mindedness, fighting for issues that are important to a majority of voters. The minimum wage, which they sought in 1918, was an early success before they tackled other issues, such as child labor laws and school attendance requirements. The league has advocated reforms in juvenile justice, advocated a smaller and more effective city government, and even devised a fair system of jury selection.

More recently, the league advocated the creation of the Greater Cleveland Regional Transit Authority and supported a one-cent sales tax to support this transit system. They also worked with other civic groups that brought about an All-American City designation for Cleveland.

Mr. Speaker, one of the League of Women's Voters crowning achievements was the establishment an educational fund that works for the education of all voters on pertinent matters, mainly through town hall forums. Starting in 1972, the forums have explored topics such as educational improvement, energy, hazardous waste, the judiciary, and taxes, just to name a few. This educational fund has become a valuable vehicle for enlightened debate and investigation of issues. Today, I salute the League of Women Voters of Cleveland and the fine work of its current president, Ms. Sharon Glaspie. I am proud to share a close working relationship with the Cleveland League and surrounding chapters.

Mr. Speaker, the 150,000 members of the league must be recognized on their 75th anniversary for the good they have done in educating voters and illuminating the political issues facing our country. I ask my colleagues to join me in saluting the League of Women Voters.

TRIBUTE TO GLEN F. TOALSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. SKELTON. Mr. Speaker, today I wish to pay tribute to Glen F. Toalson of Osceola, MO who recently passed away. Born in Osceola in 1920, Toalson served as mayor of his hometown from 1969 to 1979.

Educated at Riverside Military Academy in Gainesville, GA from 1933 until 1938, Toalson went on to attend Washington and Lee University in Lexington, VA from 1938 to 1941. He served as an Army officer in World War II. After the war he became an independent insurance agent and subsequently an oil jobber.

A devoted husband and father he is survived by two sons and three grandchildren. I urge my colleagues to join me in sending sympathy to his entire family.

TRIBUTE TO RICH HUGHES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Ms. ESHOO. Mr. Speaker, I rise today to salute Rich Hughes, an outstanding citizen who has provided invaluable professional service to hundreds of cities, counties and municipalities and who was recently elected by his community to serve on the Sea Ranch Board of Directors.

Rich Hughes is a founding partner of Hughes, Perry and Associates, a consulting firm which has to date served over 750 city, county and special district agencies. His great skill and professional expertise have made him a respected consultant to local community leaders on a host of difficult management, planning and fiscal issues. He is regarded by his clients and his colleagues as the best in this field.

Rich Hughes is also an outstanding leader in the Sea Ranch community. Sea Ranch lies on 10 miles of pristine Sonoma Coastline 110 miles north of San Francisco. The community was founded in 1965 and has received numerous planning, environmental and architectural awards. It has an international reputation and has been studied by architects and planners throughout the world. Rich Hughes now serves on the Sea Ranch Board of Directors and formerly served as Chairperson of the Long Range Planning and Security Committees. His leadership and consensus-building skills were instrumental in the effort he spearheaded to design and construct a new community center which was approved by his colleagues on the Board.

Mr. Speaker, Rich Hughes is an extraordinary leader and devoted community servant. I'm proud of his professionalism and commitment to making a community work well and privileged to call him my friend. I ask my colleagues to join me in saluting him on the recent occasion of his being elected to the Sea Ranch Board and for all the good he has chosen to do with his life.

FLINT CREEK PROJECT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. WILLIAMS. Mr. Speaker, I am today introducing legislation which will enable Granite County, MT to assume operation of the Flint Creek hydroelectric project.

I have worked for more than a year now with folks in Granite County in support of their efforts to take over operation of the 1.1 megawatt Flint Creek hydroelectric project. The current licensee, the Montana Power Co., wants to surrender its license to run the project.

The company has good reasons to want out. The dam has deteriorated some and requires major repairs estimated at $2 million. The Federal Energy Regulatory Commission has more than tripled the annual Federal charges which must be paid when a reservoir occupies federally owned lands. And the drought conditions which have prevailed over the past decade have greatly reduced power revenue from the project.

The simple fact is that FERC has priced this facility out of the market; in fact, Flint Creek Dam has the highest rental cost per kilowatt hour of any project surveyed by the Energy Information Agency.

My bill makes it possible for the citizens of Granite County to operate the dam and use the revenues for public purposes as the county government sees fit.

Granite County filed an application with FERC in 1991 to run the project. The County has worked with recreationists, State and Federal wildlife and land managers, and others to develop an operating plan which has broad support. They've completed an environmental impact statement on a proposed operating plan.

The county's requests to FERC for relief from the high annual charges have been denied. Without action by the Congress, it seems certain that the project will be abandoned. In that event the project will generate zero revenues to the Federal Government and ultimately will become an albatross around the neck of its owner. Passage of my bill will assure both continuing power production, Federal revenues, and local revenues in a part of Montana that seriously needs the boost.

Folks in Granite County understand that Congress is unlikely to approve a full waiver of Federal fees, as they originally sought. I am submitting, with the support of the county, a moderate proposal which provides enough short term relief to assure that the repairs are made, while instituting a more realistic annual fee of $20,000 per year beginning in year six following the assumption of management duties.

HONORING THE LEAGUE OF WOMEN VOTERS' 75TH ANNIVERSARY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Ms. McCARTHY. Mr. Speaker, I rise today to praise the League of Women Voters on its 75th anniversary. The League of Women Voters is perhaps more important today than when it was founded. The league represents a pledge made by the newly enfranchised women of 1920, who promised the Nation that they would be conscientious, informed, and progressive voters.

That pledge, and the role of the league in our Nation's governance as it strives to honor that pledge, are a model for citizens of either gender who do not feel bound to understand or participate in our government. When the women of this country won the right to vote, they banded together to win rights and privileges for other sectors of our society that had also been denied opportunity.

The league did not seek to consolidate the power of its members by withholding the franchise or the right for political involvement from others. The league has been fighting for reform in elections, the workplace, and other momentous issues heard in this Capitol. Its voice has always been one for people without power, and its influence has been felt throughout the land.

I congratulate the League of Women Voters on its 75th anniversary, and look forward to witnessing further acts of courage, innovation, and leadership by this unique and important organization.

THE HUMANITARIAN AID CORRIDOR ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise to introduce the Humanitarian Aid Corridor Act. The legislation is identical to the Dole-Simon bill, S. 230, which was introduced earlier this year in the Senate.

The Humanitarian Air Corridor Act would prohibit U.S. assistance to any country which prohibits or restricts the transport or delivery of U.S. humanitarian assistance to other countries. The language may sound formal, but behind these abstract words are tired faces and gaunt bodies: the intended recipients of humanitarian aid are desperate people in need—men, women, and especially children, whose very existence hinges on the charity of outsiders. It is the moral obligation, and proud tradition, of the United States to be one of the world's main donors of food, clothing and medical supplies essential to keep them alive. Americans open their hearts to refugees and displaced persons in countries less fortunate than our own. That third countries should impede the delivery of such aid is unacceptable; it should be an obvious and unobjectionable principle of U.S. assistance that countries keeping U.S. humanitarian aid from reaching third countries should not receive U.S. aid.

There may be times, however, when considerations of U.S. national security dictate that the United States should continue to provide aid even to obstructionist countries. For those instances, the Humanitarian Aid Corridor Act mandates that the President can make such a determination and inform Congress of his decision.

Mr. Speaker, though the language of the bill is not country specific, it is widely known that Armenia and Turkey would be affected by the legislation. According to official Armenian sources, there are over 300,000 refugees in the country, whom the United States Government has been providing with humanitarian aid. The most cost-effective and direct route for delivery of this assistance is through Turkey. Unfortunately, Turkey has refused to permit transshipment through its territory, which necessitates expensive, and not always reliable, rerouting through Georgia.

Ankara has justified its refusal to allow transshipment of United States aid by pointing to the occupation of Azerbaijani territory by Nagorno-Karabakh Armenians. Turkey, however, is not a party to the Nagorno-Karabakh conflict. There is no reason for Turkey, whatever its ties to Azerbaijan, to block the delivery of United States humanitarian aid to Armenia. As a member of the OSCE, Turkey should implement the commitment in the 1991 Moscow document to ''cooperate fully to enable humanitarian relief operations to be undertaken speedily and effectively; to take all necessary steps to facilitate speedy and unhindered access for such relief operations; [and to] make the necessary arrangements for those relief operations to be carried out.'' Furthermore, Turkey is a member of the OSCE's Minsk group, which is charged with arbitrating the Nagorno-Karabakh conflict. The OSCE document adopted last December in Budapest requests the OSCE's Minsk group to further implement confidence-building measures, particularly in the humanitarian field, and to provide humanitarian aid to people in the region, especially refugees.

Mr. Speaker, I am not blind to the plight of refugees in Azerbaijan. I am well aware that fully one out of every seven people in that country is a refugee. Though section 907 of the 1992 Freedom Support Act prohibits United States Government aid to the Government of Azerbaijan, humanitarian aid is being given through non-governmental organizations. About $30 million in technical assistance, $30 million in food assistance, and $20 million in humanitarian aid has been obligated, and over $60 million has been expended as of December 31, 1994. The need, I know, is much greater, and I am open to considering enhanced aid to address this grave humanitarian situation.

I am also conscious of the significance of Turkey to NATO, and Turkey's longstanding ties to Washington. Those relations are highly valued, and with good reason. It is not the intention of the Humanitarian Aid Corridor Act to damage those relations or to exacerbate Turkey's already complicated domestic situation. The legislation has one purpose only: to expedite the delivery of U.S. humanitarian aid to people who need it, in the most economical and direct manner possible. I am convinced that the facilitated delivery of such aid will promote a peaceful settlement of the Nagorno-Karabakh conflict, and will help bring peace to a region that has more than its share of war and refugees. I hope that Ankara, and other capitals that can, or would be, affected by the provisions of the Humanitarian Aid Corridor Act, view the legislation as it is intended—as a means of helping people in need.

A SPECIAL SALUTE TO STEPHANIE TUBBS JONES: 1995 BLACK PROFESSIONAL OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. STOKES. Mr. Speaker, I rise today to offer my congratulations to Cuyahoga County Prosecutor Stephanie Tubbs Jones. On February 18, 1995, the Black Professionals Association Charitable Foundation will host its 15th Annual Scholarship and Awards Gala. The theme for the gala celebration is, A Celebration of Achievements, Legends and Legacies Continue.

During the dinner, the organization will announce the recipient of its 1995 Black Professional of the Year Award. I am pleased that Stephanie Tubbs Jones has been selected for this outstanding honor. As a past recipient of the Black Professional of the Year Award, I take pride in extending my personal congratulations to Stephanie. I want to share with my colleagues and the Nation some information on Stephanie Tubbs Jones.

Stephanie Tubbs Jones is a graduate of Collinwood High School and Case Western Reserve University. She received her Juris Doctorate degree from the Franklin Thomas Backus School of Law at Case Western. On January 12, 1991, Stephanie Tubbs Jones made history when she was appointed Cuyahoga County Prosecutor by a vote of the Cuyahoga County Democratic Party precinct committeepersons. She became the first woman and African American to hold this important post. In November, 1992, Jones was elected to retain the position by a resounding seventy percent of the votes cast.

Mr. Speaker, prior to becoming County Prosecutor, Stephanie Tubbs Jones served as Judge for the Court of Common Pleas, becoming the first African American woman in the State of Ohio to serve in that post. Her distinguished career has also included a judgeship on the Cleveland Municipal Court; she is a former trial attorney for the Cleveland District Office of the Equal Employment Opportunity Commission; and she formerly served as the Assistant County Prosecutor.

During the course of her notable career, Stephanie Tubbs Jones has received numerous awards and citations for her outstanding work. She received the Young Alumnus Award from Case Western Reserve University for her achievements in the field of law, and the Outstanding Volunteer Services in Law and Justice Award from the Urban League of Greater Cleveland. In addition, Mrs. Jones is the recipient of the Career Women of Achievement Award from the Young Women's Christian Association, as well as the Althea Simmons Award from Delta Sigma Theta Sorority which recognizes her for outstanding social and political action. Just recently, Stephanie Tubbs Jones was inducted into the Collinwood High School Hall of Fame.

Her memberships include the American Bar Association, Cleveland Bar Association, the National Black Prosecutor's Association, National Council of Negro Women, and the Cuyahoga Women's Political Caucus. She is also a member of the Black Elected Democrats of Cleveland Ohio (B.E.D.C.O.), which I founded. Additionally, Stephanie Tubbs Jones is a trustee of the Cleveland Police Historical Society, and serves on the Board of Trustees for the Community Re-Entry Program. Mrs. Jones and her husband, Mervyn, are the proud parents of a son, Mervyn L. Jones, II.

Mr. Speaker, I join her colleagues, family and members of the community in saluting Stephanie Tubbs Jones upon her selection as the 1995 Black Professional of the Year. I am proud of our close working relationship and I wish her much continued success.

THE HUMANITARIAN AID CORRIDOR ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. MARKEY. Mr. Speaker, I rise today in strong support of the Humanitarian Aid Corridor Act. This important legislation, which received impressive bipartisan support last year, would ban U.S. assistance to countries which prohibit or restrict the transport of U.S. humanitarian aid.

As we continue to evaluate our foreign aid program, it is critical that we assure that our foreign assistance reaches those in need quickly and efficiently. The unimpeded delivery of humanitarian aid is particularly important in the republics of the former Soviet Union, where the transition from authoritarian rule to open, democratic processes has been especially difficult. While the forces of communism which once dominated Eastern Europe has been defeated, peace and democracy have not yet taken firm hold. As the struggle continues between the old guard and the past and the reform movement planing a free and democratic future, we must not abandon those who are working to establish democracy where once there was only repression, intimidation, persecution, and fear.

The reform effort in central and Eastern Europe deserves the involvement and commitment of the United States. Since declaring its independence from Soviet rule in 1991, one of the countries in this region, the Republic of Armenia, has moved purposefully to establish a democratic system based on the principles of human rights and open market reforms. In the midst of a region marked by turbulence and instability, Armenia serves as a shining example of steadiness and freedom.

There are several strategies which our government could use to nurture the reform effort undertaken by some of the nations in this pivotal region, including developing incentives for long-term U.S. private investment, providing emerging democracies with greater access to our markets, and extending the provisions of the general system of preferences to nations in the area. The most important and most basic step in our entire aid program, however, should be making sure that the assistance we are currently providing is delivered to its intended destination swiftly and by the most direct route possible.

While successful and efficient delivery of humanitarian aid seems an obvious goal, it is one which is not always met. For example, much of the assistance destined for Armenia has been blocked by some of Armenia's neighbors as part of an on-going, 5-year economic embargo. The closure of cargo crossings in states bordering Armenia has forced the United States, in many cases, to transport aid around blockades at significant delay and expense. Because of the circuitous routes which United States aid to Armenia often is forced to travel, humanitarian assistance has been more susceptible to theft.

Mr. Speaker, the Humanitarian Aid Corridor Act is a common-sense bill which will ensure that we are not subsidizing nations which are making it more difficult and costly for us to deliver desperately needed aid. It will make sure that the assistance get through to those working to establish democratic institutions, and I rise in strong support of this important legislation.

CAPITAL PUNISHMENT: WHAT PROSECUTORS WON'T TELL YOU

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. LAFALCE. Mr. Speaker, I respectfully submit for inclusion in the CONGRESSIONAL RECORD an article from the February 7, 1995, issue of the New York Times, entitled "What Prosecutors Won't Tell You." This article was written by Robert M. Morgenthau, the district attorney of Manhattan. As the House of Representatives is considering fundamental changes to death penalty procedures, the habeas corpus process, and the criminal justice system, I commend to my colleagues Mr. Morgenthau's insightful analysis of the grave societal costs imposed by our capital punishment system.

[From the New York Times, Feb. 7, 1995]

WHAT PROSECUTORS WON'T TELL YOU

(By Robert M. Morgenthau)

People concerned about the escalating fear of violence, as I am, may believe that capital punishment is a good way to combat that trend. Take it from someone who has spent a career in Federal and state law enforcement, enacting the death penalty in New York State would be a grave mistake.

Prosecutors must reveal the dirty little secret they too often share only among themselves: The death penalty actually hinders the fight against crime.

Promoted by members of both political parties in response to an angry populace, capital punishment is a mirage that distracts society from more fruitful, less facile answers. It exacts a terrible price in dollars, lives and human decency. Rather than tamping down the flames of violence, it fuels them while draining millions of dollars from more promising efforts to restore safety to our lives.

Even proponents have been forced to concede that more than a century's experience has not produced credible evidence that executions deter crime. That's why many district attorneys throughout New York State and America oppose it—privately. Fear of political repercussions keeps them from saying so publicly.

To deter crime, punishment must be prompt and certain. Resources should be focused on that goal and on recidivists and career criminals, who commit a disproportionate share of all crime, including murder.

Last year, 6,100 criminals were sentenced to state prison in Manhattan, and 9,000 more were sent to city jail. That is the constructive way to be tough on crime. In 1975, when I became District Attorney, there were 648 homicides in Manhattan; in 1994, there were 330. The number has been cut virtually in half without executions—proof to me that they are not needed to continue that trend.

Executions waste scarce law-enforcement financial and personnel resources. An authoritative study by Duke University in 1993 found that for each person executed in North Carolina, the state paid over $2 million more than it would have cost to imprison him for life, in part because of court proceedings.

In New York, the cost would be higher. A 1989 study by the Department of Correctional Services estimated that the death penalty would cost the state $118 million a year. More crime would be prevented if a fraction of that money were spent on an array of solutions from prisons to drug treatment programs.

If you have the death penalty, you will execute innocent people. No one disagrees that such horrors occur—the only argument concerns how often. A 1987 study in the Stanford Law Review identified 350 cases in this century in which innocent people were wrongly convicted of crimes for which they could have received the death penalty; of that number, perhaps as many as 23 were executed. New York led the list with eight.

This year, an appalling miscarriage of justice occurred when Texas executed Jesse DeWayne Jacobs. He was sentenced to death for a murder he originally confessed to—but later claimed had been committed by his sister. In the subsequent trial of his sister, the prosecutor unequivocally disavowed the confession he had used to convict Mr. Jacobs. He argued that Mr. Jacobs had told the truth when he said that his sister had pulled the trigger and that he had not anticipated any murder. Mr. Jacobs was executed anyway.

Some crimes are so depraved that execution might seem just. But even in the impossible even that a statute could be written and applied so wisely that it would reach only those cases, the price would still be too high.

It has long been argued, with statistical support, that by their brutalizing the dehumanizing effect on society, executions cause more murders than they prevent. "After every instance in which the law violates the sanctity of human life, that life is held less sacred by the community among whom the outrage is perpetrated." Those words written in 1846 by Robert Rantoul Jr., a Massachusetts legislator, are no less true today.

Murders like those at the Brookline, Mass., abortion clinics late last year are monstrous even if a killer believes his cause is just. Yet when the state kills, it sends the opposite message: the death penalty endorses violent solutions, and violence begets violence.

The only honest justification for the death penalty is vengeance, but the Lord says, "Vengeance is mine." It is wrong for secular governments to try to usurp that role. That's why New York should reject the death penalty.

TESTS BIAS AND RACISM AT OUR INSTITUTIONS OF HIGHER LEARNING

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, I think it is absolutely appalling, irresponsible, and downright unethical, for a college or university president to say low-test scores of African-American students are linked to their genetic, hereditary background.

I am referring to the insensitive remarks made by Rutgers University president, Francis L. Lawrence, that precipitated a recent act of civil disobedience by many of Rutger's African-American students during a basketball game.

It is outrageous to even suggest that academically qualified students should be denied access and an opportunity for higher education based solely upon culturally biased standardized tests such as the Scholastic Assessment Test [SAT].

Scientific analyses demonstrates that there is test bias in both the SAT and the ACT [American College Test]. Even the SAT test makers, the Educational Testing Service, warns about the misuse of the SAT.

Mr. Speaker, exclusionary policies, based on racist beliefs, will only further contribute to the widening social and economic inequalities that have characterized American society in recent decades.

Many of the excluded students will be minorities from economically disadvantaged backgrounds who remain disproportionately underrepresented in the Nation's colleges and universities.

In 1991, as chairwoman of the House Subcommittee on Commerce, Consumer Protection, and Competitiveness, I began a series of investigative hearings into intercollegiate athletics and the National Collegiate Athletic Association [NCAA]. A major focus of my investigations revealed the NCAA's misuse of standardized tests which continues to result in a gross disproportionate negative impact on minority student-athletes.

Mr. Speaker, at a time we are trying to increase the earning potential of our youngsters, inflammatory and misinformed statements suggesting that African-Americans, or any group of people, are genetically inferior, cannot and will not be tolerated.

Denying students access to institutions of higher education based on artificial barriers has a direct long-term economic impact. Given the large and rising earnings associated with obtaining a 4-year degree, the personal economic costs associated with being denied an opportunity to obtain a 4-year degree are quite substantial—$400,000–$500,000—even for those graduates with modest academic skills.

I applaud the African-American students at Rutgers for not taking this insult to their intelligence sitting down.

HOOP DREAMS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. RICHARDSON. Mr. Speaker, I would commend to all Members of this body the documentary ''Hoop Dreams.''

This film chronicles the epic struggle of two young men to get out of the ghetto through higher education.

Because these young men are exceptional basketball players they have an opportunity to attend a good parochial high school in the suburbs of Chicago. Their athletic talents are their ticket to a better life—but attendance at the new school requires a 3-hour bus ride each day.

All our young people need the opportunity for a better education—even if they are not talented athletes. And they should not have to go to private school—or travel 3 hours to find a better life.

Mr. Speaker, when we reform welfare let's expand the educational opportunities for all our citizens—especially our young people.

CELEBRATING THE LIFE OF MAY MILLER SULLIVAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues, the passing of May Miller Sullivan on February 8 at the age of 96. Today, February 14, 1995, a poetry reading memorial service will be held to celebrate her life and work.

May Miller Sullivan was a Washington poet, playwright, and educator whose literary career began in the Harlem Renaissance of the 1920's. Known professionally as May Miller, she was the last survivor of five children of Kelly Miller, a nationally known author and philosopher who was the dean of the College of Arts and Sciences and a professor of sociology at Howard University.

Ms. Miller grew up in faculty housing on the Howard University campus in a period when the university was a national gathering place for black artists and intellectuals. It was not unusual for greats like W.E.B. DuBois and Booker T. Washington to visit the Miller home. Poet Langston Hughes was among the friends of May Miller.

A native Washingtonian and a graduate of Dunbar High School and Howard University, Ms. Miller did postgraduate study in literature at American University and Columbia University. For 20 years she traveled daily to Baltimore to teach English, speech and drama at Frederick Douglass High School.

Ms. Miller began writing poetry as a child, often encouraged by her father, for whom the Kelly Miller Junior High School in Washington is named. After graduating first in her class at Howard University, she set out to become a playwright and poet.

Ms. Miller wrote with feeling about people and places in and around Washington and about memories and folk tales from her childhood. A self-styled poet, Ms. Miller's work has been published in magazines and in several collections.

May Miller Sullivan often remarked, ''If out of a silence I can fill that silence with a word that will conjure up an image, then I have succeeded.'' By all standards, May Miller Sullivan was a huge success. Mr. Speaker, I am sure my colleagues will want to extend their condolences to Ms. Miller's family—Gloria Miller Clark, Kelly Miller III, Suzanne Miller Jefferson, and many other nieces and nephews.

TRIBUTE TO HERB BRIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. BERMAN. Mr. Speaker, we invite our colleagues today to join us in sending our congratulations and very best wishes to Herbert H. ''Herb'' Brin on the 80th anniversary of his birth.

Herb was born in Chicago in 1915 to Jewish immigrant parents and went on to become one of the founding beat reporters of the City News Bureau, covering everything from gangland killings to the rise of Nazi-sympathizer groups, which he helped expose before entering the Army during World War II. Injured in training, Brin became a regular reporter-columnist for Stars and Stripes, interviewing four-star generals for the enlisted man's newspaper. After the war, he moved with his wife to California and became a star reporter for the Los Angeles Times, covering stories such as the trial of Adolf Eichmann.

In 1953, Herb quit the Times to take over the Heritage group of Jewish newspapers, with editions covering Los Angeles, Orange and San Diego Counties. His personal, no-holds-barred style of journalism broke scoop after scoop. Heritage first brought into national attention the rise of the Aryan Nations and other neo-Nazi hate groups. His coverage of the Klaus Barbie trial in Lyons was picked up all over the world. Year in and year out, Herbert Brin has been a tireless champion for Los Angeles, for Israel, and for the Jewish people.

Those of us fortunate enough to know Herb are filled with admiration at the many achievements of his life. Throughout his distinguished career in journalism, he was always the most vigilant of watchdogs on issues affecting the Jewish community. On many occasions, the statements and conduct of opponents of Israel and anti-Semites were exposed only because of his diligence and personal commitment to justice.

Thank you for a lifetime of service to the Jewish community—and many, many happy returns of this day!

CRIME IN AMERICA

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. MARTINI. Mr. Speaker, I rise today as a former Federal prosecutor to discuss the growing problem of crime facing our country.

America approaches the 21st century as the most advanced civilization man has ever seen. We have the world's largest and most vibrant economy and remain the only military superpower left standing after the cold war. We should be looking toward the new millennium with nothing but enthusiastic expectations of greatness for ourselves and our children. Yet we confront an enemy today that threatens the very fabric of our society.

Crime in the United States is on the rise, and the violence and insecurity it breeds will erode the American people's faith in their elected government and destroy the dreams of the hundreds of millions who have pinned their hopes on our success. It is unsurprising, too, that their faith is wavering when one considers just a few of the startling facts about the demise of law and order in our country.

Today 8 out of every 10 Americans can expect to be the victim of a violent crime at least once in their lives. Since 1960, crime has increased by over 300 percent, and violent crime has gone up by over 550 percent. The rate of homicide is five times greater here than in Europe, and four times greater than in neighboring Canada. Rape in the United States is seven times more likely than in Europe.

What is even sadder is that these statistics have a disproportionate impact on our children. Teenagers are 2½ times more likely to be victims of violent crime than those over 20. And from 1960 to 1991, the rate of homicide deaths among children under age 19 more than quadrupled.

In what has become an oft-consulted collection of documents for many of the Members of this Congress, John Jay wrote in the Federalist Papers these very poignant words: ''Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems first.'' If indeed public safety is our first priority, then we as a body have been given an opportunity to carry out our obligation.

As the contract's crime package passes the House, I congratulate my colleagues' strong support for each of the six separate measures. The package includes a strengthening of the death penalty and longer prison sentences for criminals. It makes it more difficult for criminal aliens to remain among us, and closes loopholes in the law that for too long have set the guilty free on technicalities. It puts more police on the streets, gives local units of government wide latitude to develop crime prevention programs, and finally recognizes the rights of the victims for a change.

These reforms represent the best hope for us to begin restoring the rule of law of our land, and they reflect the will of a large majority of Americans. Most Americans believe strong, swift punishment acts as a credible deterrent to individuals who might consider committing a crime.

This package acts on that belief and reflects their philosophy in six different but important ways. It promises to make real steps toward catching, convicting, and incarcerating more murderers, rapists, and thieves.

The debate over these crime bills has embroiled us in more than an exchange of competing partisan ideas. It has in fact engaged us in a struggle that effects the very core of American society. Despite all of our Nation's glorious successes, our robust economy, our military prowess, and our clear and unquestioned recognition as the leader of the free world, we cannot expect our Nation to survive, let alone remain on top, if it continues to rot from within.

As the discussions end, I once again congratulate my colleagues on taking swift and strong action on behalf of the well-being and safety of our Nation. We owe it to every American to make the war on crime our paramount concern, and tonight we can go home knowing that while we certainly did not solve all our problems, we have indeed made great strides in the right direction.

75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. KLINK. Mr. Speaker, I rise today to congratulate the League of Women Voters on their 75th anniversary.

The League of Women Voters has been a stalwart and steadfast defender of democracy in this country since 1920. Their activism has been and continues to be an example to all citizens.

In my district, the League is an undeviating participant in the electoral process. It encourages the informed and active participation of Western Pennsylvanians in their government, works to increase public understanding of major policy issues and influences public policy through education and advocacy.

The League emerged from the struggles of the women's suffrage movement and continued to fight on a variety of issues from child labor laws to environmental concerns. Its members, both men and women, work on problems at the State and local level as well.

I commend the League of Women Voters on three-quarters of a century of good work. I hope to participate when they reach their 100th anniversary.

THE CARL GARNER FEDERAL LANDS CLEANUP ACT

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mrs. LINCOLN. Mr. Speaker, today I rise to pay tribute to a man who has given so much to his country and to the State of Arkansas. I have just introduced legislation to rename the ''Federal Lands Cleanup Act,'' the ''Carl Garner Federal Lands Cleanup Act.''

This honor is well deserved as Mr. Garner was the inspiration behind the enactment of the Cleanup Act in 1985. Mr. Garner is the Resident Engineer with the Army Corps of Engineers in Greers Ferry Lake, AR, and his devotion to a cleaner environment goes back several decades.

In 1970, Mr. Garner organized a group of local volunteers to pick up trash accumulated along the shores of Greers Ferry Lake. This one day cleanup event escalated to an annual event throughout the State of Arkansas. Last year alone, more than 24,000 Arkansans participated in the cleanup at more than 100 sites in Arkansas.

This devotion to the protection of our environment attracted the attention of Senator BUMPERS, who was the lead sponsor of the Federal Lands Cleanup Day of 1985. This bill promotes the concept of community partnership and pride in our Federal lands to protect our valuable natural resources.

It is with great pride and esteem that I rise to introduce this piece of legislation to honor Mr. Carl Garner, who embodies the notion of public service.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE CARL GARNER FEDERAL LANDS CLEANUP ACT.

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169I–169I–1) is amended by striking ''Federal Lands Cleanup Day'' each place it appears and inserting ''Carl Garner Federal Lands Cleanup Day.''

BALANCED BUDGET BINGO

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. JACOBS. Mr. Speaker, the following article is journalism at its best; it effectively translates something that is obscure, yet vital to our well being as a nation. And the translation itself is not simply one more frustrating attempt to breach the portals to the arcane.

[From the Indianapolis News, Feb. 11, 1995]

BALANCED BUDGET BINGO

(By David L. Haase)

WASHINGTON.—Can an average American citizen balance the federal budget without starving the needy, abandoning the elderly or taxing businesses out of business?

More to the point, after a middle-aged reporter does the deed, will his 71-year-old mother on Social Security still talk to him?

I dared to think so when I stepped into the basement office of the Bipartisan Commission on Entitlement and Tax Reform, ready to tackle the deficit using its computer.

The deficit is a hot topic on Capitol Hill. Two weeks ago, the U.S. House approved an amendment to the Constitution that would require the government to balance the federal budget. The Senate is debating the issue.

But what does a balanced budget mean for Americans? The commission, now out of business, had a computer game that could tell us.

Sen. Bob Kerrey, D–Neb., forced President Clinton into naming the commission as the price of his support for the 1993 budget deal.

It was never a Clinton priority. Its office in the basement of the Russell Office Building showed that it wasn't much of a priority for the Senate either.

The staff worked at used computers plopped on aged wooden government-issue desks and tables.

The commission went kaput without its 32 members ever agreeing on a way to halt the growth of entitlement spending. The task proved too painful.

Entitlement spending is mandatory. Neither Congress nor the president can deny these funds to any eligible comer.

On the other hand, discretionary spending, which Congress approves from year to year, amounts to only 40 percent of federal spending.

In the commission's view, entitlements are THE problem with the federal budget.

These programs include Social Security, Medicare, Medicaid, federal pensions, farm subsidy programs, unemployment compensation and certain welfare programs.

Without a change in policy, entitlement spending and interest on the national debt will consume almost all federal revenues in 2012—about the time David Letterman reaches retirement age.

By 2030, when Michael Jordan and Julia Roberts turn 65, federal revenues won't even cover entitlement spending.

So, there I stood in the commission's doorway, eager to reverse the tide of history with the help of the commission's Budget Shadows computer game.

Heather Lamm, a commission researcher, explained the rules.

Cut enough spending and raise enough taxes to score 100 points, and you balance the entitlement side of the budget.

In other words, you keep the deficit equal to 2.3 percent of GDP, or gross domestic product. That's the value of all goods and services in the U.S. economy.

Without big changes, the commission figures the deficit will skyrocket to 18.9 percent of GDP by 2030.

The perfect score of 100 does not balance the entire federal budget. To do that, you have to score 115. But 100 does keep the problem from getting worse.

David Modaff, the commission's computer consultant, put it a little more bluntly.

''All the screaming now (about how large the deficit is), that's your goal,'' he said. ''To keep it at that level.''

(And, I added to myself, keep Mom talking to me.)

Budget Shadows offered me 50 options in four categories:

Health care

Taxes

Social Security

Other federal entitlements

I started in health care. Spending in this part of the economy grows far faster than anything else.

After reviewing 16 options and getting confused by Medicare Part A, Medicare Part B and Medicaid, I decided to move on to a section where they speak English.

Not a great start, but I had learned something.

I needed a strategy so I would make decisions in each category based on the same logic.

First, cut spending before raising taxes.

Second, do something about COLAs—the automatic cost-of-living increases that kick up federal spending without Congress or the President ever saying yea or nay.

Third, means-test everything. In essence, if you make more than a certain amount, I decided you don't need this government program.

Leaving health care behind (just like Congress and the president last year). I charged into the non-Social Security entitlements like Medicare, unemployment and veterans' compensation benefits and started making decisions.

1. Means test non-Social Security entitlements. Score: 15 points. Only 85 to go.

2. Adjust the Consumer Price Index, the leading formula for measuring price increases, to better measure inflation for non-Social Security entitlements—10 more points. One-quarter of the way home and Mom was still talking to me.

This stuff was easy!

Next stop—either taxes or Social Security. I figured I would tax as a last resort, so on to Social Security.

3. Means test Social Security. Social Security was never intended to replace retirees' savings or be the sole source of their retirement income.

This option would keep it available as an income floor for the neediest but would also encourage others to plan better for their retirements. Nine points. That gives me 34. Cruising.

4. It's COLA time. Budget Shadows offers two options: Cancel the Social Security COLA for one year or revise the way it is calculated.

I picked the revision. Four points.

5. Gradually raise the retirement age.

Americans can now retire with full Social Security benefits for the rest of their lives at age 65. That is scheduled to change in 2000 when the retirement age will gradually rise—to age 67 by the year 2022.

I got three options here: Phase in the 67 retirement age sooner, raise it to 68 or raise it to 70. I picked age 70. Take 5 more points. At 43 points, I'm not even halfway there.

In the interest of fairness, I did pass up the chance to tax more Social Security benefits.

6. Include all new state and local government employees in Social Security.

This is too complex to explain, but it helps cash flow now and defers payments until later. Two more points. Makes the total 45.

7. Index the Social Security benefits formula for overall inflation instead of just increases in average wages. Seven points.

I passed up the chance to change the Social Security payroll tax base or raise the tax rate. They sounded too taxing.

Budget Shadows liked what I had done.

''Congratulations,'' it beeped at me. ''You have restored Social Security to actuarial balance.''

I didn't know what ''actuarial balance'' meant, but it sounded good.

At this point, I passed the halfway mark, and I had not increased a single tax.

''Amazing,'' the computer told me. ''You've cut the 2030 deficit to 11 percent of GDP.''

That's down from the 18.9 percent the entitlement commission thinks we're headed toward.

I liked this computer.

Now it was on to taxes. Watch my restraint.

8. Limit the home mortgage interest deduction.

Once again, two options: Kill it. (Not me.) Or reduce the maximum mortgage from $1 million to $300,000. (Done.) One point.

I refused to tinker with boosting the capital gains tax on estates, with curtailing itemized deductions for charitable contributions and with eliminating the tax deduction for state and local taxes.

Taxes only gave me one point, so the next choices would demand big impact.

Only one place to go. Back to health care—and catastrophe.

I discovered that somewhere along the way I had pushed buttons I had not meant to. I'd selected two options here already.

That made my first choice—means test non-Social Security entitlements—look like a 15-point hit when in fact it got me only six-tenths of a point. When I corrected everything, my score of 52 plunged to 37.

I had caused all that havoc in Social Security; Mom wouldn't talk to me, and, instead of being halfway home, I was barely one-third of the way there.

What a dumb game.

Just to be sure, I recalculated everything and my score rose to 41. ''Interaction'' among the choices can change things as much as 10 percent, Lamm explained. At least this 10 percent ''interacted'' in my favor.

More decisions. Would they never end?

9. Means-test health care benefits for Medicare. I got nine points, but ''interaction'' only raised my score to 47.

It was lunch time now, and I had been hunched over that computer almost three hours.

I needed bigger cuts faster, but I was running out of options.

10. Tackle Medicare Part B. This is the voluntary part of Medicare that pays for doctors' visits, lab work and outpatient hospital visits. The elderly pay a monthly premium and a $100 deductible.

I raised the deductible to $300 a year and indexed premiums so the enrollees' share would stay at current levels. That gave me 11 points, but ''interaction'' allowed only a 57 score.

I could have raised eligibility age and costs on Medicare Part A, the hospitalization part, but I figured older people need this. Were you listening, Mom?

Medicare/Medicaid outlay savings. This single option represents a blizzard of changes in the way doctors and hospitals are paid for Medicare services and also caps Medicaid payments to the states.

I had to make big savings, and this option spread for pain around. Fourteen points.

My score was 71. My bladder was full. My stomach was empty. And my bottom was sore. [No federal funds were wasted on the charts at the entitlement commission.]

I had combed all four categories of options for something acceptable—and BIG. Now I had to go back to taxes.

So far, I though, I had placed the burden of balancing entitlement spending on those who receive the entitlements.

As a result of my choices:

Benefits paid to the elderly, the sick and the poor would rise more slowly.

Old folks would pay more of their health care costs.

My generation—the baby boomers—would retire much later in life than our parents.

Mom stopped talking to me ages ago.

I made my last decision. After this, my working wife wouldn't talk to me. My brother and sisters wouldn't talk to me. My coworkers wouldn't talk to me. And I would likely die in a driveby shooting.

But this last choice gave me 24 points and boosted my score to 95, within ''interaction'' reach of holding the line on the deficit.

In fact, my score chart showed the deficit would inch up to only 3 percent of GDP over the next 35 years. Instead of rising to 18.9 percent, as the commission feared.

The computer liked me. ''Amazing,'' it said.

I was grateful someone liked me.

Starting in the year 2000, phase in over five years taxation of employer-provided health care benefits as though they were cash income.

That's right. You would pay income taxes on your health insurance if your boss buys it.

This would more accurately reflect an employer's true cost of hiring someone. It should get people thinking about health care costs and how much is paid on their behalf.

I had to do it to balance the budget. Really.

Hello. Hello? Anybody out there?

Mom?

NATIONAL SALUTE TO HOSPITALIZED VETERANS HIGHLIGHTS PT PHONE HOME PROJECT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. MONTGOMERY. Mr. Speaker, today is the Department of Veterans Affairs' [VA] 22nd

Annual National Salute to Hospitalized Veterans. The program honors hospitalized veterans who face unique day-to-day challenges. This is the one day of the year that the local community is asked to visit or pay special tribute to our hospitalized veterans. If friends and relatives can't visit hospitalized veterans today, I hope they will call them.

In connection with this special program, I want to bring to the attention of my colleagues a project that has been underway for some time to provide patient bedside telephones—what most people consider a necessity—in VA medical centers. Anyone who has ever been a patient in a hospital or visited someone in a hospital knows that communicating with friends and family can be a very healing medication.

The Communication Workers of America, the International Brotherhood of Electrical Workers, and the Pioneers of Telecommunications are donating their labor to complete many of the telephone projects now in progress. Mr. Frank Dosio heads the project and calls it PT Phone Home. The project is a cooperative effort among local telephone companies, telecommunications unions, PT Phone Home and the VA. The entire VA inpatient hospital system should have bedside phone service no later than December 1996.

VA facilities have office and operation telephone systems, however, telephone communication for patients was only available at a limited number of pay telephones in the hospitals. The expense of installing room telephones was a determining factor in not making in-room telephones available. With limited resources, the VA opted to focus on quality equipment, staff, and facilities and had to defer availability of private local telephones for patients. In recent years, the goal has been to make telephones available as new facilities were constructed.

The massive undertaking of making telephones available to more veterans who are patients now requires a considerable amount of planning and financing. One of the most important features about the current and comprehensive project, among others, is the help that is being provided by the local telecommunications labor force in the places where the VA facilities are located. The communications workers have donated valuable labor on their weekends and days off. And some communities have conducted local fund raisers for these worthwhile installations. These contributions say volumes about the goodwill our citizens and communities have for veterans.

Many of these veterans have spouses who cannot travel to the hospital. The telephone is, in many cases, the only means of finding out the condition and feelings of their loved ones.

Mr. Speaker, I want to commend everyone who has been involved in this project, especially the leadership of Frank Dosio and those who have assisted him. I have heard nothing but favorable comments from veteran patients throughout the country, and I urge Secretary Brown to make certain that every hospital in the VA system has bedside telephone service as soon as possible.

TRIBUTE TO PETTY OFFICER OSCAR GOMEZ

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. COLEMAN. Mr. Speaker, I wish to pay tribute to Petty Officer Oscar Gomez who has been recognized as the Nation's Navy Reserve Enlisted Recruiter of the Year.

Petty Officer Gomez has spent 10 of his 13 years on active duty with the Navy. He set a goal of 46 recruits at the beginning of fiscal year 1994 and achieved 167 percent of that goal by signing up 77 recruits. Gomez will be promoted to Petty Officer 1st Class in El Paso. The El Paso recruiting office can claim both the country's top recruiter and the Nation's top recruiting office for the past several years.

This achievement is especially remarkable in light of the fact that El Paso is a landlocked city in the middle of the southwest desert.

Mr. Speaker, Oscar Gomez is an outstanding citizen and a national treasure, and I am privileged to count him as one of my constituents. I ask my colleagues to join me in thanking Petty Officer Oscar Gomez for his efforts and tireless service to our Nation and saluting him in this milestone in his professional career.

IN RECOGNITION OF MANOLO REYES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Ms. ROS-LEHTINEN. Mr. Speaker, it is my pleasure to join with thousands of my constituents and recognize Dr. Manolo Reyes for over a half century of public service in this country and in his native Cuba.

On the occasion of his 70th birthday, Manolo Reyes had a street in Miami named in his honor in recognition of decades of leadership in south Florida. Manolo Reyes earned a law degree in Cuba and was a successful figure on Cuban television. With the establishment of the Castro dictatorship, he joined thousands of his fellow Cubans in a life of exile.

In Miami, he became the face of the exile community for an entire generation of Cubans and non-Cubans alike, as the first Hispanic television news anchor in the United States. Those of us who grew up watching his morning newscast remember his dignified and authoritative delivery of the day's events. For his ground breaking work in television journalism Manolo Reyes received an Emmy.

After earning a second law degree in the United States, Manolo entered a second career in the health care field. since 1987, he has worked at Mercy Hospital overseeing patient and governmental activities.

In addition to all this, Dr. Reyes founded the Saint John Bosco Clinic which helps care for those who would otherwise fall through the cracks in the health care system. He has been quoted as saying ''next to my family, this clinic is the most precious act of love in my life.''

To Manolo Reyes and his family, I offer my congratulations on the recognition of a lifetime of achievement and best wishes for many more years of success.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

SPEECH OF

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 728) to control crime by providing law enforcement block grants.

Mr. LATOURETTE. Mr. Chairman, just a few days prior to the last election, in Wickliffe, OH, a man armed with a shotgun went into a middle school and began firing indiscriminately. Tragically, a long-time school employee lay dead at the conclusion of this rampage, others were wounded, and the psychological terror visited upon the staff and students has yet to be quantified.

The police response time was excellent, the police work was excellent, and now the issue of the gunman's guilt or innocence will be left up to the judicial system.

In the last week, Wickliffe qualified for and received a 3 year grant under the Cops Fast Program to place an additional police officer on the street. Everyone connected with law enforcement recognizes that more police officers on the street is a good thing. However, 10 new police officers would have done nothing to prevent the tragedy last November in Wickliffe.

The good news is that the block grant program now under debate in this House will keep in place the additional police officer received by Wickliffe and any other locality that has received funding under the provisions passed in last year's crime bill. The better news is that the Republican block grant program will give to Wickliffe and other cities the flexibility to engage in school security measures that may have a preventive impact upon future tragedies.

Local communities will have the option of applying for and receiving funds to acquire metal detectors, security guards and/or security cameras and systems for their schools if those local communities feel that that is one of the more pressing needs to fight crime in their communities. No longer will they be subject to a one size fits all solution and be required to buy off-the-rack crime prevention. Instead, they will be able to employ a tailor-made, local solution to their most pressing needs. As with many of the provisions in this year's crime bill debate, this solution just makes sense in the daily battle against crime.

REPRESENTATIVE TORRICELLI—PERSPECTIVE ON NATO EXPANSION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. HAMILTON. Mr. Speaker, last week the Los Angeles Times ran an excellent article by

our colleague ROBERT TORRICELLI on the question of NATO expansion. He points out that the Contract With America's National Security Revitalization Act, H.R. 7, proposes the most significant expansion of U.S. military commitments in 40 years. I agree with him that ''the American people should insist that swift expansion of NATO is a pledge that should not be kept.'' The text of Mr. TORRICELLI's article follows:

[From the Los Angeles Times, Feb. 9, 1995]

PERSPECTIVE ON NATO EXPANSION—A PROMISE BEST NOT KEPT

(By Robert G. Torricelli)

The Republican ''contract with America'' contains a proposal for the expansion of NATO to include the Czech Republic, Slovakia, Poland and Hungary by 1999. The Baltic states and Ukraine would follow. This represents the most significant potential expansion of United States military commitments in 40 years. It is one promise by the new congressional majority that is best forgotten.

The central feature of the NATO treaty is Article V, which commits each signatory to regard an attack on any one state to be an attack on each state. It is an unequivocal pledge of war.

The success of NATO during the Cold War was a result of the credibility of the signatories. World Wars I and II demonstrated that the United States regarded the security of Western Europe as central to its own freedom and prosperity. It was not a difficult commitment for a potential adversary to understand. With $200 billion in transatlantic trade, there is no separating the economic futures of the United States and our allies. Similar political institutions gave the treaty meaning and military capabilities gave it credibility.

An arbitrary expansion of our NATO obligations to these Eastern European nations would not conform to the original treaty objectives. A future adversary would never believe that the United States would risk its own survival to extend the nuclear umbrella in defense of nations where it has little economic, political or security interests.

Conventional military assistance would be no more credible. The Balkans war has set the precedent with the United States' refusal to become involved and our allies' rejection of military force to defend interests on their own frontiers against a comparatively weak opponent.

This is not to suggest that the United States does not sympathize with the emerging democracies of Eastern Europe. We welcome their freedom, and their success is in our national interest. We should give them substantial economic, trade and security assistance. But a commitment to wage war requires a vital national interest of a different dimension.

Central to the arguments against the ''contract with America'' pledge of NATO expansion are the contradictions that it represents. Republican promises of a strong national defense would be undermined by rapid NATO expansion. Great powers make impossible or insincere military commitments at great risk. A commitment of assistance to a small European state that is not fulfilled might lead an adversary to conclude that a genuine interest protected by the same pledge also will not be defended.

Underlying the policy debate is the question of capability. The ability of the United States to defend the current 15 NATO nations in a prolonged conflict with Russia was always arguable. Now Republicans contend that, having reduced our own forces by 25% and withdrawn 200,000 troops from Europe, the United States should rapidly expand our commitments to four additional nations and 73 million people. The credibility of their proposal is further compromised by their assurance that such an expansion can be achieved at no cost to the American taxpayer.

None of these potential allies offers any serious military ability to contribute to its own security. None is equipped with weapons or ordnance compatible with our own. Opposing Russian military forces, while diminished, include 72 divisions totaling 2.4 million men in adjoining regions. Their potential under some future authoritarian government commanding a nation of 150 million is obviously considerable.

Concern with the impracticability of broadening our military obligations is inevitability leading some to compromise. They propose that some nations join NATO while those more proximate to Russia be excluded. This represents the worst of all outcomes. NATO would still be left with responsibilities that it cannot fulfill, and the excluded states would implicitly fall into a new Russian sphere of influence. A new line would be drawn across Europe.

Missing from arguments for NATO expansion is an understanding that the central element in the maintenance of Eastern European security is the strengthening of Russian democracy. The ultimate maintenance of Eastern European sovereignty will be decided by the struggle for power within Russia. NATO expansion would strengthen Russian nationalist forces and, ironically, undermine the very Russian institutions and leaders that offer the principal opportunity to maintain Eastern European security.

The Clinton Administration's ''partnership for peace'' offers a far more balanced approach. Joint training exercises in the Netherlands and Poland are an example of the alliance's ability to increase capabilities. The promise of increase capabilities. The promise of eventual NATO membership sends a signal of our interest without recklessly committing ourselves to a future conflict.

The Republican leadership is determined to restore electoral confidence in Congress by maintaining campaign promises. The American people should insist that swift expansion of NATO is a pledge that should not be kept.

75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. WARD. Mr. Speaker, it is an honor to join my colleagues in commemorating the 75th anniversary of the founding of the League of Women Voters.

Building on the strengths and hardships of the women's suffrage movement, Carrie Chapman Catt founded the League of Women Voters and urged its members to be active participants in their government, not bystanders. However, Catt's effort did not end with securing women the right to vote, she demanded the full inclusion of women into every aspect of society: political, social, and economic.

Today, women have gained much in the areas of political and social equality; however, in terms of economic equality, women fall far short of their male counterpart. We know that 62 percent of the minimum-wage earners in the United States are women, but many in our government are still not committed to raising the minimum wage and empowering women with the economic security they so rightly deserve.

I hope that my colleagues will reflect upon the numerous achievements and successes the League of Women Voters have gained and recognize how crucial economic stability is for all, but especially for women.

THE LEAGUE OF WOMEN VOTERS

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Ms. DANNER. Mr. Speaker, today marks the 75th anniversary of a defining moment in American history, a moment that is partially responsible for me and for all of my female colleagues serving the American people as Members of the House of Representatives.

Mr. Speaker, 75 years ago a courageous woman named Carrie Chapman Catt founded the League of Women Voters.

Since its inception, the league has championed equal rights for not only women, but for all Americans, regardless of gender, race, or religion. This creed of equality, this commitment to freedom and justice transcends the vision of our Founding Fathers.

With the proper focus on education as the means to liberty, the league has been instrumental in providing access at all levels for people who were once ignored, who were once denied, and who were once suppressed. Much has been accomplished since the 1920's movement for womens' suffrage.

With the help of organizations such as the League of Women Voters, we as a people can do even more.

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. MARTINI. Mr. Speaker, I rise on this Valentine's Day to commemorate a very special organization. The League of Women Voters turns 75 today, and it deserves our congratulations.

The league traces its roots back to the suffrage movement, and since then it has enjoyed great significance in American civic life. Dedicated to educating the American voter, the league's leaders have led the way in increasing the public's understanding of the great policy debates that have shaped our time. The wide scope of its concerns, on issues that rage everywhere from townhalls to the halls of Congress, is illustrative of their true devotion to the democratic system.

With 1,100 chapters nationwide and a membership of 150,000, the league continues to exert outstanding leadership in ensuring that the American electorate is an educated one. I am sure that no one in this body has been denied the benefit of the league's involvement in their elections.

I, myself, enjoyed an engaging evening at a League of Women Voters candidates' forum during my campaign, and was provided the

opportunity to explain my views in a candidate profile. I appreciate the fine work these ladies have done, and thank them for providing avenues through which I was able to communicate in a substantive manner with my constituents. Once again, happy birthday League of Women Voters, and here's to another successful 75 years.

FOOD SAFETY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, last week the Government Reform and Oversight Committee began marking up H.R. 450, the Regulatory Reform Act. I must say that I was surprised at just how obsessed with reducing the regulation of business, they are; so obsessed with destroying even commonsense regulations that it is even willing to sacrifice the health and safety of the American people.

Last Friday, February 10, Congresswoman LOUISE SLAUGHTER and I offered an amendment that would have done one thing only; it would have allowed the Department of Agriculture to go forward with its new rule, announced just a week or so ago, for the inspection of meat and poultry. Not a single Republican member of the committee voted in favor of it.

Meat and poultry sold to the American consumer are currently subject only to visual inspection under procedures that were implemented in 1907. The new inspection procedures would require microbial testing for bacteria; it is the Agriculture Department's long-awaited response to the massive food borne illness outbreak caused by *E Coli* that spread across the west coast 2 years ago.

Mrs. Nancy Donley of Chicago, IL, was at the markup to remind us of the price many American families have paid and will pay for inaction. Mrs. Donley lost her 6-year-old son, Alex, in July of 1993 after he died from eating *E Coli* contaminated hamburger meat.

The USDA's new inspection rule is not being promulgated to punish meat and poultry processor; its purpose is to stop people from dying and getting sick from food borne bacteria, such as salmonella and *E Coli*. Food borne disease causes an estimated 9,000 deaths per year and 6.5 million illnesses. Medical costs and lost productivity associated with the treatment of food borne illness are estimated to be between $5 billion and $6 billion each year.

I completely disagree with the proponents of this regulatory moratorium bill that we should delay for 1 minute, much less 6 months, the implementation of USDA's regulations to reduce the number of deaths and illnesses that occur each year from food poisoning.

I first became aware of the problem with unsafe meat, in 1991 when a USDA inspector testified before the subcommittee I chaired under the Committee on Energy and Commerce. This inspector, Mr. William Lehman, told our subcommittee that 9 out of 10 truckloads of meat entering our country from Canada did not stop at the border for a casual inspection.

After five hearings, a GAO investigation, and four different letters to the Secretary of Agriculture, these procedures were finally changed.

Mr. Lehman appeared before my subcommittee again, and told us that he was beginning to see large quantities of Canadian hamburger entering our country. The problem this presents for the inspector is that grinding meat into hamburger disguises problems, such as the presence of fecal material or abscesses, that a visual inspection would allow you to see on a whole carcass.

It was also at this time that the outbreak of *E Coli* deaths and illnesses occurred in the Northwest. Some of the meat supplied to the Jack-in-the-Box Restaurants, it is believed may have come from Canada.

We should not allow meat to be imported into this country in the form of hamburger, and we should continue testing the hamburger produced here for bacteria.

The USDA has proposed a rule that will allow us to take an important step towards ensuring that meat and poultry products sold in this country are free of deadly bacteria. We should not permit this bill to stop those efforts.

For the Republican majority that now controls this Congress to not allow the proposed meat and poultry food safety rule to be implemented is a callous disregard for human health and life.

Tuesday, February 14, 1995

Daily Digest

HIGHLIGHTS

House passed local government law enforcement block grants bill.

Senate

Chamber Action

Routine Proceedings, pages S2583–S2675

Measures Introduced: Twenty bills and two resolutions were introduced, as follows: S. 399–418, S. Res. 78, and S. Con. Res. 6. **Pages S2647–48, S2663–64**

Measures Reported: Reports were made as follows:

S. 244, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, with amendments. (S. Rept. No. 104–8) **Page S2647**

Measures Passed:

Haleyville, Alabama, Emergency 911 Day: Senate agreed to S. Res. 78, to request the President to issue a proclamation designating February 16, 1995, as ''Haleyville, Alabama, Emergency 911 Day''. **Pages S2645–46**

Balanced Budget Constitutional Amendment: Senate continued consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States, taking action on amendments proposed thereto: **Pages S2583–95, S2597–S2639**

Rejected:

(1) Reid Amendment No. 236, to protect the Social Security system by excluding the receipts and outlays of Social Security from balanced budget calculations. (By 57 yeas to 41 nays (Vote No. 65), Senate tabled the amendment.) **Pages S2583–92**

(2) Boxer Amendment No. 240, to provide Federal assistance to supplement State and local efforts to alleviate the damage, loss, hardship and suffering caused by disasters or emergencies by exempting spending that is designated emergency requirements by both the President and the Congress. (By 70 yeas to 28 nays (Vote No. 66), Senate tabled the amendment.) **Pages S2597–S2617**

(3) Hollings Amendment No. 241, proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office. (By 52 yeas to 45 nays (Vote No. 68), Senate tabled the amendment.) **Pages S2617, S2627–39**

(4) Feingold motion to refer H.J. Res. 1 to the Committee on the Budget with instructions to report back forthwith. (By 66 yeas to 32 nays (Vote No. 67), Senate tabled the motion.) **Pages S2617–27**

A unanimous-consent agreement was reached providing for further consideration of the resolution and certain amendments and motions to be proposed thereto, on Wednesday, February 15, 1995. **Page S2637**

A motion was entered to close further debate on the resolution 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 Thursday, February 16, 1995. **Page S2592**

Senate will resume consideration of the resolution on Wednesday, February 15, 1995.

Petitions: **Page S2647**

Statements on Introduced Bills: **Pages S2648–62**

Additional Cosponsors: **Pages S2662–63**

Amendments Submitted: **Page S2664**

Notices of Hearings: **Pages S2664–65**

Authority for Committees: **Page S2665**

Additional Statements: **Pages S2665–69**

Record Votes: Four record votes were taken today. (Total—68) **Pages S2592, S2616–17, S2626–27, S2638–39**

Recess: Senate convened at 9:15 a.m., and recessed at 8:36 p.m., until 9:30 a.m., on Wednesday, February 15, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S2675.)

Committee Meetings

(Committees not listed did not meet)

AGRICULTURE REFORM

Committee on Agriculture, Nutrition, and Forestry: Committee held hearings on proposed regulatory reforms to strengthen agriculture and agribusiness, receiving testimony from Senator Grams; Representative McIntosh; Lynn Goldman, Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, Environmental Protection Agency; Bruce L. Gardner, University of Maryland, College Park; Keith W. Eckel, Pennsylvania Farm Bureau, Scranton, representing the American Farm Bureau Federation; Ross Hansen, National Association of Wheat Growers, Genoa, Colorado; Richard W. Kirchhoff, National Association of State Departments of Agriculture, and Juanita Duggan, National Food Processors Association, both of Washington, D.C.; Philip F. French, Countrymark Cooperative, Inc., Indianapolis, Indiana, representing the National Council of Farmer Cooperatives; Alec Poitevint, Southeastern Minerals Inc., Bainbridge, Georgia, representing the American Feed Industry Association; Kevin Dettler, Doland, South Dakota, representing the U.S. Custom Harvesters, Inc.; Terry L. Anderson, Political Economy Research Center, Bozeman, Montana; G. Waddy Garrett, Alliance Agronomics, Inc., Mechanicsville, Virginia, representing the Agricultural Retailers Association; Dale E. Aupperle, Decatur, Illinois, representing the American Society of Farm Managers and Rural Appraisers, Inc.; and Robert Carlson, North Dakota Farmers Union, Jamestown, representing the National Farmers Union.

Hearings were recessed subject to call.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee resumed hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the military strategies and operational requirements of the unified commands, receiving testimony from Gen. George A. Joulwan, USA, Commander in Chief, United States European Command; Gen. J.H. Binford Peay III, USA, Commander in Chief, United States Central Command; and Gen. John J. Sheehan, USMC, Commander in Chief, United States Atlantic Command.

Hearings continue on Thursday, February 16.

BUSINESS MEETING

Committee on the Budget: Committee ordered reported, without recommendation, the following bills:

S. 14, to provide for the expedited consideration of certain proposed cancellations of budget items, with an amendment in the nature of a substitute; and

S. 4, to grant the power to the President to reduce budget authority, with amendments.

Also, committee failed to order reported proposed legislation to create a legislative item veto by requiring separate enrollment of items in appropriations bills and targeted tax benefits in revenue bills.

AUTHORIZATION—WATER RESOURCES

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded hearings on proposed legislation authorizing funds for programs of the Water Resources Development Act and to examine the President's budget request for fiscal year 1996 for the United States Army Corps of Engineers, after receiving testimony from John H. Zirschky, Acting Assistant Secretary of the Army (Civil Works); Maj. Gen. Stanley Genega, Director of Civil Works, United States Army; Brig. Gen. Gerald E. Galloway, Jr., USA, United States Military Academy, West Point, New York; Larry King, Acting Director, District of Columbia Department of Public Works; Mayor Jeffrey Tarbert, and Robert R. Perry, Falls Church City Council, both of Falls Church, Virginia; Mary Margaret Whipple, Arlington County Board of Supervisors, Arlington, Virginia; Doug Plasencia, Association of State Floodplain Managers Inc., Richmond, Virginia; and Christopher J. Brescia, Midwest Area River Coalition 2000, St. Louis, Missouri.

STATE DEPARTMENT BUDGET/FOREIGN POLICY

Committee on Foreign Relations: Committee concluded hearings on the President's proposed budget request for fiscal year 1996 for the Department of State, and to review foreign policy issues, after receiving testimony from Warren M. Christopher, Secretary of State.

CRIME CONTROL REFORM

Committee on the Judiciary: Committee concluded hearings on S. 3 and S. 38, measures to revise certain provisions of the Violent Crime Control and Law Enforcement Act (P.L. 103–322), focusing on the role of Federal law enforcement in addressing the nation's drug and violent crime problems, after receiving testimony from Louis J. Freeh, Director, Federal Bureau of Investigation, and Thomas A. Constantine, Administrator, Drug Enforcement Administration, both of the Department of Justice; James Q. Wilson, University of California, Los Angeles; John J. DiIulio, Jr., Princeton University, Princeton, New

Jersey; Patrick F. Fagan, Heritage Foundation, Stephen Moore, Cato Institute, and Donald L. Cahill, Fraternal Order of Police, all of Washington, D.C.; and Thomas C. Frazier, Baltimore Police Department, Baltimore, Maryland.

INDIAN PROGRAMS

Committee on Indian Affairs: Committee held hearings to examine the President's proposed budget request for fiscal year 1996 for Indian programs, receiving testimony from Henry G. Cisneros, Secretary of Housing and Urban Development; Ada Deer, Assistant Secretary of the Interior for Indian Affairs; and Michael H. Trujillo, Director, Indian Health Service, Department of Health and Human Services.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 925–944; and 5 resolutions, H. Con. Res. 27–29, and H. Res. 84–85 were introduced. **Pages H1751–52**

Reports Filed: The following reports were filed as follows:

H.R. 256, to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses (H. Rept. 104–28, Part II); and

H.R. 831, to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, amended (H. Rept. 104–32). **Page H1751**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Dickey to act as Speaker pro tempore for today. **Page H1691**

Recess: House recessed at 10:27 a.m. and reconvened at 11:00 a.m. **Page H1698**

Local Government Law Enforcement Block Grants: By a recorded vote of 238 ayes to 192 noes, Roll No. 129, the House passed H.R. 728, to control crime by providing law enforcement block grants. **Pages H1701–43**

Agreed to the committee amendment in the nature of a substitute (agreed by a recorded vote of 237 ayes to 193 noes, Roll No. 127). **Page H1738**

Rejected the Conyers motion to recommit the bill to the Committee on Judiciary with instructions to report it back forthwith containing amendments that set aside $100 million for Urban Recreation grants, BATF Gang Prevention program and Community Youth Academies (residential educational programs for at-risk youth); and sets aside $450 million each fiscal year to provide for drug enforcement, crime prevention, and legal assistance grants under the Byrne Program (rejected by a recorded vote of 184 ayes to 247 noes, Roll No. 128). **Pages H1740–42**

Agreed To:

The McCollum technical amendment; and **Pages H1701–02**

The McCollum en bloc amendment that permits local law enforcement block grant funding to be used by state police units to provide protection in rural areas that do not have their own local police force; establishes cooperative task forces between adjoining units of local government working cooperatively to prevent and combat criminal activity, particularly drug and gang-related involvement; establishes a multijurisdictional task force in rural areas where local and Federal law enforcement officials work to prevent and control crime; provides for a systematic evaluation on the impact of school security and crime prevention measures and report annually to the Bureau of Justice; provides for the investigation into possible inaccuracies of data relating to part 1 violent crimes; and provides that any funds remaining after 5 years be applied to the Federal deficit. **Pages H1736–38**

Rejected:

The Schumer amendment that sought to transfer $7.5 billion from the block grant program to provide for the ''cops on the beat'' community policing program; and transfers the remaining $2.5 billion to local crime prevention programs (rejected by a recorded vote of 196 ayes to 235 noes, Roll No. 124); **Pages H1702–23**

The Schroeder amendment that sought to authorize the use of block grant funding to protect abortion clinics (rejected by a recorded vote of 164 ayes to 266 noes, Roll No. 125); and **Pages H1723–32**

The Hoke amendment that sought to add language regarding the enhancement of security measures to include any facilities or surroundings where a threat to law and order exists (rejected by a recorded vote of 206 ayes to 225 noes, Roll No. 126). Earlier, a point of order was sustained against the

Volkmer substitute amendment that sought to prohibit funding for any police or security for abortion clinics. **Pages H1732–36**

The Clerk was authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary in the engrossment of the bill. **Page H1743**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H1752–61.

Quorum Calls—Votes: Six recorded votes developed during the proceedings of the House today and appear on pages H1723, H1732, H1736, H1738, H1742, and H1742–43. There were no quorum calls.

Adjournment: Met at 9:30 a.m. and adjourned at 7:04 p.m.

Committee Meetings

OVERSIGHT PLANS

Committee on Agriculture: Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

REFORMING PRESENT WELFARE SYSTEM

Committee on Agriculture: Subcommittee on Department Operations, Nutrition and Foreign Agriculture continued hearings on reforming the present welfare system. Testimony was heard from Representatives Hall of Ohio and Wyden; and public witnesses.

BUDGET REVIEW

Committee on Appropriations: Held a hearing on Fiscal Year 1996 Budget Overview. Testimony was heard from Robert E. Rubin, Secretary of the Treasury; Alice M. Rivlin, Director, OMB; and Laura D'Andrea Tyson, Chair, Counsel of Economic Advisors.

OVERSIGHT PLANS; CBO APPOINTMENT

Committee on the Budget: Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

The Committee also approved a recommendation to the Speaker that June E. O'Neill be appointed Director of the CBO.

COMMON SENSE LEGAL REFORM ACT

Committee on Commerce: Subcommittee on Telecommunications and Finance approved for full Committee action amended Title II, Reform of Private Securities Ligation, of H.R. 10, Common Sense Legal Reform Act.

HEALTH CARE

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations held a hearing on Health Care. Testimony was heard from Representative Williams; former Representative John N. Erlenborn of Illinois; and public witnesses.

OVERSIGHT PLANS

Committee on International Relations: Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

OVERSIGHT PLANS

Committee on National Security: Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

The Committee also approved other pending Committee business.

OVERSIGHT

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on the Office of Surface Mining and Minerals Management Service Fiscal Year 1996 budget request. Testimony was heard from the following officials of the Department of the Interior: Robert J. Uram, Director, Office of Surface Mining Reclamation and Enforcement; Cynthia Quarterman, Acting Director, Minerals Management Service; and W. Hord Tipton, Assistant Director, Resource Use and Protection, Bureau of Land Management.

OVERSIGHT PLANS; BUDGET VIEWS AND ESTIMATES; COMMITTEE BUSINESS

Committee on Rules: Approved the following: Oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight; Budget recommendations for the report to the Committee on the Budget; and other pending Committee business.

DEPARTMENT OF ENERGY R&D PROGRAMS: AUTHORIZATION

Committee on Science: Subcommittee on Energy and Environment held a hearing on Department of Energy Research and Development Programs: Fiscal Year 1996 Authorization. Testimony was heard from the following officials of the Department of Energy: Christine A. Ervin, Assistant Secretary, Energy Efficiency and Renewable Energy; Patricia Fry Godley, Assistant Secretary, Fossil Energy; Tara J. O'Toole,

Assistant Secretary, Environment, Safety and Health; RAdm. Richard Guimond, USN, Principal Deputy Assistant Secretary, Environmental Management; and Ray A. Hunter, Acting Deputy Director, Office of Nuclear Energy; and public witnesses.

Hearings continue tomorrow.

GAO REPORT—CHOLESTEROL MEASUREMENT

Committee on Science: Subcommittee on Technology held a hearing on the GAO Report on Cholesterol Measurement Testing Standards and Accuracy. Testimony was heard from Kwai-Cheung Chan, Director, Program Evaluation in Physical Systems Areas, GAO; and Claude Lenfant, M.D., Director, National Heart, Lung, and Blood Institute, NIH, Department of Health and Human Services.

RESTRUCTURING AIR TRAFFIC CONTROL

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Restructuring Air Traffic Control as a Private or Government Corporation. Testimony was heard from the following officials of the Department of Transportation: Federico Peña, Secretary; and David Hinson, Administrator, FAA; and public witnesses.

Hearings continue tomorrow.

COAST GUARD BUDGET AUTHORIZATION

Committee on Transportation and Infrastructure; Subcommittee on Coast Guard and Maritime Transportation held a hearing on the Coast Guard Budget Authorization for Fiscal Year 1996. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Transportation: Adm. Robert Kramek, Commandant; Eric A. Trent, Master Chief Petty Officer; and Peter W. Melera, National Commodore, U.S. Coast Guard Auxiliary.

Hearings continue tomorrow.

OVERSIGHT PLANS

Committee on Veterans' Affairs: Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

WELFARE REFORM

Committee on Ways and Means: Subcommittee on Human Resources continued markup of welfare reform legislation.

Will continue tomorrow.

OVERSIGHT PLANS

Permanent Select Committee on Intelligence: Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 15, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1996 for defense programs, focusing on Pacific issues, 10 a.m., SD–116.

Committee on Armed Services, to hold hearings on the nominations of Alton W. Cornelia, of South Dakota, Rebecca G. Cox, of California, Gen. James B. Davis, USAF (Ret.), of Florida, S. Lee Kling, of Maryland, Benjamin F. Montoya, of New Mexico, and Wendi Louise Steele, of Texas, each to be a Member of the Defense Base Closure and Realignment Commission, 9:30 a.m., SD–106.

Committee on the Budget, to hold hearings to examine the funding of international affairs in a balanced budget environment, 9:30 a.m., SD–608.

Committee on Energy and Natural Resources, to hold hearings on the President's proposed budget request for fiscal year 1996 for the Forest Service, 9:30 a.m., SD–366.

Committee on Environment and Public Works, to hold hearings on the President's proposed budget request for fiscal year 1996 for the Environmental Protection Agency, 2 p.m., SD–406.

Committee on Finance, to hold hearings to examine the tax treatment of capital gains and losses, focusing on the economic and tax implications of a capital gains tax cut, 9:30 a.m., SD–215.

Committee on Governmental Affairs, to resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective, 9:30 a.m., SD–342.

Committee on the Judiciary, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine the court imposed major league baseball antitrust exemption, 2 p.m., SD–226.

Committee on Labor and Human Resources, to hold hearings on S. 141, 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, and reduce unnecessary paperwork and reporting requirements, 9 a.m., SD–430.

House

Committee on Agriculture, Subcommittee on Resource Conservation, Research and Forestry, hearing to consider private property rights and related legislation, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Interior and Related Agencies, on Secretary of the Interior, 10 a.m., and 1:30 p.m., B–308 Rayburn.

Subcommittee on Legislative, on the House of Representatives, 9:30 a.m., and 2 p.m., on Joint Economic Committee and Capitol Policy Board, 2 p.m., H–144 Capitol.

Subcommittee on Military Construction, executive, on Pacific Construction Program, 2 p.m., B–300 Rayburn.

Subcommittee on National Security, executive, on Commander-in-Chief, U.S. Central Command, 9:30 a.m., and executive, on Commander-in-Chief, U.S. Atlantic Command, 1:30 p.m., H–140 Capitol.

Subcommittee on Department of Transportation, and Related Agencies, on Federal Highway Administration, 10 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on Bureau of Alcohol, Tobacco and Firearms, 10 a.m., and on Financial Crime Enforcement Network, Department Offices, Inspector General and on Financial Management Service, 2 p.m., H–163 Capitol.

Committee on Commerce, Subcommittee on Health and the Environment, oversight hearing on Medicare Select and related issues to Medicare Managed Care, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Workforce Projections, hearing on the Davis-Bacon Act and the Service Contract Act, 9:30 a.m., 2175 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on Country Reports on Human Rights Practices, 10 a.m., 2172 Rayburn.

Committee on Resources, to consider 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. 694, Minor Boundary Adjustments and Miscellaneous Park Amendments 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; 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. 562, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; H.R. 517, Chacoan Outliers Protection Act of 1995; and H.R. 606, to amend the Dayton Aviation Heritage Preservation Act of 1992, 11 a.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 889, making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995; and H.R. 845, rescinding certain budget authority, 11 a.m., H–313 Capitol.

Committee on Science, Subcommittee on Energy and Environment, to continue hearings on Department of Energy Research and Development Programs: Fiscal Year 1996 Authorization, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, to mark up Title VI, (amendments to the Regulatory Flexibility Act), of H.R. 9, Job Creation and Wage Enhancement Act of 1995, 2 p.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 3 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to continue hearings on Restructuring Air Traffic Control as a Private or Government Corporation, 9:30 a.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, to continue hearings on the Coast Guard Budget Authorization for Fiscal Year 1996, 1:30 p.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, to continue markup of welfare reform legislation, 10 a.m., B–318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, February 15

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, February 15

House Chamber

Program for Wednesday: Consideration of H.R. 7, National Security Revitalization Act (modified rule, 2 hours of general debate).

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