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House of Representatives

The House met at 9 a.m.

PRAYER

Rev. Harold Bradley, assistant to the president, Georgetown University, Washington, DC, offered the following prayer:

O loving and gracious God, we offer our thanks to You for Your gifts that brighten our days and give meaning to our lives. We pray for sound minds so that we can contemplate and appreciate the marvels of Your creation, and we pray for good hearts that allow us to do those good works that honor You and serve people whatever their need. May Your spirit, O God, that is with us whatever our circumstance, protect, sustain, and bless us so we will live as You would have us live and be faithful in deeds of justice and mercy. May Your grace be with us this day and every day, we 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. The gentleman from Arkansas [Mr. DICKEY] will lead the House in the Pledge of Allegiance.

Mr. DICKEY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces there will be 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. HOKE. 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 kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—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 middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

THIS IS NOT LIVING UNDER THE SAME LAWS AS EVERYONE ELSE

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

Mr. DOGGETT. Mr. Speaker, with the ink barely dry on the one bill that we passed making Members live under the same laws as everyone else, the Speaker yesterday continued to promote a bill creating a special rule that would make those who bring ethics charges against him or any Member pay his lawyer's fees and the Ethics Committee's costs when no disciplinary action results.

The Speaker claims this rule would not intimidate citizens interested in cleaning up Government. I disagree. It would definitely tend to intimidate. No citizen, and certainly no Member of this House, should be intimidated when the issue is ethics in Government and putting that in first place.

As a former justice of the Texas Supreme Court, as a chair of its ethics task force, I know some with valid ethics complaints would be discouraged, would think twice before blowing the whistle on anyone under the threat of having to pay a Member's lawyer fees with that hanging over their head.

Many will not blow the whistle at all, making the American people the real loser.

Mr. Speaker, this is not living under the same laws as everyone else. It is just plain wrong.

WE CANNOT MORTGAGE OUR CHILDREN'S FUTURES

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

Mr. CHABOT. Mr. Speaker, the balanced budget amendment is the most important piece of legislation passed by Congress in a long, long time.

By passing this amendment we proved that we are serious about balancing the Federal budget, finally.

We proved we are willing to do what millions of Americans do every day, live within their means. We said to the children of America: You will not have to pay off our debts. We will not mortgage your future. However, we cannot act alone.

If the children of America are to grow up without the burden of our

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must be approved by the other body. How can anyone look into the eyes of a child and say, ''I don't care about your future, as long as I can keep things the way they are.''

Mr. Speaker, I ask those opposed to a balanced budget amendment to remember who will pay the price if this budget is not balanced.

The time for rhetoric has passed. Now is a time for action.

SHORTCHANGING KIDS

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

Mr. OBEY. Mr. Speaker, speaking of children, in a press conference yesterday, Republicans asserted that their proposal to end the school lunch program by block-granting it would not shortchange kids, because Congress could always pass a supplemental if we ran into trouble. That is absolutely preposterous.

Anybody who has watched Congress the last 2 years knows that supplementals are virtually a thing of the past. Right now the Congress has bottled up at least two major supplementals, and you can expect to see more of that.

Make no mistake about it, under this plan States will be left holding a very empty lunch bag. This plan is vicious, this plan is mean. It ought to be stopped.

THE NEED FOR REGULATION REFORM

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

Mr. GUTKNECHT. Mr. Speaker, Federal regulations are strangling the life out of businesses in this country. This year alone, $600 billion in taxpayer funds will be spent on regulations. This year alone, the Clinton administration is pursuing 4,300 new regulations. The American people do not want their tax dollars to pay for antiquated and often conflicting regulations for businesses. They want a smaller, more efficient Government, one which will work for them and not against them.

If businesses are to continue creating jobs, the current bureaucratic maze of redtape and regulation must be brought under control. Companies are being bled dry by overbearing regulations and they are forced to cut jobs in order to pay for them, and because many of the regulations clash with each other, they are faced with a dilemma. Do they break one law to follow another? This is an impossible choice that hard-working Americans should not have to make.

Mr. Speaker, we must bring reason into the regulation process. It is just plain common sense. We need regulation reform and we need it today.

FOREIGN AID: SUICIDE FOR AMERICA

(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, the No. 1 terrorist nation in the world is Iran, and Iran's No. 1 hated enemy is America, and Iran has been trying to build a nuclear weapon for years.

Now, America's newest friend is Russia, and America gives Russia $12 billion. And that buys an awful lot of vodka for old Boris, you know. But evidently Russia is going to take some of that $12 billion and build four nuclear reactors in Iran, but Russia says, ''It's for peaceful purposes.'' Peaceful? Tell me, is a nuclear attack on Jerusalem a peaceful purpose?

Ladies and gentlemen of Congress, if Iran can kill 240 Marines with a car bomb, what will they do with a nuclear bomb?

Beam me up. I think if we are going to cut the budget, let us cut that $12 billion. This is not foreign aid. This is foreign suicide for America and America's friends.

GETTING GOVERNMENT OFF THE BACK OF THE AMERICAN PEOPLE

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

Mr. TATE. Mr. Speaker, did you know that a farmer cannot drain a pond on his property without first getting Government permission, even if he created it?

Did you know that if flooding creates pools of water on someone's property as the result of a clogged drainage system, the owner may not clear the clog to drain the new wetland without Government permission?

Welcome to Bill Clinton's America.

It is a place where redtape and red ink have Americans seeing red.

But we are changing that, Mr. Speaker. Today we complete consideration of the Regulatory Transition Act, which will impose a commonsense moratorium on Federal regulations. This bill will allow us time to enact reforms to put an end to the type of horror stories that we have been hearing today and which have become all to commonplace.

We are keeping our promise to get the Government off the back of the American people.

REAL DOUBTS ABOUT THE CONTRACT

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

Mr. SCHUMER. Mr. Speaker, we have all seen the pictures of the happy faces, kids getting their only good meal of the day. It might be in an inner city in Harlem, it might be in rural Appalachia, it might be in the suburbs of a town that experiences high unemployment.

But those pictures will be no more.

Who would have ever believed that the Contract for America meant eliminating the School Lunch Program? The balanced budget amendment sounds good, but when Americans learn it means eliminating school lunches, making student loans very expensive, crippling Medicare, they are going to scratch their heads in wonder.

The priorities of the Gingrichite contract are out of whack. We cut school lunches, but increase spending for some new-fangled plane, the F–22, made in Georgia.

The American people are beginning to learn that this contract is not about cutting out waste. It is about cutting the very programs that made America move forward from the New Deal to this day, and when they learn about it, they are going to have real doubts about the Gingrichite contract.

PASS THE REGULATORY TRANSITION ACT

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

Mr. BAKER of California. Mr. Speaker, get a load of this story in the L.A. Times of last year.

> The Consumer Product Safety Commission is planning to issue regulations to require manufacturers of industrial five-gallon plastic buckets to redesign their products. Concerned that infants could climb inside them and drown, the CPSC studied the issue for five years and recently issued a 101-page report. In the report, the CPSC staff notes that one of their suggestions to the industry—making buckets so that they deliberately leak—is being objected to by bucket makers. According to the report, ''Industry representatives claim that they can envision no use for a bucket that leaks.''

I have heard of a cup that is half empty. I have heard of a cup that is half full. But only the Government would require a bucket that leaks.

It looks to me, Mr. Speaker, like buckets are not the only thing leaking over at the CPSC.

Welcome to Bill Clinton's America.

It is this type of story that has Americans so angry and demanding change. And that is what we will give them when we pass the Regulatory Transition Act, which will give the business community and individuals a much-needed break from costly regulation.

CHILD NUTRITION PROGRAMS

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

Mr. OLVER. Mr. Speaker, Republican priorities are out of whack. The Republican Contract on America slashes

dren's nutrition, and leaves us with millions of hungry or malnourished kids. What a strange way to invest in this country's future.

Our Republican colleagues say these cuts are only intended to eliminate bureaucracy or waste. If that were the case, we would all vote for them.

The truth is that Republicans are playing a dangerous shell game. They want to shift the responsibility for children's health to the States, but cut billions of dollars of funding that the States would need to provide that help. These extremists say we cannot afford to support food for hungry children in America, but actually they are making these cuts to finance fantasy projects like star wars and massive tax cuts for the less than 1 percent of Americans who make over $200,000 per year.

□ 0915

Mr. Speaker, I have heard from hundreds of parents, day care providers, and teachers who know the importance of good childhood nutrition. Perhaps if children could vote, they would not be trashed by the Contract on America.

WELCOME TO BILL CLINTON'S AMERICA

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

Mrs. SMITH of Washington. Mr. Speaker, here is what Bill Clinton's Big Government agenda has wrought.

The Equal Employment Opportunity Commission last year investigated a woman's complaint that a company refused to offer her a job after she told them of her disability. What was the disability? Well, it was a molar that contained a microchip that ''spoke'' to her and others.

Now the EEOC took the complaint seriously, and forced company officials to respond and supply ''any supporting documentation.''

One can only wonder what that supporting documentation might look like.

Welcome to Bill Clinton's America.

This is just another example why we need to pass the Regulatory Transition Act, a bill that will institute a moratorium on new Federal regulations while including some commonsense exceptions.

Americans are sick of Big Brother Government, Mr. Speaker. Let us get on with cutting Big Brother down to size.

LET US KEEP THE NUTRITION PROGRAMS

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

Mrs. SCHROEDER. Mr. Speaker, guess who is going to pay for all those political promises, to the rich, of a tax cut? We now know. America's poorest children. We see them cutting and slashing with glee the nutrition programs that feed the lowest income children in America. That program was started in 1946 after World War II, when America became so concerned that many of the recruits could not pass muster because of malnutrition.

Mr. Speaker, imagine a country that feeds the world now refusing to feed their own children so they can feed the fat cats that came to the fancy dinner. That is what this is about.

How awful it is to see America's politicians pull up to the table as they start slashing their budget and throw children out first. Children should be the last to go out, and now we see that they are the first to go out.

I hope that sends a real message as to what their vision of America is about. It is not mine.

TEAM AMERICA NEEDS A TIME OUT

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

Mr. LAHOOD. Mr. Speaker, in football or basketball, a team may call a timeout when they have lost control of the game and they need time to get their act together. Sometimes you need that timeout to catch your breath or slow your opponent's momentum.

Well, I happen to believe that the Federal Government has lost control of the regulatory process in America. That's why we need to take a timeout from passing new regulations.

As we speak, the Clinton administration is planning to pursue another 4,300 new regulations for this fiscal year. That is too much, especially from an administration that claims to be reinventing Government.

Mr. Speaker, Team America needs a timeout to stop our opponents, Team Regulation, from running roughshod over us. Let's vote for H.R. 450 and return sanity back to Federal regulations.

ALLEGED VIOLATIONS UNDERSCORE NEED FOR OUTSIDE INDEPENDENT COUNSEL

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

Ms. DELAURO. Mr. Speaker, the ethical cloud hanging over Speaker GINGRICH's head grows darker each day. Despite the Speaker's contention that his college course is purely an academic venture, Kennesaw State College officials, where the course was once taught, tell a different story.

According to news reports, Timothy Mescon, the dean of Kennesaw College, now says that political and academic resources were commingled in the class.

In 1993, 40 of Speaker GINGRICH's colleagues at Kennesaw College wrote to the dean to protest the political nature of his course. They wrote: ''It appears that we are all acting as a part of the reelection campaign for Mr. GINGRICH, or laying the groundwork for his future political ambitions.'' Finally, Lois Kubal, who helped put the course together, said: ''The class * * * was intended to be partisan and very political.''

If these latest allegations by former Gingrich allies are true, the Speaker's course is in violation of both campaign finance laws and tax laws. They underscore the need for an independent, outside counsel to investigate this mess.

RESTORING REASON TO THE REGULATORY PROCESS

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

Mr. WELLER. Mr. Speaker, last fall Republicans promised the American people we would reduce the size and cost of the Federal Government and we are keeping that promise with unfunded mandates reform and the line-item veto. We will continue to keep our promise by cutting the Federal regulations that are choking the life out of the little guy—small business and its consumers.

Mr. Speaker, Federal regulations are costing consumers over $500 billion a year. That is right—red tape is costing $10,000 a year for the average family of four. These regulations can be even more costly to a small business. One small business was fined $6,000 because an employee violated OSHA rules when he rescued a coworker trapped under a pile of dirt.

Mr. Speaker, I urge my colleagues to restore reason and common sense to the regulatory process. We need to continue to work in a bipartisan way to reduce necessary and overbearing Federal regulations.

KEEP THE CHILD NUTRITION PROGRAMS

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

Ms. JACKSON-LEE. Mr. Speaker, Marie Antoinette said, ''Let them eat cake.'' I believe the Republicans have said very loudly, ''Let them eat ketchup.'' As a parent, I know what it is to have children in school, participating in programs that help them survive. I realize that when you talk about children, they do not vote.

But I find the Republican proposal to cut school lunches absolutely appalling. Over 13 million children and their parents rely on the school nutrition programs. If the Republicans are allowed to cut $5 billion over the next 5 years from the WIC and child nutrition programs, our children will be the losers.

Today 5 million children under 12 are hungry. I simply want to show you the

trict, from the Julia C. Hester House in Houston, TX. This House has a compelling obligation to insure that no child in this Nation goes to bed hungry.

It has become evident to me that Republicans care only about one thing: the time remaining in their contract.

I believe the American people want a humane country; they want a country that is good for children. They want our children to eat.

Do not cut school lunches; do not cut nutrition programs for our children.

ANOTHER REGULATION IN BILL CLINTON'S AMERICA

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

Mr. LINDER. Mr. Speaker, John Shuler, a Montana rancher, was fined $4,000 in 1993 for violating the Endangered Species Act. What was Mr. Shuler's crime? He shot and killed a grizzly bear that charged him on his own property.

Welcome to Bill Clinton's America.

This is just another of the many examples of outrageous Federal regulations that are hurting American competitiveness and, more simply, ticking Americans off.

I think it is incredibly important to understand the regulatory mindset that is at work in this administration. It is a mindset that assumes the worst about our fellow Americans, whether they be businessmen, property owners, or workers.

But all that begins to change when we pass the Regulatory Transition Act, which will institute a moratorium on new regulations. This moratorium will allow us time to carefully consider the entire issue of Federal regulation and to pass laws that preserve important safeguards while repealing those regulations that are counterproductive. This is what Americans said they wanted on November 8. And this is what we will deliver.

STOP DECLARING WAR ON OUR KIDS

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

Mr. DURBIN. Mr. Speaker, the Gingrich Republicans are now calling for an end to our national program of free and low-cost school lunches. The message of the Gingrich Republicans to America's hungry children is clear: ''Let them eat the Republican Contract.''

It is sad that our Republican colleagues have not taken the time to meet with teachers, who will tell you that for many of our Nation's kids the school lunch is the only nutritious meal in their day, the only way to help a listless child get ready to learn. Why are the Gingrich Republicans gutting the school lunch program? So that they can give tax breaks to the wealthy, a group well represented by the lobbyists in this town.

Well, America's kids need their lobbyists in Washington, too. America needs to give the Gingrich Republicans a clear message: Stop declaring war on our kids.

THE ENDANGERED SPECIES ACT

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

Mr. CALVERT. Mr. Speaker, in the last Congress, rats, bugs, and even weeds were more important than people. Certain bureaucrats have become so eager to list new species as endangered, they have lost sight of the intent of the Endangered Species Act and ignored human concerns.

The Stephens kangaroo rat, considered not only to be endangered, was partly responsible for the destruction of 29 homes in my district. In fall 1993, southern California was battling several wildfires. Because homeowners lived in critical habitat they were unable to obey California law and clear dry weeds and brush away from their homes. It was even illegal for the California Department of Forestry and Fire Protection to set controlled fires so that they could reduce the amount of combustible materials. The result: 29 homes destroyed.

Well, Mr. Speaker, yesterday we struck a blow to rats and scored a touchdown for the American people. The Combest-Condit amendment to H.R. 450 sets not only a moratorium to the Endangered Species Act, but is retroactive to November 20, 1994. This may not bring back the 29 homes in my district, but it will help the American people realize that this Congress thinks they are more important than rats, bugs, and weeds.

FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong opposition to cuts in funding for the Corporation for Public Broadcasting. There are those who say we should abolish public radio and sell public television to cable. To those of my colleagues, I say to you, there are people in our country who cannot afford to pay $400 a year for cable. There are those who will be left out and left behind, those who will be left in the dark, left in silence.

I know what it is like growing up in rural America. I grew up on a small farm just outside Troy, AL, in the heart of the segregated South.

Radio was my window to the larger world. It was on the radio that I first heard the Reverend Martin Luther King, Jr. I heard his voice—the voice of the civil rights movement—and it became my cause, my purpose and my mission for the next 30 years of my life. That voice changed my life and the lives of millions of Americans.

Today, public broadcasting reaches out across this country, bringing nonviolent children's shows, news, and job training programs. It brings light and hope into every corner of this Nation. Some of my colleagues say we cannot afford public broadcasting. I say, can we afford to live without it?

REGULATORY TRANSITION ACT OF 1995

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to House Resolution 93 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. 450.

□ 0929

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. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, February 23, 1995, the amendment offered by the gentleman from Louisiana [Mr. HAYES] had been disposed of and the bill was open for amendment at any point.

Three hours and thirty minutes remain for consideration of amendments under the 5-minute rule.

Are there further amendments to the bill?

□ 0930

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his inquiry.

Mr. VOLKMER. My inquiry is, Mr. Chairman, concerning the amount of time that is still left, the total time still left on the bill.

The CHAIRMAN. Three hours and thirty minutes.

Mr. VOLKMER. Three hours and thirty minutes from this time?

The CHAIRMAN. The gentleman is correct.

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

Mr. Chairman, I yield to the gentleman from Florida [Mr. STEARNS] for purposes of a colloquy.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for this opportunity to have a colloquy with him, and this concerns an amendment that I would

tleman to perhaps give me an explanation I think that already exists in the Norton rule that passed. My amendment was basically to not apply to regulatory rulemaking action by the Department of Housing and Urban Development under section 919 of the Housing and Community Development Act of 1992 which clarifies regulations governing housing for older Americans and significant facilities and services.

My concern is that the deputy of HUD has come up with a self-certifying way for seniors to allow their housing facilities to be self-certified. It is very simple, two out of twelve criteria, and now they can self-certify, and no one will have to worry about suits by the Federal Government, by HUD.

This agreement has been worked out over a long period of time, and I think it is important that this agreement remain in place, and it is going to go forward in the next 60 days, so obviously I was concerned about that.

Mr. CLINGER. May I respond to the gentleman from Florida——

Mr. STEARNS. Yes.

Mr. CLINGER. By saying, ''Yes, I think you're absolutely right. The amendment that was offered last evening by the gentlewoman from the District of Columbia, which picked up on language which is included in our unfunded mandates bill, clearly says that section 4a, 4a, should be the ones that would limit the ability or apply the moratorium, says those sections shall not apply to regulatory rulemaking, actually to enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin or handicap or disability. I think the clear, my reading of that would be clearly that the regulations the gentleman is speaking of would be included in that. Beyond that, there is a further exemption that applies to regulations which are streamlining or actually reducing the burden of regulations on whatever segment of the population is affected by the regulations.''

It seems to me that the regulations the gentleman is alluding to have that effect as well. They are actually easing the process, streamlining the process, for the elderly, so under either one of those exemptions I think that the gentleman would be, could be, assured that those regulations would be allowed to go forward.

Mr. STEARNS. Well, I would like to make part of the RECORD my amendment.

The amendment referred to is as follows:

Amendment offered by Mr. STEARNS of Florida:

At the end of section 5, add the following new subsection:

(c) RULES REGARDING HOUSING FOR OLDER PERSONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action by the Department of Housing and Urban Development under section 919 of the Housing and Community Development Act of 1992 clarifying regulations governing housing for older persons and significant facilities and services.

Mr. Chairman, I will not offer the amendment, and I thank the gentleman from Pennsylvania [Mr. CLINGER] for his indulgence.

I would like to say in concluding comment that this new regulation is going to make it very simple for seniors to self-certify their housing facilities so they do not have to worry about suits, and frankly it will probably be easier for them in the long term, and I think that the gentleman is kind to make this clarification.

Mr. CLINGER. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. SCHIFF] for purposes of a colloquy.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER].

Mr. Chairman, it had been my intent to submit an amendment to this bill. I did submit one for publication in the CONGRESSIONAL RECORD for this morning, but after further discussion with my fellow committee members, Mr. Chairman, I believe it is not necessary to do so, and I, therefore, seek this colloquy with the chairman of the committee.

The situation I want to address is the Clean Air Act. More particularly, in my home town of Albuquerque, NM, several years ago, as a result of that act, the Environmental Protection Agency determined that we were a noncompliance area with respect to carbon monoxide emissions, and that began to turn a clock in terms of sanctions that would be imposed against the city of Albuquerque. However, after a period of time, while the EPA's own regulations were being developed in this regard, the city of Albuquerque, through strong efforts by the local government and by the community, resulted in our being in compliance with the carbon monoxide standards for the last 3 years in a row. I and other individuals brought this to the attention of the Environmental Protection Agency. The Environmental Protection Agency, to its credit, gave a new approach to this situation where areas that were once nonattainment areas had, by their own voluntary efforts, attained carbon monoxide levels that are acceptable under the Clean Air Act, and through a regulation that I believe was published during the time period we are now talking about they put in motion a system for nonattainment cities like Albuquerque to apply to be attainment cities.

Mr. Chairman, I want to stop for a second and commend the Environmental Protection Agency for taking a new look at a situation that is based upon new facts. I say with respect to all agencies, if there were more examples of commonsense approaches to situations, I do not think we would be here on the floor with this bill.

Now the point I want to get to, Mr. Chairman, and to the chairman of the committee, is in order to move from nonattainment to attainment the EPA will still have certain requirements upon the city of Albuquerque, and further, even designating the city of Albuquerque, or any other newly attained city, may also be done by regulation. I was concerned that this bill might prevent the Environmental Protection Agency from moving nonattainment——

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

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

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

Mr. CLINGER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. The point is I was concerned that this bill, if it becomes law, might prevent the Environmental Protection Agency from moving in a very good direction, which is lowering regulation by allowing cities that were nonattainment areas to become attainment areas. My view, however, is that although there are still regulations involved in moving to an attainment area, these regulations are less burdensome than being a nonattainment area and what a city has to go through under those circumstances, and I believe, therefore, this would be an exception under that portion of the bill which has an exclusion for any agency action that the head of the agency certifies is limited to repealing, narrowing or streamlining a rule, regulation, or administrative process, or otherwise reducing regulatory burdens, and it is my belief that under the bill this process would be excluded because the regulatory burdens on cities would be reduced as they move from nonattainment to attainment areas.

I would like to ask the gentleman from Pennsylvania [Mr. CLINGER] if he is in agreement with that position.

Mr. CLINGER. May I assure the gentleman from New Mexico that it would be my clear reading of this that the situation, as certain as you describe in regard to New Mexico, would be covered by this, the exclusion in 6b(3) or 3(b)(1) which I think exactly addresses the situation the gentleman is talking about. This is a case where we are actually removing sort of some of the regulatory red tape that has been imposed on the area. We are making it—we are streamlining the process, which is precisely what this exemption was designed to do, so I can assure the gentleman that I would agree with him that this provision would be exempt under the provision.

Mr. SCHIFF. I appreciate the comments of the gentleman from Pennsylvania.

Mr. Chairman, I will not offer my amendment, and I appreciate the time for this colloquy.

AMENDMENT OFFERED BY MR. TATE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TATE: At the end of the bill add the following new section:

SEC. . DELAYING EFFECTIVE DATE OF RULES WITH RESPECT TO SMALL BUSINESSES.

(a) DELAY EFFECTIVENESS.—For any rule resulting from a regulatory rulemaking action that is suspended or prohibited by this Act, the effective date of the rule with respect to small business may not occur before six months after the end of the moratorium period.

(b) SMALL BUSINESS DEFINED.—In this section, the term ''small business'' means any business with 100 or fewer employees.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington [Mr. TATE] and a Member opposed each will control 10 minutes.

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

Mr. TATE. Mr. Chairman, this amendment will provide 6 months of breathing room for small businesses, and those are the businesses that are the most sensitive to new regulations, those mom and pop grocery stores, those gas stations, those little stores that are in all our districts. For too long small businesses have had to navigate through the waters of Federal regulations and a sea of red tape.

The National Federation of Independent Business recently did a study, and they asked their members what were their biggest concerns, and one of their concerns was taxes. They are all concerned about taxes. One of their concerns was about increasing health care costs, but their biggest concern, the one that is the biggest struggle, is Federal regulations.

Mr. Chairman, regulations put a strangehold on the necks of small business, and one more squeeze and many of these businesses will be choked out of business, and that is exactly what has been happening over the last several years. Since 1990, according to a recent study, over 2,000,000 jobs have been lost because of new regulations.

Bottom line:

The bureaucrats in DC do not need to tell the Americans how to run business. Small business already knows how to run business. They provide the vast majority of the new jobs out there, but the regulatory police seem to be more interested in paperwork, more interested in regulations, then new jobs. It is time to get government not only out of the cookie jar, but out of the kitchen. They need to quit tampering with the heart of Americans and our economy, that of small business.

So, please join with me and remove the big hand of government.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington [Mr. TATE].

Mr. Chairman, Members, I support small business. In fact, for 23 years I worked and helped manage a small business of 13 to 20 employees, so I understand the frustration the gentleman from Washington [Mr. TATE] is experiencing with his amendment or expressing with his amendment. The concern I have though is that we could make it counterproductive.

Typically the regulations that we have from the Federal Government do not distinguish, and that may be the problem, but, for example, if we have a TV station in New York compared to a TV station in a small or medium market in Texas, may have less than 100 employees. Now that TV station may say, ''We would like to have more than 6 months compared to that larger one.'' I think there is some concern that maybe our goal, and I had hoped to support the moratorium, because typically I like moratoriums, I like sunset provisions, because I think every Federal agency and regulation, just like every State regulation and agency, needs to be looked at over a period of time to make sure they are still responding to the need, but I think what we are seeing in this bill with the exceptions that we are adding and just a general confusion to private business, that we are going to actually increase the Federal paperwork for those small businesses.

For example, to my small business I was at, we had no more than 20 employees during the 20 years, and until the Federal Government let the economy go in the tank in the State of Texas in 1980, we went down to 13 employees. But we are going to see what about OSHA regulations when we come in? It is a printing company, for example, and we compete also with larger printing companies, so we are going to have different standards for a company that has over 100 employees as compared to their competitor who may be bidding on the same products that is less than 100. I think we are going to add confusion by adopting this amendment.

I know this amendment was considered in committee. In fact, I think I may have voiced it earlier or something. I say to the gentleman,

I know where you're coming from. I just wish there was a different way we could get to it because I do think small business needs to be treated differently, but I think by developing two different standards and ultimately setting two different effective dates we might be causing those small businesses more confusion than we're trying to help them, and again that comes from, one, having to live with some of those regulations, whether it be OSHA, or whether it be new EPA regulations, and our biggest concern in small business is so often we would get something from one of the national groups we were a member of, whether it be the U.S. Chamber or someone else, and we would get all panicky about it, and then all of a sudden we would find out, well, that may not be affecting us in our particular printing company.

So, Mr. Chairman, I know the gentleman's intentions are great, and I am just concerned that we may be causing more problems, not just with his amendment, but some of the amendments that we have considered, and some have been accepted by the majority, some have been voted on, and that is why I rise in opposition to the amendment.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Washington.

Mr. TATE. Point of clarification.

We are not creating two sets of regulations. We are putting off the effective date for regulations for small businesses so that rulemaking agencies would not have to go through and do two different regulations for a business that is less than a hundred employees, and there are several examples, as the gentleman knows, in Federal law; for example, the family leave law exempts businesses under a certain level, and the Americans With Disabilities Act exempts businesses with 25 or less employees.

So, my concern is those businesses that are small, the printshop or whatever business have that opportunity to actually become a larger business if they can have this breathing room, this halt to Federal regulations, for at least 6 more months.

Mr. GENE GREEN of Texas. Reclaiming my time, Mr. Chairman, the small business I worked in was established in 1878, and it was never going to be a large business. So I do not know if even 6 months more would have helped us, but the gentleman is right. There are differences that we apply Federal law to and to safeguard small business, and the gentleman used a great example, the ADA and the Family Leave Act, and I have an amendment in a few minutes on family leave that will impact that and help us with that.

□ 0945

But again, what you are doing is just putting off 6 months for small business. You are not alleviating the regulations as much. You are maybe giving small businesses more time to comply. But I would hope that we would still see some differentiation through the agencies, and maybe we ought to look when we pass statutes, whether it be the EPA or anyone else, and again as an example is printing companies, or small dry cleaners, if you have experiences like I have in my district where because of the EPA regulations in our cities and States, those small dry cleaning operations have so few employees, yet they have to go through some of the things my chemical plants have to.

I sympathize and empathize with you, but I do not know whether the next 6 months would do anything but cause confusion.

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

Mr. TATE. Mr. Chairman, I yield 2 minutes to the fine gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, I want to thank the gentleman from Washington for yielding me 2 minutes to rise in support of his amendment.

Mr. Chairman, I rise in unequivocal support for the amendment proposed

ment provides additional breathing room—regulatory relief to those businesses which need it the most, the little guys, namely those with 100 or fewer employees. Think of who this will help the most, the shoe repair shop down the street and the auto mechanic around the block.

America's smallest businesses are the ones hardest hit by the hefty regulations churned out by the Clinton administration's bureaucratic agencies in Washington. Businesses with 100 or fewer employees are those which are just beginning to grow. In an economy that is still struggling to recover we cannot afford to hamper those enterprises which provide the greatest opportunity for growth. It is these companies that create the largest number of jobs that are so badly needed in the district of each and every Member of this august body.

The Tate amendment merely gives these small enterprises an additional 6 months of relief from the red tape created in this town. This will allow your neighborhood grocer, farmer, and restauranteur, the little guys, to flourish. We can only succeed as a nation if we allow our community enterprises to bloom. I can think of no better present to give the little guys—the small businesses of our districts as we approach the season of spring.

I ask all my colleagues to pass this very important proposal, Mr. TATE's amendment to provide an additional 6-month hold on the burden of red tape hurting small businesses, the backbone of our economy. It is time that the people take back control of President Clinton's Big Government and look out for the little guys—small business.

Mr. TATE. Mr. Chairman, I yield 90 seconds to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, the gentleman from the State of Washington is right on. Small businesses are going out of business because of excess regulation. I want to talk about a couple from my district, Ron and Judy Wright. They wanted to go into business for themselves so they started a small business in Ethel, WA. You do not know where Ethel is, but they needed a grocery store.

One day the Wrights got a visit, and in came the regulators. A $13,700 fine later they went out of business. What happened is they let a kid clean the store at night. All the kid did was clean the store, and this kid was older than I was I think when I got married.

This kid was not cleaning the knives, but there were knives stored there. So they fined them this much money. They went out of business, and they are still paying off the fine.

These kinds of people need more time. They are not bad people. They were working to feed their families, and they were penalized by a gutless government that really hurt this family. I encourage the passage of this amendment.

Mr. GENE GREEN of Texas. Mr. Chairman, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond to some of the speakers. Again, I am very sympathetic to small business, because that is where for many years I earned my living. But a couple of the speakers just recently talked about President Clinton and big government.

The examples that I was using during the 1980's, it was not President Clinton's big government, it was the EPA under the Reagan and Bush administrations that was the one. I do not think President Clinton has any claim on big government. Big government did not start in 1992 and did not end November 8, 1994. It has been a problem for a number of years. To foist this off on President Clinton I think is wrong and even mean spirited.

Let me talk about the gentlewoman who talked about the young man that cleaned the store. In Houston, TX, a person cleaned the store of a small business. He was also locked in that store overnight because they did not trust him with a key. So obviously that was in violation of the Occupational Safety Act and also hopefully human decency. That person also died in a fire because they could not get out.

So there are reasons why we are concerned about this amendment, one, causing more confusion to small businesses, but also recognizing that those Federal regulations are sometimes there for a purpose. Even though it is a small businessman, I want them to be explained to me and I want them to be reasonable. But, again, putting a 6-month extension on it may help on a momentary basis, but hopefully we are not promising the moon and the stars when all we are giving them is 6 months' reprieve.

Mr. Chairman, I reserve the balance of the time.

Mr. TATE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN], the chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this amendment by the gentleman from Washington, and I thank him for yielding me this time.

Mr. Chairman, I did not know the gentleman was going to offer this amendment, and I had not originally intended to speak. But I can tell you that we have been driving small business out of existence in this country at a very alarming rate, and it has been primarily due to all the rules and regulations and redtape from the Federal Government. This bill does not remove any regulations, it simply puts a moratorium on for a few months, and this amendment is designed to help the smallest of our businesses, the ones who need help the most.

I was a lawyer and a judge before I came to Congress, and yet I can tell you that there are so many millions of laws, rules, and regulations on the books in this country, that they have not designed a computer to keep up with all of them, much less a human being.

Many people in business are violating laws every day that they did not know were in existence. Phillip Howard has written a recent book called ''The Death of Common Sense'' about this ocean of regulations that we have.

What we really need, Mr. Chairman, is fewer laws and more common sense in this country, and this amendment helps that process.

Mr. TATE. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. CLINGER], the Chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Chairman I take this time to indicate we have had an opportunity to review the amendment. We think it is a good amendment. It does give additional protection to small business and clearly that is overdue and much needed. So we are pleased to support the gentleman's amendment.

Mr. TATE. Mr. Chairman, I yield such time as he may consume to the fine gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Chairman, we are here not just as one party or another party, but as Republicans, Democrats, working together to help small business. What is great about that is through this Tate amendment we are going to be able to extend the moratorium for the further period so that small businesses that have the toughest time in making sure that they comply with regulations, that may not have the staff, will be able to do so. Onerous regulations that have come from the Federal Government plague our small businesses. They become job killers because they prey on small businesses, which are the backbone of our business community here in the United States.

That is why the amendment of the gentleman from Washington [Mr. TATE] is important. It will extend the moratorium protection. That is why it is endorsed by National Federation of Independent Businesses, a well-esteemed organization that represents small businesses in our United States. I know from experience back home with Downey Hoster, who has Hoster Bindery, the regulations have really driven him to the point where he may not be able to be in business next year. Let us make sure we have him in business next year because he is able through the Tate amendment to keep his family working and to make sure that this in fact becomes a business-

PARLIAMENTARY INQUIRY

Mr. TATE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TATE. Mr. Chairman, who has the right to close debate?

The CHAIRMAN. The gentleman from Texas, as the minority manager, has the right to close.

Mr. GENE GREEN of Texas. Mr. Chairman, I reserve the right to close with what time I have left.

Mr. TATE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard a lot of debate here the last several minutes about why it is important we do something to help out small business. Once again I wanted to reiterate my remarks, that small business is the engine that drives America. They are the ones that create the new jobs. They are the ones that need the most relief. They are the ones that are the most sensitive to new Federal regulations, and we need to do the most that we can for them.

We have heard the horror stories of people being put out of business by new Federal regulations. It is time that we begin to help these people out. We need to provide help so they can create jobs. So that is what this amendment is all about, one 6-month period to allow them to have the opportunity to get out of underneath this huge Federal burden of new regulations.

That is why this amendment is important, and this is the kind of amendment that has bipartisan support from folks on both sides of the aisle, and this is the kind of amendment that you can go home and talk to the people at home and actually point to something that they can look at and say that they are better off because of this. They are better off because they do not have to live under these new Federal regulations. It is something you can point to and talk about, and something that every small businessman or woman will understand.

Mr. Chairman, I urge your support of this amendment.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to close. Let me say that what the amendment would do is put off for small business 6 months of regulation, so a business may be able to be in business another 6 months. But that is what we would be allowing them.

Let me say again I came out of small business, 23 years both working and helping manage it. Our job here in Washington is not only to try to remove the impediments of small business, but also to come up with regulations that small business can understand that it is important to. And let me give you some examples.

For example, the FCC does not issue one set of regulations for the TV station in New York City and another set for a smaller business in Texas with less than 100 employees. Food safety regulations, do we differentiate between a meat and poultry processor with 99 employees compared to one with 101?

I think we are adding more confusion to small business. The small business that exists would sometimes be denied opportunities under this amendment. For example, the FCC spectrum allocation rules to be issued would deny employers with less than 100 employees the opportunity to bid on some of these FCC licenses.

Again, I understand the concern of the gentleman, and I philosophically support him, but with his amendment I think he may be causing more problems. Like a lot of things we see in the first 100 days, we are causing more problems for small business and people trying to create jobs than people trying to help him.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman yielding and I will not take much of his closing time, but I do want to make this point. The Congress is 200 years old and has never written a regulation. Regulations are written by the executive branch of government, most of them in the past 20 years. I have been here 17 of those years. Four of those years we had a Democrat President writing regulations. The rest has been by Republican Presidents.

I do not want to get into the blame game, but I heard one gentleman talking about the Clinton administration turning out regulations. The Clinton administration is cutting regulations. There are fewer regulations than there were under past Republican Presidents. So while we do not need to get into the blame game, it does seem to me a lot of these new freshmen who are in fact writing these new laws, ought to at least take a look at the history of this place before they condemn the current administration incorrectly.

Mr. GENE GREEN of Texas. Mr. Chairman, reclaiming my time, let me say I think the gentleman has pointed out the correct concern. Again, we are not in the business of making blame; we are in the business of trying to make sure America works. I think by adopting this amendment we may end up very well having two sets of regulations, and that stack of regulations over there could actually get doubled because we would have some for 6 months and some for after 6 months. That is why I urge my colleagues to vote against the amendment.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding. I mean this in the good spirit. This morning we had some people get up and hold up paper dolls saying these poor kids need food and so on.

Mr. GENE GREEN of Texas. I will be glad to debate the nutrition program.

Mr. ROTH. I am leading into a relevant point. I had six town hall meetings on Saturday, just like you and others. I find out OSHA has now promulgated a new rule that if you build a home and you are higher than about 5–11, you have to encase the home in a net. And if you are putting on shingles, you have to wear like mountain climbing equipment.

□ 1000

And if they do not, they fine them $1,000, the small builders.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. TATE].

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

RECORDED VOTE

Mr. TATE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 370, noes 45, answered ''present'' 1, not voting 18, as follows:

[Roll No. 167]

AYES—370

Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hobson
Hoekstra
Hoke

Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—45

Abercrombie
Barrett (WI)
Beilenson
Clay
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Durbin
Filner
Frank (MA)
Gejdenson
Green
Hilliard
Hinchey
Johnson, E. B.
Johnston
Kanjorski
LaFalce
Lewis (GA)
McHale
McKinney
Mfume
Miller (CA)
Mink
Nadler
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Sabo
Slaughter
Stark
Stokes
Studds
Thompson
Velazquez
Vento
Waters
Watt (NC)
Waxman
Yates

ANSWERED ''PRESENT''—1

Souder

NOT VOTING—18

Andrews
Barton
Becerra
Brewster
Chapman
Ehlers
Farr
Gibbons
Gonzalez
Hilleary
McCarthy
Meek
Ortiz
Rush
Smith (NJ)
Towns
Tucker
Vucanovich

□ 1018

The Clerk announced the following pair:

On this vote:

Mr. Ortiz for, with Mr. Becerra against.

Messrs. GEJDENSON, COYNE, and OLVER, Ms. SLAUGHTER, and Mr. MFUME changed their vote from ''aye'' to ''no.''

Ms. WOOLSEY changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I yield to the gentleman from Ohio [Mr. REGULA] for the purpose of entering into a colloquy.

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

Mr. Chairman, I appreciate the gentleman's willingness to allow the administration to exempt matters relating to the GATT negotiations from the moratorium, as addressed in the bill, and as amended by the gentleman from Indiana [Mr. BURTON].

As a member of the GATT task force and as a member of the Congressional Steel Caucus, I was an active participant in negotiating the Uruguay round agreements. I am concerned that the language could possibly result in extensive litigation, and given the overall Republican goal to reduce the amount of litigation that goes on in this Nation, I would hope we could address this.

We should reduce litigation, encourage streamlining of regulations, and promote the sound administration of our trade laws. Accordingly, I would hope that the gentleman agrees that the intent of the bill language and the amendments would exempt all matters relating to section 301, the antidumping and the countervailing duty laws.

Mr. CLINGER. Mr. Chairman, I would agree with the gentleman. I appreciate the gentleman for raising this very important issue. I want to assure him that I think the language would clearly allow this.

Mr. REGULA. I thank the gentleman for clarifying the intent of the language, Mr. Chairman.

AMENDMENT OFFERED BY MR. WISE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offerd by Mr. WISE: At the end of section 5 (page—, after line—), add the following new subsection:

(c) AIRCRAFT, MINE, AND NUCLEAR SAFETY REGULATIONS.—Section 3(a) (or 4(a), or both, shall not apply to any of the following regulatory, rulemaking actions (or any such action relating thereto):

(1) AIRCRAFT SAFETY.—Any regulatory rulemaking action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines.

(2) MINE SAFETY.—Any regulatory rulemaking action by the Mine Safety and Health Administration that relates to reducing death, injury, or illnesses in mines, including such an action—

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40960.

(2) NUCLEAR WASTE DISPOSAL.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from West Virginia [Mr. WISE] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is the safety amendment. The amendment offered by the gentleman from Pennsylvania [Mr. MASCARA] and myself deals with aircraft safety, deals with coal mine safety, and deals with nuclear waste disposal. There will be others speaking on other aspects. I'm going to talk about coal mine safety.

Many Members are going to fly home this afternoon, Mr. Chairman. Most of us have not been coal miners. Most of us are not involved in nuclear waste disposal. However, when we get on that commuter flight this afternoon, we should think about how we would feel getting on in a couple of months knowing that all safety regulations have been delayed, or could be delayed for at least 10 months on that commuter flight, so we should just put ourselves in that situation.

In order to appreciate the statistics, I want Members to think about what it is to be a coal miner. The first thing to do is mentally crawl under this desk. Crawl under this desk. That is about the size of the seam of coal Members may be working in.

When you crawl under this desk, put a blindfold on, because you don't have any light. When you crawl under this desk, make sure you stay pretty much on your back, because that is how you are going to be working.

When you crawl under this desk, remember that you are probably in a piece of moving equipment, in addition to that, so now you have an idea of the confines that you are working in. By the way, when you crawl under this desk, remember, you are a mile underground, and you can hear the shifting

above you as you work.

By the way, put on a coal mine helmet, put on the belts around you, put on the emergency breathing apparatus, and know that you may be cutting into a bed of methane, a pool of methane gas which can immediately kill you. That is what coal mining is about, one of the most hazardous occupations in the country.

In West Virginia last year 8 miners lost their lives. That is a significant improvement from the 20-some the year before, and the 20 before that, and the 78 who were killed in the Farmington disaster in the late 1960s. We are talking about one of the most hazardous occupations in this country, Mr. Chairman.

What our amendment would do is in three areas. First of all, it would permit the process to go forward in underground ventilation dealing with poisonous methane gas that causes coal mine explosions. It would say you cannot hold the process back, you cannot have a moratorium on promulgating these regulations and rules. Incidentally, both industry and labor have been working together to develop these.

It would also say that regulations can move forward with the usage of diesel equipment that can cause fire in coal mines. Finally, it would permit regulations to move forward dealing with the creation of a sampling standard for coal mine dust in which there were 100 indictments, convictions, and pleading guilty recently as a result of finding operators who were altering dust sampling standards.

I urge this body to move forward with this amendment. Mr. Chairman, I know some are going to say there is already a process there for imminent danger to health, but remember, you have to apply to the Office of Management and Budget, you have to seek a waiver, and then that can be contested in court.

Do you really want to fly, do you really want to work in a coal mine, do you want to do nuclear waste disposal, and know you have to wait 10 more months for safety?

Mr. CLINGER. Mr. Chairman, I rise in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, I would point out to the Members that these three amendments, which actually were considered separately in the committee, and all were considered at great length and were defeated, primarily because it is very clear, I think that all of these amendments would be allowed to be covered under one or the other of the exemptions that are provided in the bill as it exists, so this is a grouping of those three amendments which were considered and rejected in committee.

Clearly, on the aircraft safety and mine safety issues, Mr. Chairman, these would fall under the health and safety exemption, and this, of course, would require the head of OIRA to make a determination that indeed these were so much related to imminent threat to the health or safety of the individual that they should be allowed to go forward.

As we discussed last evening with the gentleman from Mississippi with regard to the aircraft safety issues, it was very clear that that would be, I think, a very prime candidate for exclusion under that provision, as would the mine safety provision.

This may be exempt under health and safety, and it would depend again on an interpretation from OMB, but the bottom line is that these are all very worthy programs, but they think they would be covered under the existing exemptions.

□ 1030

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

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

Mr. MINETA. If the gentleman, our fine chairman, would yield for a question. Given that, I am wondering would the gentleman be amenable to an amendment reflecting what you have just indicated, under the aviation safety portion?

Mr. CLINGER. I simply would tell the gentleman from California, it is our view that it would be redundant; that in fact our view that it would be redundant; that in fact this is now covered by the exemption for health and safety.

Mr. MINETA. If the gentleman would further yield, if it is redundant, why would we not just go ahead and clarify it to that extent?

Mr. CLINGER. The primary reason for that, I would tell the gentleman, is once we begin to list, name and exempt various programs and segments, that establishes a higher category and it would make it more difficult for the director or OIRA to then allow others to go forward because they would not rise to the same level as the safety ones.

Mr. MINETA. If the gentleman would yield, is that not the fear that some of us have, that the basic underlying is so vague, that this is the reason that the Wise amendment really does clarify it?

Mr. CLINGER. Reclaiming my time, we believe that the exemption is clear enough and gives the director of OIRA the necessary flexibility to deal with these things on a case-by-case basis.

Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], the chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for yielding me the time.

I rise in opposition to this amendment, particularly as it applies to aviation. I know that this amendment is well-intentioned, but as the gentleman from Pennsylvania [Mr. CLINGER] has just so ably pointed out, it is simply not needed. The FAA has not requested this exemption. The National Transportation Safety Board has not requested it. I have the privilege of serving as chairman of the Aviation Subcommittee. Not one person has come to our subcommittee nor has anyone written to us urging this exemption. No hearings have been held on this.

The bill already has exclusions, as the gentleman from Pennsylvania [Mr. CLINGER] has just pointed out, which provide for changes in our knowledge about safety needs and requirements if that becomes necessary. If some startling shortcoming on the part of an airline is discovered that causes a threat to passenger safety, a regulation can be promulgated that is excluded from this bill. If some new technological advancement is made that would improve air safety, a regulation requiring it can be written under this bill. All this bill does is try to put a halt to regulatory overkill.

Safety is the number one concern of all of us who have anything to do with the aviation industry. But too much of a good thing can be harmful. If we overregulate the airlines, prices go up and more people are forced onto our already overcrowded highways. Our streets are much more dangerous than our highways. Thus, if we overregulate even in regard to safety, we can end up killing people.

We have the best of aviation safety in the world. Can it get better? Sure. But the key is not more regulation and red tape. It is knowledge, skill and training and incentive and pressure to work harder and do a better job.

Like so many things here in Washington, this amendment sounds good on the surface but when you look further, it is simply not necessary and it could cause more harm than good. I urge defect of this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I thank the gentleman for yielding. In a way, I understand what you are saying. But we are indeed dealing with human lives. There was a crash in the Midwest of a commuter airline this winter. It came to the public's attention very graphically that the guidelines for safety for commuter lines are much, much lower than they are for the major carriers. Maybe that crash could have been prevented, and maybe those people would still be alive if the regulations that Secretary Pena is looking at right now implementing were put in place a little bit sooner. But they need to be put in place.

Maybe that crash could have been prevented. But it was a great eye-opener for the American people to find out that there are two different levels of safety, one that basically has not changed since the 1960's and one that is updated every day.

If I owned a regional airline and a new set of regulations came down or was proposed, I would say, ''This is not

safety, this is financial. Your are causing me to spend more money. That has nothing to do with safety.''

We know they are going to argue that, because they are a business. They want to maximize their profits and I do not blame them for that. Since we have a problem, that people just die, I really do not think it is much to ask that that in particular be addressed in this bill.

The chairman just yesterday said he was willing to do it on a technical basis. What is wrong with doing it formally so that this does not get held up in court, so that we can hopefully save some lives and that everybody is held to the same high level of safety that ought to be required? Because we are dealing with people's lives.

I will not get on a regional airline, because I know there is a difference. Do you not think the rest of the people in America ought to know that?

Mr. DUNCAN. Let me say this. The gentleman from Mississippi is a good friend of mine. I yield to no one or take second place to no one in concern for aviation safety and concern for human life. All of us are extremely concerned about human life, and I can assure the gentleman that the Aviation Subcommittee is going to do everything possible to ensure that commuter airlines and regional airlines are brought up to the same standards that apply to all other airlines. I understand that this very matter was discussed last night and there is nothing in this bill that would prohibit that from taking place.

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

Let me respond to the exception that people talk about. Yes, there is an exception that in cases of health or safety, you can go to the Office of Management and Budget, you go through a process if the director of OIRA approves, then supposedly you can have a waiver and go ahead.

There is a problem, though, and they have not talked about the problem. The problem is that those opposing you can go to court and tie this thing up for the length of the moratorium and beyond that. That is where this fatal flaw is. That is why you are fooling with safety, whether it is air safety, whether it is OSHA, whether it is MSHA, whether it is nuclear waste disposal.

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

Mr. WISE. I yield briefly to the gentleman from Pennsylvania.

Mr. CLINGER. If the gentleman would agree that anybody would have a right to take this matter to court, whether or not there was a moratorium. Am I correct in that? So we are not adding any additional responsibility?

Mr. WISE. Reclaiming my time, anyone, of course, can go to court but the problem here is that where you have already stopped the process, now you have gotten an exception, now you have tied it up even further. So I believe what we have got is an exception or we do not have much of a remedy there.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MASCARA], the cosponsor of the amendment.

Mr. MASCARA. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise to urge my colleagues to support the amendment offered by myself and the gentleman from West Virginia [Mr. WISE]. It is not an exaggeration to say that this amendment is a matter of life and death. The amendment we offer would exempt aircraft, mine, and nuclear safety regulations from the regulatory moratorium that would be imposed under H.R. 450.

We do so because we know firsthand about one of the world's most dangerous occupations, working in the mines.

While in good times our communities have benefited economically from the mining industry, they have also experienced the tragedy of mining accidents and poor health that can result from years of breathing coal dust. Both of us have experienced the hours of waiting to find out if a neighbor or a friend survived a collapsed mine roof. In fact, earlier this week I supported the gentlewoman from Illinois who offered an amendment regarding the posting of hazardous conditions in the steel mills.

□ 1040

I said then that I had a father who died as a result of an accident in the steel mills. I also lost a grandfather, one who I never got to know, because he died in a mining accident in Belle Vernon, PA, so I do have an interest here. And it is rather ironic that I am here today, because my wife, Dolores, and I put a new headstone on my grandfather's grave in Belle Vernon, and it says, ''Coal Miner.'' So I do have an interest in this particular piece of legislation.

It is no secret that the mining industry is very hazardous. Since the days of John L. Lewis, the Federal Government has worked with the United Mine Workers of America and the mining industry to make mines a safer place to work. As a part of this ongoing effort, Congress in the late 1970's established Mine Safety and Health Administration and charged it with administering a broad regulatory program to reduce injuries and illness in mines and pits. The regulatory efforts has paid off.

While annual coal mining deaths numbered more than 1,000 a year in the early part of this century, they decreased to 451 annually in the 1950's, to 141 in the 1970's, and to 76 per year during a 10-year period from 1982 to 1992.

But those of us who live in mining communities know that these records will not be maintained if regulations and laws are rescinded and diminished. Mine safety regulations need to be constantly monitored, updated, and improved.

Currently the Mine Safety and Health Administration has two very important safety regulations in progress. One would require better ventilation in the mines to avoid a buildup of deadly methane gas. The other would restrict the use of diesel fuel equipment to avoid fatal mine fires. Both of these would be adversely affected if H.R. 450 is passed in its present form.

I urge my colleagues to vote for the Mascara-Wise amendment.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH], coauthor of the legislation.

Mr. MCINTOSH. Mr. Chairman, I wanted to rise to address this amendment.

As we discussed about this issue in committee, it is very clear to me that these problems are addressed, once again, by our exception for health and safety, and once again, I would like to make clear to everybody the wording of this amendment which makes it clear if there is any regulation that is necessary to prevent a loss of life or severe injury to humans or loss of property, those regulations can go forward.

The administration has a very clear procedure under the bill for allowing those regulations to go forward.

When I was working with Vice President Quayle and very closely with OMB, we could have gotten this type of regulation exempted in a matter of 2 hours once it became clear that it met the criteria of saving a life or eliminating a threat to severe injury.

I think ultimately these regulations have the effect of weakening this general language, because once again we start listing particular programs; there may be an emergency or a health and safety threat that we do not think of in this body. If it is not listed, I am very worried that the bureaucracies will say, ''Gosh, it is not on the list. I cannot issue my regulation,'' and then we will have inadvertently had the effect of making more safety threats not covered rather than fewer.

I think it is important to vote against this. Ultimately I think this amendment is a serious question about the competency of these agencies and OMB to do their job. If you think they cannot do their job, they cannot read this language, then this amendment might be necessary.

But if the Clinton administration can do its job, can read this legislation, then we do not need this amendment.

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

Mr. MCINTOSH. I yield to the gentleman from South Carolina.

Mr. SPRATT. The problem is the definition which says ''imminent threat to health and safety.'' The Department of Energy cannot say there is going to be a substantial danger to human health causing severe illness or death

due to transuranic waste stored in Colorado, Idaho, Washington State, South Carolina, and Tennessee. They are not going to raise a red flag like that. They cannot say that. It is a danger, a chronic danger. It could endanger the water supply in these areas, for example. But it is not something likely to happen during this moratorium. Nevertheless, these regulations need to go into effect so that the disposal of this waste can finally be accomplished.

Mr. MCINTOSH. Let me make sure I am understanding the gentleman. The agency is unwilling to say those things?

Mr. SPRATT. The Department of Energy could not say that the waste, nuclear waste, transuranic waste, stored at INFL in Idaho, for example, constitutes an imminent threat to health or safety that is likely to cause serious illness or death during the moratorium, the very words of section 7 you have there on the chart. They are not going to say that. They cannot say it.

No. 2, they would not want to raise that kind of an alarm about the status of that waste disposal at these particular sites, some dozen or more across the country. Nevertheless, this is an urgent problem that needs to be dealt with.

Mr. MCINTOSH. Let me say if it is, in fact, the case that the regulation is necessary, the Department should step up to the plate and admit that. If it is not, then the question is: Why do we need these regulations if there is no imminent threat that is being addressed?

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding to me.

You know, I am concerned about airline safety, and I have here airworthiness directives that have been issued by the OMB, and what they say is that the moratorium could prevent these types of directives from being issued, because they may not be sufficiently imminent to qualify under H.R. 450, and here they talk about revision of manual to prohibit takeoff in certain icing conditions; they talk about tail cone release in McDonnell planes; they talk about inspection and repair of landing gear; talk about certain nuts and bolts that hold together parts of the wing flap and so forth and so on.

I think this is critically important. Let me tell you something else, these regulations have a real meaning.

Mr. MCINTOSH. Let me say categorically those regulations clearly fit this definition. If the Clinton administration does not understand that, we cannot trust them with the health and safety of this country. That is what is very clear to me.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

I would just say we have seen a concerted action here by the administration to say they will not let any of these regulations go through. They would say that none of them would rise to the threat. I think there has been a sort of a concerted effort there to make that point that they would not let any of these things go through, which is certainly the reverse of what their attitude has been in the past.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. It is not the agency. It is this bill, what you have in this bill, that does not work. That is what the agency has said, that they are not qualified under that definition that is standing up on that easel right now, and you wrote the definition.

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

Mr. CLINGER. I yield to the gentlewoman from Indiana.

Mr. MCINTOSH. Let me say it is very clear to me in all of this that the problem is with the Clinton administration. They do not know how to protect health and safety. If they did, there would be no problem whatsoever.

Mrs. COLLINS of Illinois. If the gentleman yield, obviously, you do not know how to write a law.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Chairman, I rise today to support the amendment introduced by my good friends and colleagues, Congressmen WISE and MASCARA. Any regulatory moratorium must take into consideration that certain Government regulatory actions and directives are essential to the public safety and must not be blocked or delayed by any attempt at across-the-board treatment of all regulatory actions. To treat all types of Federal regulations the same would be a tragic mistake that would have a significantly negative impact on safety.

The exception that currently exists to the regulatory moratorium proposed in the bill would require that an agency would have to establish that a regulation could not go into effect unless it would reasonably be expected to prevent death, serious illness, severe injury to humans, or substantial endangerment to private property during the period of the moratorium. I strongly believe that this exception is not adequate to protect airline passengers. Passengers need the protection of the Wise/Mascara amendment which would totally exempt rulemaking action to improve aircraft safety, including such actions that would require the improvement of aircraft engines.

The Federal Aviation Administration must have the flexibility to act when necessary to enhance and promote aviation safety. It must often issue Airworthiness Directives that respond to specific safety problems and sometimes must do so with great urgency. Some of the airworthiness directives that would be blocked or delayed by H.R. 450 are:

Revision to the Airplane Flight Manual used by all pilots, to provide pilots of certain Beech Models with special operating procedures during icing conditions;

Modification of the brake steering control unit on Airbus A320's; and

Inspection and repair of landing gear brakes prior to the brakes reaching an ''unsafe level.'' This rule is prompted by an accident in which one of the affected aircraft was unable to stop on a wet runway.

These are just some of the directives the FAA has issued or expects to issue, which could be blocked or delayed under this bill, and that would have a negative impact on safety. Whether these directives could receive an exception to the moratorium is doubtful, since the standard articulated for obtaining an exception to the moratorium is vague at best. It would require speculation by the FAA that an accident would be ''reasonably'' likely to occur during the moratorium period if action were not taken. The FAA would also have to establish that the regulation or airworthiness directive in question would have prevented the potential accident. If the FAA were able to accurately predict when an accident will occur, the cause of the accident, and the adequate remedy that would have prevented the accident, then there would never be another accident. Certainly a laudable goal, but not one we have reached at this time.

Of particular significance today is the Administration's effort, with some Congressional prodding, to create a single standard of safety for airline operations, regardless of aircraft size. Many people do not realize that when they change planes from a major airline to a commuter airline, not just the aircraft changes, but sometimes the standard of safety applicable to the operation of the aircraft as well. This is completely unacceptable when so many people who do not live near a major or hub airport rely on small, commuter aircraft for travel. This distinction only seems to get attention when there has been an accident. But for years Congress has pushed past administrations to eliminate this arbitrary distinction. Now that this effort is underway, it would be completely unacceptable for it to be delayed. Must the FAA be forced to establish that another commuter accident will occur during the period of the moratorium when there have already been a number of commuter accidents that speak to the need for change? I would hope not.

Another important aviation initiative that, if it were included in the moratorium, would have a detrimental effect on the airline industry is the

current effort to standardize regulations between the United States and European Joint Aviation Authorities regarding flight operations and aircraft safety certification. The airline industry would be the direct beneficiary of this rule. It is estimated that both U.S. airlines and manufacturers would save between $100 million and $1 billion as a result of this standardization of important safety regulations. Any delay in the implementation of the standardization would require airlines to meet two differing sets of standards, wasting resources that may be better spent on improving the safety and competitiveness of the airline industry.

I strongly urge my colleagues to recognize the innate differences in different agency rulemakings and directives and not to impose a moratorium on all rulemakings that can only be excepted by meeting a vague and speculative standard. I urge my colleagues to support the Wise-Mascara amendment to H.R. 450. Don't, in the name of frustration with nonsafety regulations, put the lives of Americans at risk.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Chairman, I rise more in sorrow than in anger, because it pains me to oppose my good friend, not to oppose him, but to oppose this language.

The gentleman from Pennsylvania and I worked side by side for many, many years on aviation safety. I have genuine concerns about this language. I honestly think it is poorly drafted.

I do not think that this is a matter of can an agency interpret it or not. This legislation will open the way for lawsuits to hamstring the FAA, which issues two airworthiness directives a day on average, over 400 last year, as many headed for rulemaking this year. Dozens of safety rules, flight and duty time for pilots in the works right now, something that we have worked on for many years, crew pairing, to avoid the problem of having inexperienced crew up front in aircraft.

□ 1050

The 16(g) seat retrofit rule to require strengthening of seats. All of us will recall the terrible crash at Sioux City of a DC–10. Some 110 lives were saved because those seats were strengthened. That rule is now being extended.

The aging-aircraft rule on which the gentleman and I worked for quite some time, we passed legislation to implement that legislation. FAA has a number of rulemakings concerning the aging aircraft.

The ATR rulemaking process is not complete. Now, I just want to ask my friend if at the conclusion of this he will entertain specific language to exclude aviation safety?

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

Mr. OBERSTAR. I yield to the gentleman for that purpose.

Mr. CLINGER. I thank the gentleman for yielding.

Mr. Chairman, it is our feeling on this side that would be unnecessary because it is redundant and it is indeed covered by this amendment. I would certainly support that.

Mr. OBERSTAR. Mr. Chairman, to legislate a regulatory moratorium upon the Federal Aviation Administration, which has vital safety responsibilities that affect the lives of everyone in this room and in this country, is not only dangerous, it is irresponsible.

My many years of experience in the safety arena caution me not to accept the argument that aviation safety would not be jeopardized because of the exception to the moratorium for regulations directed at an ''imminent threat to health or safety.'' That language is much too vague to stand the test of lawsuits that will inevitably be filed by airlines, who will, as they have in the past, contest such regulations on economic grounds. To qualify for the exception in this bill, the FAA would have to establish that, absent the regulation or directive, it would be reasonable to expect death, or a serious illness, or severe injury to humans, or substantial endangerment to private property during the moratorium period. Aviation safety is not that precise, and let me explain.

Look at the past year in aviation. There were several major accidents, after 3 years relatively free of major fatal accidents. One of those accidents caused the FAA to temporarily place restrictions on the use of ATR aircraft, due to the preliminary results of an accident investigation which indicated that the de-icing equipment on the aircraft was inadequate to permit operation in known or predicted icing conditions. Following further investigation, the FAA ordered operational restrictions and testing, on ATR flights under certain weather conditions to permit greater use of the aircraft until such time as the aircraft could be retrofitted with altered de-icing equipment, also to be required by an FAA airworthiness directive.

The FAA acted promptly to address a known safety deficiency that had most likely caused one accident and killed many people. They also acted very quickly to relax the restrictions as soon as information became available to indicate that the aircraft could be flown safely in icing conditions when certain precautions were taken.

It is unclear to me how the FAA could have established, in the case of the ATR, that its actions were necessary to prevent severe injury, death, or the substantial destruction of property during a specified period, namely the period of the moratorium. The FAA would be derelict in its duty if it failed to act with all due speed to address a known safety deficiency. The FAA is not in the business of foreseeing into the future to anticipate whether a safety deficiency will result in a crash tomorrow, next week, or 10 years from now. Such a standard is completely inappropriate in the area of aviation safety.

For several years, I have been advocating a single standard of safety for commercial air carriers, regardless of the size of the aircraft. Currently, an arbitrary distinction with regard to the number of seats in an aircraft determines which safety standards are applicable to that flight. The importance of this issue has been underscored by the recent rash of commuter accidents. I have been working with Secretary Peña and FAA Administrator Hinson to achieve a single standard of safety, and they have assured me that final regulations to achieve this goal will be published by the end of March. The flying public deserves no less. In fact, the public is usually shocked to learn that there is not a single standard of safety for commercial operations. The proposed moratorium would further delay, if not prevent, implementing the regulations necessary to achieve a single safety standard.

In order for this important safety initiative to be finalized, the FAA would have to take time away from its safety mission and somehow convincingly predict, not only when the next commuter accident would occur, but what the cause of that accident would be, and whether the accident could have been prevented by the regulation in question. The proposed requirement for an exception from the moratorium would seemingly necessitate the agency to make arbitrary speculations or resort to predicting the future. I do not think it is in the best interest of the public to have either option result in postponing important safety initiatives that have already gone through extensive public comment and cost benefit analysis.

I urge my colleagues to approve the Wise amendment and not tie the hands of an agency whose responsibility is regulating and controlling an anticipated 40 million flights this year alone. Vote ''yes'' on the Wise amendment.

Mr. SPRATT. Mr. Chairman, there is transuranic nuclear waste stored in temporary storage, stacked up at a dozen or more sites from Washington State at Hanford to INEL in Idaho to Rocky Flats in Colorado, down to the Savannah River site and over to Oak Ridge, probably a dozen sites altogether. There is also a permanent resting place for the permanent storage of this waste, built and completed. It is called the Waste Isolation Pilot Project, at Carlsbad, NM.

Here, 2,250 feet below ground, in a salt dome, is the Nation's first nuclear waste permanent depository. It took more than 5 years to pass the bill that authorized WIPP to begin receiving nuclear waste for testing purposes, to prove in a series of rigorous steps that this facility will be adequate for thousands of years to come, to seal off and safely contain this transuranic waste. But these tests at WIPP can go forward only if EPA regulations concerned with the disposal of nuclear wastes are finally implemented.

EPA, in the early 1980's issued regulations for this purpose. They were enjoined by the Federal circuit court. And when we passed WIPP several years ago, we directed EPA to issue a new set of regulations so that the tests could be completed. EPA finally complied.

But this regulatory moratorium, if passed, will suspend the effectiveness of these regulations, and that means that this testing at WIPP cannot go forward and that waste will remain in Washington State, in South Carolina and Oak Ridge, TN, INEL and Rocky

Flats, uselessly, with the facility hiring 1,500 people in Carlsbad, NM, unable to finally begin to accomplish the purpose for which it was designed.

This bill does not clearly exempt those regulations. That is because DOE, as I said, simply cannot say that this waste constitutes an imminent threat to health or safety that is likely to cause people to die during the period of the moratorium.

If we want to see this waste disposed of properly, we should vote for this amendment.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of our committee.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I am deeply concerned about airline safety. It seems to me that what we have done here in this day and a half so far is that we have made exclusions for certain things.

For example, we have made exclusions for textile industry, for duck hunting. It seems to me we ought to also make exclusions for anything that helps human life.

Now, you know, when we leave here today and go home to our districts, we get on airplanes, and those airplanes now have fire-retardant fabrics on our seats and on the floors because of work that has been done when there was a need for it. There are regulations to cover that. There are lights along the aisles in case the top lights go out, so the people can see how to exit if they have to if there is smoke in the plane or something.

There are seatbelts on those planes because of rules and regulations put in place for the public safety. There also are maintenance requirements on the airplane that have to be checked before we can even board those airplanes.

It seems to me it makes good sense for us to include anything that helps public safety. Miners need to be safe in their work, we need to be safe, all of us need to be safe when we fly. We need safety from nuclear waste.

Vote for this amendment.

Mr. WISE. Mr. Chairman, before I yield to the next speaker, I would just add that the reason the Justice Department opposes this bill, and particularly the language about judicial review, is because it believes that in a letter written to at least one Member, ''It will result in litigation each time a new rule is promulgated during the moratorium and thus continued delay.''

Mr. Chairman, I yield the balance of my time to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman from West Virginia for yielding this time to me.

Mr. Chairman, in my district in Colorado, thousands of cubic yards of plutonium-laden wastes are in storage at the Rocky Flats nuclear weapons site, within a metropolitan area of 2 million people.

We have a solution to that problem, as the gentleman from South Carolina [Mr. SPRATT] mentioned 1 minute ago, and that is the waste isolation pilot project in New Mexico.

The procedures for getting waste into the ground there were laid out in a bill that we passed 3 years ago. It requires EPA to issue regulations covering several different areas. One of those deals with the compliance criteria for waste disposal for nuclear materials.

EPA issued its proposed rule last month, and the 90-day comment period is running presently. But if this bill becomes law without the kind of exception the gentleman from West Virginia proposes, there is no way we can move to get WIPP open to start to solve this very daunting problem of the proper, safe disposal of these transuranic, plutonium-laden wastes in my district and in several other districts across the country.

That makes absolutely no sense, no sense whatsoever. If we do not adopt this amendment for this purpose and others, shame on us.

Mr. CLINGER. Mr. Chairman, I yield the balance of our time, 1½ minutes, to the gentleman from Virginia [Mr. DAVIS].

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

Mr. Chairman, I listened to this debate, and it is kind of deja vu all over again, as the great philosopher Yogi Berra once said, going back to the unfunded mandates legislation; we are trying to exempt this bill to death.

There are two major exemptions in this bill that apply to the issues that have been raised. On the airworthiness rules issued, if you take a look on page 3 of the committee report, it makes it very, very clear that within the Office of Management and Budget, all they need do is look at the routine administrative functions of the agencies which apply to these airworthiness rules, those apply, are exempted from this. Those are not in any way taken away by this action; those would continue. Those are not the kind of major rules that this act contemplates putting in the moratorium.

In terms of the other issues, the language stated by the gentleman from Indiana [Mr. MCINTOSH], very eloquently, on the chart in front makes it clear that during the period of this moratorium there is imminent threat to health or safety, and that has been defined as the existence of a condition or circumstance or practice reasonably expected to cause death, serious illness, or severe injury to humans or substantial endangerment to private property during the moratorium.

If this administration finds that that applies at that point, the administrative items would move forward, the regulations would move forward. If you have no confidence in this administration to make those kinds of calls, then perhaps you should vote for this amendment. But I think there is ample leeway in this legislation to allow for that.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE].

The question was taken, and the chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. WISE] will be postponed.

The point of no quorum is considered withdrawn.

□ 1100

AMENDMENT OFFERED BY MR. GENE GREEN OF TEXAS

Mr. GENE GREEN of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GENE GREEN of Texas: At the end of section 5 (page 4, after line 5), add the following new subsection:

(c) FAMILY AND MEDICAL LEAVE REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to clarify requirements under the Family and Medical Leave Act of 1993 with respect to which a final rule was published on January 6, 1995 (60 Fed. Reg. 2180).

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from Texas [Mr. GENE GREEN] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, H.R. 450, as written, currently the regulations implementing the Family and Medical Leave Act of 1993, were caught under the net cast by this bill. As my colleagues have noted earlier in the debate, this bill makes no attempt to distinguish between good and bad regulations. My amendment would exempt these regulations currently under consideration for clarification of the Family and Medical Leave Act.

For those who may have forgotten, the Family and Medical Leave Act entitles employees of up to 12 weeks of unpaid job-protected leave in a 12-month period for specified family medical reasons. The Family and Medical Leave Act was passed in the 103d Congress, actually passed and effective on August of 1993, so about 18 months ago.

I cosponsored the bill and supported it on its final passage, and it passed overwhelmingly, 265 to 163 with 40 Members of the now-majority supporting it. Thirty-four of those still continue to serve in this body. The aim of

the regulations was to clarify for employers the intent of the act so that both employers and employees would understand both their rights and their responsibilities. Many businesses are affected by this regulation and would be unable to plan appropriately because the uncertainty surrounding the moratorium. Again it has been 18 months since the act was passed, and by adding another 6 months causes even more confusion, not only to employees, but also to businesses, and it is a step process that we go through, the department is going through, and when the final process—and again it would benefit those businesses.

Accordingly, the Labor Department in the final rules were based on suggestions for more that 900 public comments received by the department during their 6-month public comment period, so part of that time delay in these regulations, because of the 6-month public comment that none of us want to see shortened. We want adequate time for the public, whether they are in business or individuals, to comment.

Mr. Chairman, it is extremely important that these commonsense and clarifying rules go through. Businesses have been attempting to comply with the requirements of the act, and the Department of Labor has been trying to work with them. The U.S. Chamber of Commerce, the Chicago Land Chamber of Commerce, and Nation's Bank are among those businesses and associations who provided input during this comment period. The regulations under consideration would be employee benefit plans, health insurance, maternal and child health, among other things.

Among the commonsense clarifications, the definition of serious health condition has been changed to clarify the circumstances under which a leave may be taken, and again this is something for the benefit of a manager of a business who needs that. As a result, the employees with chronic conditions or are pregnant are not required to see a health care provider during every absence every time a mother may be ill. She should not have to bring a doctor's excuse when it is obvious that she may be just experiencing short-term sickness. Unlike the regulations that are alleged to be full of red-tape, this regulation will reduce the confusion for those who need to comply with it.

I hope we have no interest in reopening the act just as we are beginning to see some real regulation to interpret it for its final implementation, and I would urge my colleagues to vote for the amendment.

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

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I just want to get a couple of clarifications.

As I understand it, if these final rules are not applicable, the current rules would remain in effect during the moratorium period; correct?

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. GENE GREEN of Texas. That is what I understand in the final rules of the clarifications that were requested by—for definitions, for example, for serious health condition.

Mr. DAVIS. OK.

My understanding during the committee debate is the Department of Labor would—the final rules are basically identical to what the interim rules are. There is a little bit of additional guidance, but that the rules are essentially the same.

Mr. GENE GREEN of Texas. Essentially the same, but again they are trying to define some of the terms so businesses and employees would have that as definitive instead of depending on the original rule.

Mr. DAVIS. It looks then as just that it would be guidance, and the rule would essentially stay the same; I thank the gentleman.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, my colleagues, when the Family and Medical Leave Act passed this House, it started in my subcommittee, and I was the author of the amendment which exempted American small business from having to comply with the Family and Medical Leave Act. So I can associate myself with what the gentleman on that side, as well as the Members and the gentlemen on this side, are trying to accomplish here in removing from business regulatory burdens.

''But you're about to,'' I say to my colleagues, ''make a mistake. Business has requested the new regulation be promulgated. The Department of Labor delayed for 6 months this new regulation at the request of business. Business needs a number of clarifications so that they can avoid increased costs of the Family and Medical Leave Act. You are denying them; that is, denying business, what business had requested.''

The amendment offered by the gentleman from Texas is a probusiness amendment. He is asking us to allow the Department of Labor to do what business has asked be done. If this amendment is not accepted, the result is that business is going to pay more, not less, to comply with the Family and Medical Leave Act.

I say to my colleagues, ''Now in your rush to do this, and to do it in a whole-cloth way with no exemptions, you are about to make a mistake here. The good news is the Senate will correct it and do it the way business wants.''

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me just simply say that the gentleman's comments prove what I have been saying all along. The purpose of this moratorium is not to help business, but to help the American people who ultimately pay for all of these regulations, and that is why we need it enacted into law.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield 1 minute and 30 seconds to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of our committee.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I support the gentleman's amendment.

The Family and Medical Leave Act is important to working families, and the clarifications made in the rule recently published in the Federal Register are important so that employers know what leave-rights workers have.

Many of us have had loved ones who have died or who have been stricken with serious illness. The Family and Medical Leave Act guarantees that working men and women may take time needed to care for a family member or perhaps the birth and care of a newborn child, without running the risk of losing their job.

Yet, the implementation of this commitment has not been easy. Confusion over what constitutes a chronic health condition, who can be considered a health care provider, and many other issues has meant that workers have not received benefits they deserve.

Business asked for clarifications in the regulation recently issued by the Department of Labor. They have now been issued, and we should not block their implementation under the moratorium in H.R. 450.

I support the gentleman's amendment and urge my colleagues to support it as well.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

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

Mr. Chairman, I think it is imperative to leave the legislation as it is. It is imperative, because you have a very divided community out there right now, so you have interim regulations that will continue. And I think during this interim period, there will be an opportunity to bring the community together. So I would encourage Members to keep the legislation just exactly as it is, allow these interim regulations to continue until you bring that community together, and we will have time to do that.

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

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say in response to both the gentleman from Indiana

[Mr. MCINTOSH], and my chairman of the Committee on Education and Economic Opportunities, again my concern is the delay because of the need for clarification on the rules, that if this is not exempted from the bill, we would see additional delay for businesses who need these definitions.

The definitions include health care provider, to include them so they would know what type of health care provider would actually be responsible for that. The other definition here is health condition, to clarify the circumstances for employees.

The bill that we are talking about has been amended already with certain exceptions. Again, we have a law that was passed in 1993 that businesses have already waited 18 months. Again, to be able to have some clarification, they should not have to wait again another 6 months.

Mr. Chairman, again, what we have is an effort to try and make sure government works, and that is what I think we are all here for. Again, a law that was passed in 1993 that we have a delay in the regulations, because of the 6-month time frame for the input from our constituents and our businesses, and yet because they may get caught up in this, and as my colleague from Montana said, the Senate will very well correct this.

I have some concern about the effective date of this act. In fact, I was hoping as a member of this committee I could support this. I went to the markup with the hope to be able to support it if we could have picked another date other than November 20. We should pick a date for a moratorium that is much later so people can plan and have some kind of idea on both their business decisions and everything else they do. This amendment would just address one small facet of it.

Obviously if we were able to make the deadline or the effective date of the act, instead of November 20, with whatever date we pass this, or some date even this year, businesses could make that decision. But without doing that and going back to November 20, it is necessitating the number of amendments we see to say okay, there are regulations that are so close to being in place that unless we exempt it, you are going to cause more confusion out there in the marketplace, and that is not what we need to do, and this Congress has caused more confusion for business.

That is why this amendment is needed, so we will continue with the efforts, so people will know how to enforce the Family and Medical Leave Act, because it did pass overwhelmingly here in 1993, and I hope that we could clarify it, and if not today, then maybe the other body will be able to do that.

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

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say that we feel that this amendment is unnecessary and might actually be counterproductive, because clearly there is existing dispute within the business community with regard to these regulations. So the fact we might be expediting at this point the promulgation of those regulations would perhaps not serve the business community well.

Just very briefly, the interim final rules will remain in effect throughout the moratorium, and those interim final rules are just about identical to the final rules that are being proposed. The Department of Labor believed that the interim rules were satisfactory. So I think that this is a solution without a problem. We think it is unnecessary, and it would not cause any great disruption so long as the interim rules remain in effect.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GENE GREEN].

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

Mr. GENE GREEN of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Texas [Mr. GENE GREEN] will be postponed.

Are there further amendments to H.R. 450?

AMENDMENT OFFERED BY MR. WAXMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN: Amend section 6(3)(A) (page , beginning at line) to read as follows:

(A) IN GENERAL.—The term ''regulatory rulemaking action'' means the issuance of any substantive rule, interpretative rule, statement of agency policy, or notice of proposed rulemaking.

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, the gentleman from California [Mr. WAXMAN] and a Member opposed, each will control 10 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. WAXMAN. Mr. Chairman, the bill before us, H.R. 450, has an incredibly broad scope. I think most Members think that this legislation just freezes the issuance of final regulations. It does not. It also covers notices of inquiry, advance notice of proposed rulemaking, and, ''any other action taken in the course of the process of rulemaking.''

The purpose of my amendment is to narrow the scope, to cover just the issuance of final and proposed rules. The amendment is necessary to save Federal resources.

The Federal Government has thousands of employees working on regulations. The effect of H.R. 450 would be to idle those employees. Without the amendment the taxpayers would be paying them to sit there and do nothing. The broad scope of H.R. 450 is not only wasteful; it is counterproductive.

The administration is trying to improve its regulations by meeting with affected industries, responding to comments, and developing innovative market-based approaches. These activities, which I would think everyone would support, would simply be halted in their tracks.

We are being very schizophrenic in our approach to regulations in this Congress. H.R. 9, which the House will consider next week, imposes so many new review requirements on agencies that the Environmental Protection Agency, for example, says it would be forced to hire an additional 1,000 employees in order to comply. But in today's legislation, we are doing just the opposite. We are telling EPA and all the other regulatory agencies to idle the people they have now on their employment rolls, stopping them from doing any work in preparation or consideration of regulations.

My amendment would limit the scope of H.R. 450 to put a moratorium on the issuance of the regulations, but allow during this moratorium period the agency people to meet with the interest groups so they can evaluate whether the regulations are needed or necessary to accomplish the goals set out in the statutes, or to solicit public comments. They ought to get the public input so that the regulations that they may well propose will be the most thoughtful; to hold public meetings so people, industry people and ordinary citizens, will have a chance to give their views.

The bill as it is now drafted would stop all of those activities from going forward. It makes no sense. We ought to just put a moratorium, if we are going to have one at all, on the final issuance of regulations, so that all the bad effects that we are hearing warnings about will not take place.

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

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 10 minutes.

Mr. CLINGER. I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], the author of the legislation.

Mr. MCINTOSH. Mr. Chairman, I would rise in opposition to this amendment and simply say there are a couple different problems that would be created by this. The first was an experience that we learned from the moratorium on regulations that President Bush put into effect in 1992, that many

of the regulations were held up from being published in the Federal Register, but the agencies continued to work on them to continue to draft the regulations, continue to have meetings, continue to do all of the processes other than print them.

□ 1120

And as a result, we saw a flood of new regulations at the end of the moratorium period. I do not think that is what the American people sent us here to do. Rather, what they want us to do is put a stop on burdensome regulations. And what we need to do is catch them at all stages and catch a lot of the activities and say, these are unnecessary and counterproductive.

Let me give one example from my time in working with Vice President Quayle's Competitiveness Council that caused us endless hours, numerous meetings and debates in order to fix a problem that should have been caught but that never appeared in the Federal Register as a notice of preliminary rulemaking, a proposed rule, or a final rule. That is the 1987 Wetlands Manual that suddenly dramatically expanded the scope of that program, took billions of dollars worth of private property by requiring people who did not have anything near a wetland to suddenly seek a permit from the Federal Government before they could use their property.

Everyone, environmentalists, farmers, developers, conservatives, agreed that that manual went too far. It was an example of regulatory overreach that had devastating consequences to the property owners in this country.

The problem was, no one in America knew about this change in the Federal regulations because it was never published. What we need to do is have a moratorium on sneak attacks like the 1987 Wetlands Manual to protect the American public from unnecessary, burdensome and counterproductive regulations.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Let me give examples of what we are talking about in the breadth, the scope of this legislation. There are Federal agencies appropriately working on important regulations. They are evaluating them. They would be stopped from even evaluating these proposals.

The Department of Transportation is looking at a regulation to protect drivers from head injuries. The Food and Drug Administration is looking at a regulation to protect children from iron poisoning from accidental ingestion of iron supplements, which is the leading cause of poisoning death in young children.

The Department of Justice is looking at a regulation to make parole more difficult for sex offenders. They are also looking at a regulation requiring drug testing of parolees, and regulation to require wealthy criminals to pay incarceration fees.

The Environmental Protection Agency is looking at approval of state implementation plans under the Clean Air Act. They would not be able to evaluate these plans, to get comments on these plans. The EPA and HUD are looking at regulation to protect children from lead poisoning. The Department of Energy is looking at regulations to promote energy efficiencies. These are regulations that people should want. Every Member should want these regulations. They are important for the health and well-being and security of the American people.

We want those regulations to be done wisely. To be done wisely, they ought to be able to get public comment. They ought to be able to evaluate the views of different organizations. They ought to be able to think through what they are doing so regulations will be sensible.

This proposal that we have, this moratorium, is just not sensible when it stops these kinds of activities from taking place.

I do not know what sneak attacks the gentleman from Indiana is talking about, but I do know that the Competitiveness Council, under Vice President Dan Qualye, acted in a superlegal way, extralegal way, when they tried to meet in secret with industry officials to try to then impose their will on their own Republican appointees in these agencies that were entrusted to develop the regulations pursuant to the laws passed by Congress and signed by the President of the United States, who at that time was President Bush and prior to him President Reagan.

This bill is a ham-handed, heavy-handed, one-size-fits-all approach on regulations. Whether they are good or bad, stop them, and not only stop the regulations from going forward but stop honest employed public employees from even thinking through what makes sense.

Have them sit there and do nothing. That to me is a big waste of taxpayers' funds. So I would urge support of this amendment to narrow the scope.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the gentleman's amendment.

Even during a regulatory moratorium, the Federal Government's regulatory responsibilities do not stop.

H.R. 450's prohibition against Federal employees doing anything other than cost benefit analysis or risk assessment during the moratorium period is, therefore, highly irresponsible.

We are not suspending the application of laws to individuals and firms in this country. And we should not prevent Federal employees from carrying out responsibility we have given them under those laws.

Do we really want to prohibit Federal employees from giving guidance to those who remain subject to Federal regulation?

If we let risk assessment become our goal, rather than a tool to achieve our goal, the risk assessment itself can be harmful and an obstacle to serving the public interest. What happened in the early years of the AIDS outbreak is a good example. In the early 1980's, a few scientists proposed that AIDS could be transmitted to others through transfusions of blood from a person with the AIDS virus.

The Food and Drug Administration and the blood products industry thought there would be alarm and panic, if the public were warned of this possibility. Instead, they insisted they had to be absolutely sure before they could say anything publicly.

As a result, all kinds of risk assessments were done—comparison risks, substitution risks, as well as cost benefit analysis. For more than 2 years, the proposal that AIDS could be transmitted through transfusions was analyzed before evidence was so overwhelmingly conclusive, that the FDA and the blood products industry finally issued their warnings to the public.

During that 2-year period, tens of thousands of people were exposed to AIDS contaminated blood. Had the blood banks initiated their policies earlier to screen for AIDS-contaminated blood, countless lives could have been saved.

The lesson to be learned from the FDA's experience is that agencies need flexibility. A one-size-fits-all approach to risk assessment and cost benefit analysis can be harmful and contrary to the public interest. We need to be encouraging agencies to evaluate possibilities, but we do not want to insist that they only conduct risk assessment and cost benefit analysis when what they are looking for might be right in front of their eyes.

I think the gentleman's amendment ensures that Federal employees will have the flexibility to respond appropriately to the responsibilities they have.

I urge my colleagues to support the gentleman's amendment.

Mr. CLINGER. Mr. Chairman, for a response I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me suggest that if our worry here is that we have some number of the 130,000 Federal employees who spend their days writing regulations, who will not have anything to do because of this moratorium, that perhaps the American public would celebrate this fact. But we do owe a duty to the American public to spend our money wisely.

I would be willing to look, with the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, at the possibility of a rescission that would allow a furlough of those employees so that the American people would not be paying them to cause further harm by regulating and would not be paying them to do nothing because the moratorium would prevent them from damaging the economy, adding more to the hidden tax on the American taxpayer and possibly even creating a regulatory rescission.

Mr. Chairman, I think it is important that we act now in order to prevent that.

I ask to include in my remarks a copy of an article by Murray Weidenbaum that discusses the nature of the regulatory recession and the danger that that poses for the economy.

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

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

Mr. WAXMAN. Next week we are going to consider H.R. 9. That bill would require the agencies to go through a tremendous number of steps before any regulation would come into a proposed form. They would have to do analysis of cost-benefit. They would have to do analysis of risk assessment.

Under the unfunded mandates bill we are going to ask them to evaluate not only the cost impact on State and local governments, but to look at what the impact will be on America's standing in international trade. These are analyses which are appropriate because we ought to get all the information that is valid before we have regulations that may have unintended consequences.

But one of the results of H.R. 9 is going to be that we are going to have to hire more Government employees to do all of those analyses. The gentleman wants to fire them now and then rehire them next year. That seems to me nonsensical.

Mr. MCINTOSH. Mr. Chairman, reclaiming my time, let me just say, I think perhaps what we need to do is hire people who would actually be honest about implementing those new criteria, to use good science, to use cost-benefit analysis, and, as the gentleman knows, the moratorium period goes until those new processes are put into place. So why should the American taxpayers pay for people to do nothing during the moratorium? Maybe we should give them a furlough, save the money, hire people back who will do risk assessment, will do cost-benefit analysis and, once again, restore the American people's confidence that we are not putting more burdens on them but, in fact, working for their benefit.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I would be happy to engage in a further colloquy with the gentleman from Indiana, because I do not think what he is saying makes sense. Is the problem the employees that work for the Government or the laws under which they operate?

I would assume that the gentleman thinks it is the laws under which they operate because he is proposing under H.R. 9 to require that they do more cost-benefit analysis and risk assessment, et cetera.

If they are not capable of doing it, are we going to fire all those employees and then hire new ones? That I think is probably going to be very costly. Do we know it is the public employees in this country who are not sensible, or is it the laws that are not sensible?

Mr. Chairman, I yield to the gentleman from Indiana [Mr. MCINTOSH] to respond to these questions.

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

I believe that the fundamental problem in most of these cases is that the laws require the agencies to issue regulations that are costly, burdensome, and unnecessary; that in a certain number of cases, the agencies go beyond the laws and think up additional regulations, like the wetlands manual, that cost us more money than what the laws require, and add to an even greater burden under our regulatory process.

I think it is important that we go in and fix those laws. At this point, I am willing to explore with the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], the possibility of saving the taxpayers some money if there are unnecessary Federal employees as a result of going back and fixing those problems.

Mr. WAXMAN. I am going to reclaim my time on that point. Mr. Chairman, that means fire all the people that are there that should be working on regulations, like a regulation to make parole more difficult for sex offenders, a regulation requiring drug testing for parolees, a regulation to require wealthy criminals to pay incarceration fees.

There are things that people who are career people at the Department of Justice are trying to implement because of the laws that we have adopted. To fire those people and then hire them back, when we tell them ''Not only should you listen to these different groups, but you ought to go through extensive analyses even beyond that.'' I cannot see how that makes any sense.

If the gentleman really wants to fire people because he does not think there is enough work, why are we going to pass a bill that will require them to double the amount of people working on regulations?

I yield to the gentleman from Indiana to respond to that.

Mr. MCINTOSH. Mr. Chairman, let me say that any of the regulations necessary to enforce the criminal laws are exempt, and therefore could be worked on, and in fact should be worked on by people in the Justice Department and other agencies.

Mr. WAXMAN. The point I am making, Mr. Chairman, is that under H.R. 450, they would not be permitted to do the job for which we hired them, which is to look at the possibility of regulation to accomplish those purposes, because this moratorium would prevent during the moratorium period not just the issuance of the regulations, but even consideration of regulations.

Then when the bills are adopted to go into effect after the moratorium, H.R. 9, which would set up so many new analyses, we would need more employees. I cannot understand this. It seems to be a schizophrenic approach.

Mr. MCINTOSH. Mr. Chairman, if the gentleman will continue to yield, first of all, criminal laws and health and safety regulations are exempt. The employees would be able to work on the regulations which are exempt from the moratorium.

I would hope, certainly, that they would do so, rather than do something else that does not serve the interests of the American people.

However, there are a lot of regulatory activities. We have discovered one the other day in our committee where an agency was thinking about a guideline requiring that there be a hole in the bottom of a bucket. Those kinds of activities we do not need employees for.

Mr. WAXMAN. If I can reclaim my time, the hole in the bucket is something we have heard a lot about, but I have heard from the Department of Justice that they would have to stop their employees from working on these regulations to protect us from sex offenders. They would stop the Department of Transportation from working on regulations to protect drivers from head injuries. It seems to me that it does not make sense.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 4½ minutes remaining, and the time of the gentleman from California [Mr. WAXMAN] has expired.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

In conclusion, Mr. Chairman, we have had this interesting dialog about how many employees would be needed and if they should be laid off, and so on. I think that obscures the principal point here, which are some of the points made by the gentleman from Indiana [Mr. MCINTOSH] earlier.

In the experience we have had with the moratorium under the Bush years, there was a tremendous bunching effect that took place, because the bureaucracy was allowed to function, and when the moratorium came off there was a spate of amendments, an enormous spate of amendments that came out, very hard to digest.

I think the other key point to make here is that clearly, those regulations that qualify for one of the many exemptions, for health and safety, for routine activities, for criminal activities, and so forth, those are going to go forward. The machinery will work to allow those to go forward.

The purpose of the moratorium is to prevent the crafting of addition regulations before we have had an opportunity to review the whole regulatory process. This is the whole point of what we are trying to accomplish here.

To allow those preparatory activities to go forward leading up to the promulgation of a rule really obviates the whole purpose of what we are trying to accomplish, which is to review the entire process of formulating these regulations.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, this fundamentally is a debate, as I said in committee, between those who believe that the regulatory glass is half empty, and those who believe, on our side, that the glass is already filled to overflowing.

We have heard examples on both sides. We have heard these anecdotes about the holes in the bucket and so forth. The real question I think the American people are asking is do we really need 130,000 bureaucrats creating more rules. I think most Americans would agree that we do not.

We had someone from OSHA in to speak to the committee earlier in the session. I asked what they thought their role was, and what Americans wanted from the regulatory process.

Her answer was very simple. She said she thought what America wanted was more efficient and effective regulation. I said ''I'm sorry, but I think, speaking on behalf of middle America, what America really wants is more reasonable regulation.''

I really do not think this amendment is necessary. I think what America wants is more reasonable regulation. We do not need 460,000 pages of new rules. We do not need 100 million words.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, further proceedings on the amendment offered by the gentleman from California [Mr. WAXMAN] will be postponed.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this morning there was a colloquy concerning regulations that were of great concern to people in my district. I want to clarify where we stand on these regulations.

My congressional district in Florida has the largest number of senior citizens of any district in the country. In Sarasota, Sun City, Port Charlotte, Bradenton, FL, we have thousands and thousands of retirees that have moved down from Indiana, Ohio, Michigan, and such, and moved into retirement communities that are designed for people over age 55.

They move there because of a way of life, a lifestyle they want. Now the Federal Government is developing regulations to threaten this lifestyle that is so, so important to these retirees.

It has been the policy that if there were 80 percent of the people over age 55, that satisfied the requirement; a nice, simple quota that took care of it. These people could live the life they moved to Florida for.

However, in an 1988 fair housing law they decided to change it in Congress. Now we have the regulations that are threatening my seniors in my district.

What the regulation did was say ''We want to have significant facilities and services that are specifically designed for people over age 55.'' They use the words ''significant'' and ''specific,'' and have great room for the bureaucrats to have a great time.

They came up with regulations last summer, the proposed regulations. The proposed regulations were a disaster. They were going to require nursing homes in mobile home parks, congregate meals or something. Luckily, the people from HUD went out and had field hearings and actually saw what senior communities are all about.

They said ''Yes, now we realize we made a mistake.'' They came out and they are in the process now of introducing new regulations. The new regulations have gone from 60 pages to 29 pages. that is great, it is a big improvement. My concern is going to be on why we even had the regulations in the law in the first place.

These are the latest regulations that are getting ready to be imposed on my seniors in their communities. These are things, these are 100-unit mobile home parks. You have to have at least 10 of the following in facilities and services, 5 out of this category, and things.

We can do it ourselves, you can check them off. If there is bingo, you check a check. If you have fashion shows, that is a check. A monthly calendar of events, that is a check. A Ping-Pong table gives you a check. You can check it off and meet the requirements.

Great. But how do you enforce it? Do you have the HUD police come down, and if your Ping-Pong table has been broken, what is the enforcement mechanism? Why do you have to get in their lives and bug these people? They do not like it.

Luckily, luckily, we have introduced legislation last year, the gentleman from Florida [Mr. SHAW] introduced it, and it is in our Contract With America, so by April 7, hopefully, we will remove this offending section, which is significant facilities, specifically designed.

The problem is it would be nice to stop the regulations. Since it has a quota, my understanding is that under the Norton amendment, that this would be allowed to be covered. If these regulations are not put into effect, we can hold until we can get legislation to correct that area.

□ 1140

Mr. Chairman, this is a case of regulatory overkill, threatening a way of life that we do not need to do that.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to make some general comments.

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

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I thought that there was an order to the proceedings that would have had me recognized next.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

PARLIAMENTARY INQUIRIES

Mrs. COLLINS of Illinois. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will please state it.

Mrs. COLLINS of Illinois. Mr. Chairman, the gentleman was on his feet before the Chair called for the gentleman.

The CHAIRMAN. The Chair has recognized the gentleman from Michigan for 5 minutes.

Mrs. COLLINS of Illinois. A further parliamentary inquiry.

The CHAIRMAN. Please state it.

Mrs. COLLINS of Illinois. Is it not parliamentary procedure that if a gentleman is on his feet before anybody else is on his feet, that he is indeed called upon to be recognized by the Chair?

The CHAIRMAN. The Chair recognized the gentleman from Michigan.

Mrs. COLLINS of Illinois. The Chair did not answer my question. I have a further parliamentary inquiry.

The CHAIRMAN. The gentlewoman from Illinois will state her inquiry.

Mrs. COLLINS of Illinois. Mr. Chairman, I would like to have an answer to my question, please. Is it not the parliamentary procedure that if a gentleman is on his feet seeking recognition before anybody else stands, he is to be recognized?

The CHAIRMAN. It is within the discretion of the Chair to recognize the Members.

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

The CHAIRMAN. The gentleman from Missouri will state it.

Mr. VOLKMER. Has it not been the custom of the House or the history of the House that if a Member from the Republican Party, or any party, has spoken, a Member next to be recognized would be a Member from the other party in comity, and not two Members from the same party, especially when one Member is standing?

The CHAIRMAN. It is ultimately the discretion of the Chair to recognize Members.

Mr. VOLKMER. I know that, but I asked about the custom of the House, and the history of this House.

The CHAIRMAN. It is the discretion of the Chair to recognize Members.

Mr. VOLKMER. I recognize that.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, I will try to be brief.

I wanted to share some of my experience of being one of the nine OSHA

commissioners in Michigan. On that commission, there were four members on the commission representing labor, there were four members representing business. The four representing business were all safety engineers. I was a commissioner representing the public at-large.

The directions before that commission were to examine all of the procedures for health in the Department of Labor for worksite safety and think of all of the things you can think of to improve safety for workers. The safety engineers and the representatives from labor continually, every meeting, thought of more and more regulations.

I suggest to the Members that think that regulations are not a serious impairment to business and ultimately to jobs and wages in this country should take some time not only reading the regulations, but examining the way those regulations are implemented. Depending on how good a night sleep certain inspectors have, depending on whether their wife or husband bawled them out before they left for work because they are underpaid most of the time depends on their interpretation of the rules, and they can become very demanding in the preciseness of the way those regulations are written, all the way from the quality of wood in a ladder to the exact height to the half inch of where light switches are placed.

Let me conclude by saying that I would have enjoyed bringing down the regulations that were passed this last year, but I had knee surgery a couple of months ago and those 65,000 pages were a little heavy.

I would just again ask all of the Members that are not aware of the real implementation of all of the regulations that we pass in every State and at the national level to take some time reviewing those individuals, those persons, those businesses that are forced to be inspected and live under those regulations. We are taking away jobs. The estimated cost by the Vice President is over $400 billion every year that is passed on to all of the consumers in this country. It is a dangerous situation. It is important that we move on to reexamine all of the regulations that we impose on the people of this country, and a good start is the moratorium.

Mr. Chairman, I rise today to remind my colleagues of the economic danger our Nation faces if we don't stop the tidal wave of regulations that Congress and the President have imposed. I would have carried down to the floor a copy of just last year's regulations as an example of our exploding Government, but I couldn't carry all 65,000 pages.

Every day, we endanger more jobs in this country through overregulation. According to a 1993 study cited by the Vice President's report on Reinventing Government, the private sector has to spend at least $430 billion annually to comply with Federal requirements—that's 9 percent of GDP. The price of products we buy, from health care to shoelaces, are increased by that $430 billion.

As we look for ways to help Americans, let's make sure we don't help them right out of their jobs. Job loss is the result of the suffocating burden of these regulations which have been piled on businesses. This overregulation hits businesses like a wrecking ball, demolishing the hopes of American workers and entrepreneurs. Economic growth is key in ensuring a bright future for America, so I encourage my colleagues to defeat this amendment and support this bill to reduce regulations.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. FATTAH. Mr. Chairman, I would like to first start by asking a parliamentary inquiry.

Is it not true as a member of the committee that I would have recognition on the floor in priority order to other Members of the House that are not members of the committee?

The CHAIRMAN. The gentleman is correct. The Chair would ordinarily accord priority.

Mr. FATTAH. Could the Chair then enlighten this Member and the House as to the ruling previously on the motion to strike the last word?

The CHAIRMAN. The Chair was advised that there was an understanding among Members that two pro forma amendments would be recognized prior to recognizing the gentleman from Pennsylvania.

Mr. FATTAH. The Chair was misinformed. There was an understanding that there would be one pro forma amendment, and that is the nature of the confusion. But I am trying to clarify since this has been a tradition of the House that in the future that with this tradition of honoring some civility on both sides, this would not be in the normal conduct of business that this matter would happen in that way. That is why I am entertaining this parliamentary inquiry.

The CHAIRMAN. The Chair regrets the misunderstanding.

Mr. FATTAH. I thank the Chair.

AMENDMENT OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Chairman, under the unanimous-consent agreement, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FATTAH: At the end of section 5 add the following new subsection:

(c) SPECIFIC RULEMAKING RELATING TO THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action to implement the Telemarketing and Consumer Fraud and Abuse Prevention Act, Public Law 103–297.

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from Pennsylvania [Mr. FATTAH] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this should not be a controversial amendment. It exempts from the moratorium the proposed regulations of the Federal Trade Commission to implement the Telemarketing and Consumer Fraud and Abuse Act of 1994.

Republicans strongly supported this bill when it passed last summer. For example, the gentleman from California [Mr. MOORHEAD] said that the telemarketing fraud hurts both consumers and what he called legitimate honest telemarketers. He went on to say,

> I know that many of our State attorneys general are strongly supportive of this legislation precisely of the enhanced enforcement tools it will make available to them.

The gentleman from Ohio [Mr. OXLEY] said last summer:

> It is doubly important that we crack down on deception and fraud—not only to prevent injury to consumers but also to avoid further harm to legitimate businesses.

He argued that the bill will vastly reduce the ability of fly-by-night telemarketing scam operators to use State lines as a basis for potential legal sanctuary.

With this strong bipartisan support, the bill passed the House in the last Congress by a vote of 411 to 3 and passed the Senate by a voice vote. Numerous congressional hearings over a 7-year period have shown that telemarketing fraud was costing Americans $40 billion a year and that the elderly and small businesses are the principal victims.

The hearings also showed that new legal tools were needed to stop this rip-off. The law directs the FTC to issue its final regulations by August 16, 1995. Then the law in a novel approach authorizes State attorneys general as well as the FTC to enforce these Federal regulations.

H.R. 450 would seemingly bring a screeching halt to last year's bipartisan effort to stop telemarketing fraud.

□ 1150

H.R. 450 prohibits the FTC from issuing a final rule by the statutory deadline of August 16 and even prohibits the FTC from going ahead with analyzing public comments and holding a public hearing on its proposed rule. Section 6(3)(A) of H.R. 450 makes it clear that the moratorium applies both to the issuing of a rule and to any other action taken in the course of the process of rulemaking.

This amendment is supported by the Consumer Federation of America, which notes that ''Consumers, particularly senior citizens, often have been the targets for these fraudulent schemes.''

Mr. Chairman, the last Congress spoke clearly and decisively on how to stop telemarketing fraud. There is no

reason for us to put their work on hold, and I urge support for my amendment.

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

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, I would indicate in terms of the fraud provisions involved in this particular regulation, it is clearly exempt under the bill because any regulation that is necessary for the enforcement of criminal laws is specifically exempted from the provisions of this bill.

Mr. Chairman, I yield such time as he might consume to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, does the author have a question?

Mr. FATTAH. Mr. Chairman, if the gentleman will yield, I have a quick question on the issue of them being exempted. These are not criminal issues, these are civil issues, so it would seem to me they do not fall under the exemption. But I would ask the gentleman from Indiana, who is an expert on H.R. 450, if he could enlighten me.

Mr. MCINTOSH. It is my understanding that the portions that would go to criminal activity which fraud is, would be exempt.

In looking at the regulations a little bit further, since the gentleman brought this issue to our attention and I appreciate his working in this area, there are some significant problems with the proposed rule that the agency has put forward in this area of provisions that go beyond the statute, that authorize the rulemaking, expanding the definition of telemarketing to pick up what some people are concerned are legitimate buys activities. That type of expansive rulemaking provision would not fit under the exemption for criminal law.

If it is a civil provision, then the gentleman is correct, it would not be.

Mr. FATTAH. If the gentleman will yield, this is a civil matter, and the statute did not make this part of the U.S. Criminal Code at all, so this is entirely civil issues that do not fall under the exemption as it is presently written.

Mr. MCINTOSH. The gentleman is correct if it is a civil matter and not a criminal matter, then it would not fit under that exemption.

Mr. FATTAH. I thank the gentleman.

Mr. MCINTOSH. Nonetheless, I would recommend that the body vote against this amendment because of the nature of these proposed rules which have come out on February 14 that are very expansive and could be very burdensome for legitimate business activity. I think it would be wise for us to continue the moratorium on those rules and allow the agencies and relevant bodies in Congress to take a look at the issue and determine that we are not imposing an unnecessary burden.

Mr. FATTAH. Mr. Chairman, if the gentleman will yield further?

Mr. MCINTOSH. Let me yield back my time.

Mr. FATTAH. Fifteen seconds please, only to say that I appreciate the gentleman's candor in indicating that it does not fall under the exemption. I do understand the gentleman's sincere belief, however, that nonetheless it should be opposed. I would hope those who voted in favor, neither you nor I was a Member of the 103d Congress where it passed 411 to 3, which I indicated, would support the action to deal with this issue, and I thank the gentleman from yielding.

Mr. MCINTOSH. Certainly.

Mr. Chairman, may I inquire how much time we have remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 2 minutes remaining and the gentleman from Pennsylvania [Mr. FATTAH] has 2 minutes remaining.

Mr. FATTAH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of the committee.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wish to express my support for the Fattah amendment that would exclude telemarketing and consumer fraud regulations from the moratorium.

Annually, Americans lose approximately $40 billion as a result of telemarketing scams. In response, last year we passed the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994. This bill enjoyed broad bipartisan support, passing the House by a vote of 411 to 3.

Pursuant to this act, the Federal Trade Commission has already issued proposed regulations to curtail telemarketing fraud, and is currently seeking public comment.

However, H.R. 450 would prevent the FTC from moving forward to implement these important regulations.

I cannot understand why the Members who supported this legislation last year would now wish to effectively nullify it during this moratorium period. Far too many individuals are defrauded each year through telemarketing scams. In failing to exclude these regulations, we create a windfall for the crooks preying on unwary citizens. Once again it will be open season for anyone who concocts a scheme to cheat our citizens.

What are we supposed to tell our constituents who have been victimized by these schemes? Should we tell them that last year we thought that telemarketing fraud was a problem warranting legislation, but that this year we decided that it was not really a big problem, or that at least it was not problem enough to exclude it from the moratorium?

If we do not adopt this amendment then these are questions that we all should be prepared to answer. I urge my colleagues to express support for the law that we overwhelmingly adopted in the last Congress, and therefore ask that they support the gentleman's amendment.

Mr. CLINGER. How much time is remaining on each side, Mr. Chairman?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 2 minutes remaining, and the gentleman from Pennsylvania [Mr. FATTAH], the sponsor of the amendment, has 2 minutes remaining.

Mr. CLINGER. I have the right to close, is that correct?

The CHAIRMAN. The chairman of the committee has the right to close.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume, and I do not intend to take up the House's time much further with this. I would like to indicate that telemarketing fraud affects all of our constituents across this country and both small businesses and senior citizens have been the victims of up to the tune of some $40 billion. This has been a matter considered in congressional hearings over a 7-year period. The Congress in both its Houses and by action of the President's signature acted last year.

The gentleman from Pennsylvania, the chairman of this committee, indicated in his initial remarks that he felt that this fell within the exemption. It has now been clarified by the sponsor of H.R. 450 that these regulations do not fall within that exemption and therefore it is up to us as to whether or not we want to make it clear that we want fraud, as it is being so prevalently displayed in the telemarketing field, ended in this country as soon as possible by voting in favor of my amendment and I would encourage all of my colleagues on both sides of the aisle to give favorable consideration to this amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. CLINGER. Mr. Chairman, I yield the balance of our time to the gentleman from Oklahoma [Mr. ISTOOK].

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] is recognized for 2 minutes.

Mr. ISTOOK. Mr. Chairman, the difficulty with this as with so many other things is that the Federal Trade Commission appears to be using a blunderbuss or even a cannon in cases where what they actually need is a fly swatter.

The legislation which originally prompted the FTC to come with regulations was supported by the Direct Marketing Association which represents over a million, in fact about 1.6 million telemarketers in this country.

The FTC, rather than going after the bad apples among them has said that they want to put regulations that restrict the entire industry. For example, one of the things in there they say is, well, if you have anything that you have not fulfilled under a prior agreement, then you cannot make any new contact with your client.

Mr. Chairman, for example, I know of a company that employs a great number of people in Oklahoma, that has been operating for decades, that uses

telemarketing to sell magazine subscriptions. They could not call to say do you want to renew your subscription until after it has already expired under what the FTC is trying to do.

I see no reason to exempt the FTC from the application of the moratorium that is necessary to get a handle on regulations in this country, because they have shown they have the mindset that is all too typical, the mindset that it is going to take some time to get straightened out, to get squared away, so they focus on the people who are involved in fraud instead of saying our answer is to make everybody change their behavior instead of punishing the people who are out to defraud, to deceive, to commit a scam. That is the difficulty.

That is why I rise in opposition to the amendment that is proposed by the gentleman from Pennsylvania.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FATTAH].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. FATTAH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. FATTAH] will be postponed.

AMENDMENT OFFERED BY MR. VOLKMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: At the end of Section 5, add the following new subsection:

''(c) SPECIAL RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture pursuant to the Sheep Promotion, Research and Information Act of 1994 (P.L. 103–407).''.

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, the gentleman from Missouri [Mr. VOLKMER] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, in view of the fact that we have approximately 1 hour left and this is the last amendment that has been noticed at this time I ask unanimous consent that debate on this amendment be extended 5 minutes more on each side.

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

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, I would hate to object to the gentleman's amendment, but we have to because even though this amendment is under the unanimous-consent agreement, there are other Members who have amendments that they want to offer, and although I respect the gentleman greatly I would have to object in order to protect their amendments.

The CHAIRMAN. Objection is heard.

□ 1200

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members of the House, this is a very simple amendment. It would exempt from the moratorium the present rulemaking process that is ongoing in the Department of Agriculture pursuant to the Sheep Promotion Research and Information Act that we passed last year.

This act was necessary because several years ago this Congress, at the behest of the gentleman from Texas, who is now the majority leader, leading the fight, did away with the wool and mohair program that we had that helped our sheep producers throughout this country. As a result, that act, that promotion, that law will expire January 1, 1994.

Knowing that, some of us who have sheep producers in our districts, working with the sheep industry came up with an idea of them to have their own program financed by themselves as a Sheep Promotion, Research, and Information Act. That act passed this Congress without difficulty.

The USDA is now in the process of implementing that by regulation. If not exempted, if it is not specifically exempted, and I say that because I just this morning talked to the gentleman from Kansas, who is the chairman of the Committee on Agriculture, and he now agrees with me, even though he did not think so last night; he now agrees with me that this provision will not be able to be implemented by USDA. The regulation will have to come to a halt, and these sheep producers who want to do something for themselves without any cost to the Government will not be able to do so and, as a result, come January 1, you are going to have nothing there for them.

What has happened to the sheep industry since we have pretty well abandoned them out there by the Government taking the action repealing their existing program in the past? We have seen a demise of approximately 18 percent. We are continuing to see a downflow.

All they are asking is that they be given an opportunity to help themselves, not for government to help them, but to help themselves.

I have a letter from the American Sheep Industry Association.

We sincerely appreciate your effort to show that inclusion of the sheep promotion program in the regulatory moratorium would only hurt the producers of lamb and wool who ask for the implementation. There is absolutely no cost to the Federal Government. The cost of the referendum and all oversight costs are paid by the sheep industry.

Now, I realize, Mr. Chairman, members of the committee, that this little thing is not much different as far as exemption than the amendment early on yesterday morning by the gentleman from Indiana [Mr. BURTON] which was accepted by the other side, and was passed without any vote in this body, but because HAROLD VOLKMER is offering this amendment, because the gentleman from Missouri is offering the amendment, there is no question that they are not going to accept it.

We have been trying to work with them to see the light, to see that this is not going to undo their whole bill. It is just going to help a bunch of sheep producers, hard-working American people, paying taxes. Of course, they cannot pay as much under this bill. They are going to pay less, because we are going to lose a whole bunch more, and I do not understand why. They are not going to hurt me by defeating this amendment. They are only going to hurt a bunch of hard-working American people.

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

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me say I appreciate the effort to make clear that we can allow those regulations to go forward.

It is the opinion of the committee and the authors of this legislation that a specific amendment is not necessary to allow those regulations to go forward. Yesterday the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. DE LA GARZA] entered into a colloquy that made it clear that we could allow marketing orders and other routine administrative regulations the Department of Agriculture has to go forward.

This particular program, I realize, presents a unique issue, because the law was changed last year to allow a voluntary checkoff program for sheep and replaced an earlier act of Congress that was a Government-run program.

It is our understanding that this type of regulation would be exempt under section 6(3)(b)(i) that provides for regulations that are streamlining. Since this program would be administered by the Department as a checkoff from the private sector, it would be streamlining and reduce the burden and, therefore, be eligible to go forward under the exemptions under the law.

For that reason, I would recommend that we vote against this amendment.

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

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

Mr. VOLKMER. What law school is the gentleman a graduate of?

Mr. MCINTOSH. I graduated from the University of Chicago Law School.

Mr. VOLKMER. Fine. That is what I thought.

Mr. MCINTOSH. I am quite proud of that. I studied under Justice Scalia, who was a professor at the time, and I am very pleased with the legal education of that institution.

Mr. VOLKMER. Mr. Chairman, I yield myself the balance of my time.

I would like to point out to the House that even though the gentleman from Indiana says that it is exempt under the present law, I can find no other person in this body, including the chairman of the House Committee on Agriculture, that agrees with him. All the general staff of the USDA, the attorneys there, and even though I am only a graduate of the University of Missouri Law School and not the Chicago Law School, I do not know what kind of law they teach up there, but reading the law and reading what proposed regulations there are leads me to believe the gentleman from Indiana just does not know how to read the law.

And I appreciate he just does not want any amendment that is offered by the gentleman from Missouri to pass, but that is kind of mean-spirited. That is not hurting the gentleman from Missouri. You are only hurting sheep producers out there who are hard-working American people who want to do something for themselves, by themselves, but they have to have a regulation that is passed pursuant to an act by the Government.

The gentleman is trying to fool the House. The gentleman from Indiana is trying to fool the House. He says that it is exempt under that provision for streamlining. This does not have anything to do with streamlining, the gentleman from Indiana, one solitary thing. You better go back to law school. It has nothing to do with streamlining. It has to do with exempting a new law.

There has been no law on the books that has to do with a sheep promotion and research project whatsoever. Therefore, folks, do not be fooled. If you do not accept this amendment, then you are telling those sheep producers out there not only in my district but throughout the West and other parts of this country that you do not want them. The gentleman from Indiana is telling them that you do not want them to have this sheep promotion program, that they will benefit themselves with their own money, not with Government money, not with Government doing anything about it.

It is mean-spirited. It is John Bircher type of legislation.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is not about mean-spiritedness. It is obviously about a difference of opinion as to the exemptions and what they allow and do not allow.

The gentleman from Missouri feels that his program, the mohair program, would not be permitted to be exempt. I think there is an honest difference of opinion about that.

I think you are right, that the colloquy that was held yesterday between myself and the gentleman from Texas [Mr. DE LA GARZA], we thought at the time, would have covered that, because it did cover a number of things on a routine basis. That was clearly perhaps not included within the parameters of that colloquy, which is why we have worked with the gentleman, worked with the gentleman's staff over the morning to try to address that and have come to the conclusion that the exemption that would apply in this instance, the gentleman does not agree, but the exemption that would apply here is that this is a streamlining, this is in fact making things easier for the sheepherders and the people who are involved in this program. It is taking away a burden that they have on them.

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

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

Mr. VOLKMER. Did not the gentleman from Kansas, the chairman of the Committee on Agriculture, say or tell you words to the effect that he agreed that this amendment was necessary this morning?

Mr. CLINGER. I would tell the gentleman he did not tell me he thought it was necessary. He suggested that perhaps that it might be something that could be accepted. We are just saying we do not think it is necessary, because, in fact, it would be exempt under the streamlining provision.

□ 1210

So I would urge a vote against the amendment, unfortunately against the amendment, and yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in support of the amendment by Mr. VOLKMER. Last October, the 103d Congress passed the Sheep Research and Promotion Act. This program could establish a national check-off program to provide funds for promotion, research, and information programs that will benefit sheep and wool growers.

This bill has been promulgated into rules that will enable the Department of Agriculture to implement the check-off program. This proposed self-help program was designed to allow promotion activities to begin when current authority expires January 1, 1996.

A delay in the rulemaking process will leave the U.S. sheep industry without a much needed national promotion program for sheep and sheep product promotion, research and information.

I want to emphasize that the check-off imposes no cost to the Government; the sheep industry check-off reimburses the cost of referendum, administration and compliance. This new program is needed to promote equity and fairness for American ranchers and help them compete in the global market.

Again, this rulemaking has absolutely no cost to the Federal Government. The cost of the referendum and all oversight costs are paid by the sheep industry.

This check-off is similar to the 18 other commodity check-offs. The sheep industry should have an opportunity to vote on a self-help promotion similar to other agriculture industries like cotton, beef, and pork.

During the last Congress we passed a bill that phases out the Wool Act this December. The new check-off program would kick in on January 1, 1996. The moratorium places this program in jeopardy.

The death of the act means ranchers have to find a new way to do business so they can still provide for their families. This self-help program will allow then to help themselves promote their products.

More than 350,000 Americans in small communities depend on income generated by the sheep industry. Wool sales contributed approximately $70 million to rural communities in 1992, and the sheep industry contributes about $2 billion to the GNP.

The sheep industry is a vital cog in my district's economic engine. The 23d District of Texas has 86 percent of the sheep which produced 86 percent of the wool over the past 2 years in Texas. I am proud of this industry and proud of what they do to help the rural and Texas economy. This program is another tool to assist in building up and maintaining a strong domestic industry.

I ask my colleagues to support the Volkmer amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from West Virginia, Mr. WISE, the amendment offered by the gentleman from Texas, Mr. GENE GREEN, the amendment offered by the gentleman from California, Mr. WAXMAN, the amendment offered by the gentleman from Pennsylvania, Mr. FATTAH, and the amendment offered by the gentleman from Missouri, Mr. VOLKMER.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WISE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia [Mr. WISE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

Mr. WISE. Mr. Chaiman, I renew my demand, for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 228, not voting 12, as follows:

[Roll No. 168]

AYES—194

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Crapo
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
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rogers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—228

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
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
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews
Barton
Becerra
Ehlers
Gibbons
Gonzalez
McCarthy
Meek
Ortiz
Rush
Smith (NJ)
Towns

□ 1229

The Clerk announced the following pair:

On this vote:

Mr. Becerra for, with Mr. Ortiz against.

Mrs. CHENOWETH and Mr. OLVER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further consideration.

AMENDMENT OFFERED BY MR. GENE GREEN OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas, Mr. GENE GREEN, on which further proceedings were postponed and on which the nays prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 241, not voting 16, as follows:

[Roll No. 169]

AYES—177

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Hyde
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)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—241

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
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
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
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
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Allard
Andrews
Barton
Becerra
Costello
Doggett
Edwards
Ehlers
Gibbons
Gonzalez
McCarthy
Meek
Ortiz
Rush
Smith (NJ)
Towns

□ 1237

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1240

AMENDMENT OFFERED BY MR. WAXMAN

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 18, as follows:

[Roll No. 170]

AYES—145

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Torres
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—271

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
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
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Andrews
Barton
Becerra
Boehner
Chenoweth
Costello
Durbin
Ehlers
Eshoo
Gibbons
Gonzalez
McCarthy
Meek
Miller (FL)
Ortiz
Rush
Torricelli
Towns

□ 1245

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FATTAH

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. FATTAH] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. FATTAH] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 254, not voting 12, as follows:

[Roll No. 171]

AYES—168

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

NOES—254

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
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
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews
Barton
Becerra
Costello
Ehlers
Gibbons
Gonzalez
McCarthy
Meek
Ortiz
Rush
Smith (WA)

□ 1253

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VOLKMER

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri [Mr. VOLKMER] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The clerk redesignated the amendment.

RECORDED VOTE

Mr. VOLKMER. A recorded vote has been demanded on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 13, as follows:

[Roll No. 172]

AYES—168

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Cubin
Danner
de la Garza
DeFazio
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gephardt
Geren
Gordon
Gutierrez
Hall (TX)
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Klink
LaFalce
Lantos
Laughlin
Lewis (GA)
Lincoln
Lipinski
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meehan
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pombo
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Skelton
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOES—253

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood

Gunderson
Gutknecht
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Petri
Pickett
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Andrews
Barr
Barton
Becerra
Costello
Ehlers
Gibbons
Gonzalez
Luther
McCarthy
Meek
Ortiz
Rush

☐ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 450, the Regulatory Transition Act of 1995. While this bill in its current form is not without its flaws, I am supporting the bill in response to the frustration my constituents are feeling about regulatory burdens.

H.R. 450 imposes a moratorium on the implementation of new Federal regulations issued between November 20, 1994, and December 31, 1995, except those which address an imminent threat to health or safety. But rather than being a blind, across-the-board slashing of regulations, this legislation also exempts regulations that are subject to court-mandated deadlines or are essential for enforcement of criminal laws.

The bill's provisions will not apply to rulemaking actions in the case of certain emergencies. An emergency exemption would be granted when seen as necessary because of ''the existence of any condition, circumstances, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property, during the moratorium period,'' or necessary for ''the enforcement of criminal laws.''

The bill's regulatory rulemaking section excludes rulemaking actions that are limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process or otherwise reducing regulatory burdens. It also makes exception for rulemakings related to military or foreign affairs functions, to any statutes implementing an international trade agreement, and to agency management, personal, public property, loans, grants, benefits, or contracts. As a safeguard, a senior official within the executive branch must certify that the regulation meets the standards for exception and exclusion before a regulation qualifies.

Mr. Chairman, I am not one given to casting votes for their symbolic value. My constituents have placed their trust in me to be their voice on these issues. My vote here on the floor of the House of Representatives is a great honor and tremendous responsibility—one that I take very seriously. I am voting for final passage of H.R. 450 in support of the community leaders, small businessowners, and individual citizens in my district who have expressed their frustration with regulatory burdens.

Mr. BONIOR. Mr. Chairman, I believe we do need to reform many of our regulations. Some are arbitrary, unnecessary, and even counterproductive, but any blanket approach that stops all regulations is a serious error that will turn back the clock. The American people do not want to overturn regulations that protect their health, safety, and our environment.

For example, this moratorium bill will suspend vital regulations that protect our Great Lakes—the world's largest fresh water system and a critical economic and environmental resource. The bill suspends regulations that control ballast water discharges from foreign ships who sail up the Hudson River into the Great Lakes.

In the Great Lakes, we know a thing or two about ballast water. In 1988, we discovered a new species native to the Caspian Sea known as the zebra mussel. The zebra mussel was introduced into our Great Lakes by a foreign ship's irresponsible ballast water discharge. The zebra mussel has clogged water intake pipes, polluted our beaches, and is causing irrevocable harm to an environment that existed for tens of thousands of years.

In 1990, we passed legislation to prevent further infestations from ballast water. On December 30, 1994 these regulations were applied to the Hudson River which connects to the Great Lakes, because we realized that the program was useless unless it was inclusive. This moratorium suspends those regulations and many others that affect the health and safety of the American public.

This legislation says to the people in the 10th district of Michigan, and to everyone along the Great Lakes: We don't care about the water you drink, we don't care about the pollution of your beaches, and we don't care about the most important recreational and economic resource you have.

To the families in Harrison Township who had to smell nothing but dead fish and seaweed last summer these regulations mean a lot. The presence of the zebra mussel is a threat to the Great Lakes and the quality of life for all of us who live near them. The people of Michigan want to help find solutions to specific problems—they do not support an irresponsible blanket moratorium from Washington. For these reasons and others, I oppose this indiscriminate approach.

Mr. TATE. Mr. Chairman, earlier today, I offered an amendment to grant an extra 6 months of regulatory relief for small business. The amendment received overwhelming suport, showing that the Members of this body are dedicated to helping America's small businessowners provide jobs and economic opportunity in their communities.

I would like to submit for the RECORD, letters of support for my amendment from the National Federation of Independent Business and the National Association of Homebuilders. These organizations represent key members of the small business community, and I thank them for their support.

FEBRUARY 17, 1995.

Hon. RANDY TATE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE TATE: On behalf of the over 600,000 members of the National Federation of Independent Business (NFIB), I am writing to express our strong support for your proposed amendment to H.R. 450, the Regulatory Transition Act, to extend the moratorium on regulations for small business.

Federal regulations is an overwhelming burden on America's small businesses and costs millions of dollars in lost productivity and thousands of jobs each year. Your amendment calls for six more months of regulatory relief for businesses with 100 employees or less. If your amendment passes, federal regulations promulgated between November 20 and the effective date of the Act would not apply to businesses with 100 employees or less, until June 30, 1996. In addition, it would also prohibit the promulgation of new federal regulations from the effective date of the Act and June 30, 1996. If your amendment passes, small business owners throughout this country will be able to continue to do what they can do best—create good paying jobs and generate economic growth.

Over the years, NFIB surveys have indicated that the burden of federal regulations is the fastest growing problem for small business. Most recently, in a 1994 Small Business Economic Trends survey, federal regulations were identified as one of the top two problems jeopardizing the survival of many small businesses. Regulatory relief is a top priority for NFIB's members, and clearly, your amendment goes a long way to protect small businesses from burdensome and unnecessary government regulation.

I want to commend you and thank you again for your efforts on behalf of all small business owners in this country.

Sincerely,

JOHN J. MOTLEY III,
Vice President, Federal Governmental Relations.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, February 22, 1995.

DEAR REPRESENTATIVE: It is my current understanding that on Friday, February 24, Congressman Randy Tate is expected to offer a House floor amendment to H.R. 450, the Regulatory Transition Act (''the Act''), that would provide an additional six months of Federal regulatory relief under the bill for small businesses of 100 employees or less. On

behalf of the 180,000 member firms of the National Association of Home Builders (NAHB), I strongly urge you to support this important amendment.

Too often, the common notion of a home builder tends to be that of a ''high-volume'' constructor, someone with the perceived ability to spread production and regulatory costs across many projects. In contrast, the majority of NAHB member firms are truly small businesses, primarily engaged in home-remodeling and the construction of single family homes. Indeed, over half of our builder members produce fewer than 10 homes per year and close to 75 percent build 25 or fewer homes.

Unfortunately, the housing industry is one of the—if not the most—heavily regulated sectors of the American economy. The compliance costs generated by so many unnecessary and duplicative Federal rules are inevitably passed along as an indirect tax on the housing consumer—depriving many potential first-time home buyers of the American Dream of home ownership.

The Tate amendment provides that Federal regulations promulgated between November 20 and the effective date of the Act will not apply to businesses with 100 employees or less until June 30, 1996. Additionally, it would also prohibit the promulgation of new Federal rules from the effective date of the Act through June 30, 1996.

Passage of the Tate amendment will relieve small builders from any added regulatory burden until such time as the Congress and Administration thoroughly review the current regulatory process. In short, a ''Yes'' vote on the Tate amendment is a vote for the delivery of quality, affordable housing by the small firms that produce such a large percentage of our nation's private housing stock. Your consideration of the views expressed in this letter is greatly appreciated.

Best regards,

JAMES R. IRVINE.

Mr. HAYES. Mr. Chairman, I rise in support of a bipartisan amendment which I have cosponsored, along with Congressmen CONDIT, COMBEST, LAMAR SMITH, CHET EDWARDS, and BONILLA. This amendment would provide the necessary assurance that proposed designations of any species or critical habitat will indeed coincide with the reauthorization of the Endangered Species Act.

In my home State of Louisiana, the U.S. Fish and Wildlife Service has proposed, under section 3 of the Endangered Species Act, to designate a critical habitat for the Louisiana black bear. This critical habitat would cover over 10 percent of our land mass, much of which is not the natural habitat of the bear, thus potentially impacting private landowners, along with hunters and fishermen who utilize these private lands, with little benefit toward the preservation of the bear. Both the property owners and the users have worked voluntarily toward the conservation of the bear.

The U.S. Fish and Wildlife Service asserts that most activities on private lands will not be affected by the designation, unless such actions are subject to Federal permitting requirements. The Service has made particular reference to section 404 permits of the Clean Water Act administered by the U.S. Army Corps of Engineers—corps. While the U.S. Fish and Wildlife has indicated that no permit requirements would be added because of the designation, they fail to recognize that the topography of Louisiana is such that much of our property is subject to the section 404 permitting process.

The bill before us, H.R. 450, would delay the proposed critical habitat until after the end of 1995. With the institution of a regulatory moratorium, all critical habitat designations will be scrutinized carefully before the final rules are issued.

The bipartisan amendment simply would extend the moratorium on such designations until Congress addresses the problems with the current program. In this way, we can ensure that the rights and best interests of not only landowners but also the bear and all endangered species are appropriately protected.

Mrs. COLLINS of Illinois. Mr. Chairman, the Norton amendment, as amended by the McIntosh amendment, contained both unnecessary and inflammatory language. While the amendment excluded civil rights regulations from the moratorium, it also stated that any preferences based on age, race, gender, national origin, handicap, or disability status, would be subject to the moratorium.

While I commend my colleagues for voting to protect the civil rights of Americans, I believe that the language added to the amendment that would subject preferences to the moratorium, will later be used for divisive and political purposes. My fear is that many Republicans will try to assert that all who voted in favor of the Norton amendment, also voted to do away with preferences. I do not believe this to be the case. However, to guard against that likely claim, I voted ''present.''

Mr. BENTSEN. Mr. Chairman, I rise in opposition to H.R. 450, the Regulatory Moratorium Act. I had hoped to offer an amendment earlier today to exempt the SEC from this moratorium. But the Republican leadership and the House Rules Committee did not provide sufficient time for me and other Members to offer our amendments on this important piece of legislation.

Yesterday, the House voted to provide an exemption for those laws prohibiting discrimination. The House even provided an exemption to ensure bird hunters can hunt this season. Yet we will not consider an exemption for the individual investors who have placed their savings and their future in mutual funds. Unfortunately, these middle-class investors are not guaranteed the same protections as bird hunters. This is wrong.

With many more Americans investing in securities, the need for the SEC to protect these assets is crucial. In fact, Chairman Levitt of the SEC has sent me a letter strongly requesting this exemption. I consider it hypocritical that other banking regulators were exempted from this moratorium, while the SEC was not.

This moratorium is another example of reckless legislating by the Republican majority. We must make Government more accountable and more efficient, but that does not mean passing a moratorium that threatens the protection of small investors. If this moratorium is a runaway train, I want to make sure middle-class savers aren't tied to the tracks. My amendment would have guaranteed that money market accounts and other SEC regulations that Americans depend upon would have been protected.

For these reasons, I will oppose the Regulatory Moratorium Act.

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, February 23, 1995.

Hon. WILLIAM F. CLINGER,
Chairman, Committee on Government Reform and Oversight, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Securities and Exchange Commission supports an amendment that will be offered in connection with consideration of H.R. 450, the ''Regulatory Transition Act of 1995'' that would exempt SEC rules from the provisions of H.R. 450.

A number of important SEC rules could be delayed or suspended by H.R. 450. The bill could suspend the SEC's rule providing for three-day settlement of securities trades, requiring a transition back to five-day settlement; the bill could also affect rules to simplify the process of obtaining unlisted trading privileges (UTP) for a security listed on another exchange. In addition, the bill could suspend the SEC's new municipal disclosure rules that are designed to fill serious gaps in the information available regarding these securities. The moratorium could also suspend work on rules to improve disclosure by corporate issuers and mutual funds regarding derivatives and other risks.

These and other SEC rules are necessary to protect investors and the securities markets. The amendment to H.R. 450 to exempt SEC rules is thus necessary and appropriate, and I respectfully request your support.

Sincerely yours,

ARTHUR LEVITT.

Mr. RICHARDSON. Mr. Speaker, because of the restrictive rule I was unable to offer an important amendment to H.R. 450 that would have benefited native American tribes across the Nation. I hope to work with my colleagues in conference and in the Senate to include these important provisions. My amendment to section 6(3)(B) of H.R. 450, as reported, would exempt negotiated rulemaking relating to Indian contracts, grants, cooperative agreements, compacts, and annual funding agreements authorized under the Indian Self-Determination and Education Assistance Act from the moratorium on rulemaking.

Last year, Congress passed Public Law 103–413 which directed the Departments of the Interior and Health and Human Services to enter into negotiated rulemaking with Indian tribes in order to promulgate regulations governing Indian Self-Determination Act, ''638'', contracts and self-governance compacts.

The reason Congress took action is because for 6 years the Departments ignored the congressional directives contained in 1988 amendments to the Indian Self-Determination Act. The 1988 amendments were intended to permit greater tribal self-determination by simplifying the contracting process and by reducing needless layers of Federal bureaucracy. The Departments, however, never promulgated any regulations to implement those policies.

Public Law 103–413 streamlines the 638 contracting and self-governance compacting processes and repeals unnecessary Federal regulations, thus reaffirming the policies embodied in the 1988 amendments.

A moratorium on all rulemaking as provided in H.R. 450 would negate the purpose and effect of the mandates of Congress in Public Law 103–413. Tribes worked tirelessly for 7 years to ensure that the bureaucracy would not impede their efforts to achieve self-determination. But, H.R. 450 would inadvertently undercut all of their achievements as well as

the congressional policy of fostering tribal self-determination.

The amendment offered is consistent with the policy driving H.R. 450—to reduce excessive and unnecessary regulatory burdens—and will help tribes in their struggle to reduce the Federal bureaucracy by taking over functions that they, not Washington, can better handle.

AMENDMENT TO H.R. 450, AS REPORTED, OFFERED BY MR. RICHARDSON OF NEW MEXICO, SUBMITTED FOR PRINTING UNDER CLAUSE 6, RULE 23

In Section 6(3)(B), strike ''or'' at the end of clause (iv), strike the period at the end of clause (v) and insert ''; or'', and insert after clause (v) the following:

''(vi) any agency action that is taken by an agency to meet the negotiated rulemaking requirements of Pub. L. No. 103–413, the Indian Self-Determination Act Amendments of 1994.''

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise to express my support, for now, for this deeply flawed legislation, with the understanding that I will not be able to support the conference report which will return from the Senate unless this legislation is significantly improved by the Senate or by the conference committee. I am concerned that the legislation as it stands could cause confusion and an enormous amount of litigation. It is also possible that the current language, if contained in the final version of this bill, could interfere with a wide range of needed agricultural rulemaking involving beef, sheep, hogs, and soybeans in particular. I also have a real concern that the existing language would interfere with rulemaking needed on behalf of the ethanol fuels industry.

In short, I want to send a message that I believe that Federal rulemaking has too often been heavy-handed, rigid, and cost-inefficient. I am hopeful that this legislation can be modified as it progresses through the legislative process so that its shortcomings are corrected. Nonetheless, I want to make it very clear that I will not be able to vote for this bill when and if it returns to us from the Senate unless the existing language problems are corrected.

Mr. RICHARDSON. Mr. Chairman, because of the restrictive rules under the Republican majority, I was prohibited from offering the amendment described below. I hope to work with my colleagues in the Senate and in conference to include these important provisions.

As my colleagues know from my earlier comments on this bill, this regulatory moratorium legislation is a bad idea multiplied by a power of 10.

By simply freezing all regulations—the good with the bad—it does more than throw the baby out with the bathwater: it throws out the whole nursery.

As the ranking Democrat on the Subcommittee on National Parks, Forests and Lands, I am very concerned about the effect of this misguided legislation on the ability of Federal land management agencies to carry out their significant historical statutory responsibilities.

My amendment would exempt the Bureau of Land Management, the Forest Service, the Fish and Wildlife Service, and the National Park Service from the provisions of this act that would severely limit their ability to implement national standards for the rational use of protected Federal land.

Without my amendment, this bill is a glaring example of using a meat cleaver when a scalpel would have been more appropriate.

In its rush to judgment on this legislation, Congress is rushing to battle on regulations that in many cases are useful and necessary.

As an example, Mr. Chairman, allow me to cite some of the many useful Fish and Wildlife Service, National Park Service and Bureau of Indian Affairs regulations currently under consideration which would be held hostage by this legislation: Regulations to reclassify the bald eagle as no longer endangered; regulations affecting the establishment of manatee protection areas in two national wildlife refuges in Florida; regulations affecting establishment of the Marine Mammal Protection Act; regulations affecting a wide range of activities in Alaska, including: Cabin management regulations on national wildlife refuges; vessel management in Glacier Bay; Alaska fishing regulations for Glacier Bay National Park; regulations affecting solid waste disposal sites in the National Park System; Regulations setting minimum academic standards for the basic education of Indian children and national criteria for dormitory situations under the jurisdiction of the Bureau of Indian Affairs.

Precious national landmarks like Yellowstone, Yosemite, and the Grand Canyon deserve preservation for future generations. It would be folly to do otherwise.

Without my amendment, the National Park Service and the other Federal land management agencies will have their hands tied: they will be barred from promulgating regulations that benefit the public and promote responsible Federal land management activities.

Mr. Chairman, the American people spoke loudly and clearly in November that they wanted Government to be more responsive to their concerns.

They did not say they wanted government to be bottled up by artificial delays to implement necessary and reasonable regulations.

In fact, a recent Time magazine poll found that 88 percent of Americans consider environmental protection either ''one of the most important'' or ''very important'' issues facing the Nation at this time.

Mr. Chairman, this is a reasonable amendment.

I ask my colleagues to support this responsible attempt to moderate what is otherwise a radical assault on the ability of the Federal Government to protect the public from harm and preserve the environment and natural resources from further damage.

The preservation of the Nation's heritage should not be shunted aside by attempts to scale back even the reasonable regulations of the Federal Government.

AMENDMENT TO H.R. 450, AS REPORTED, OFFERED BY MR. RICHARDSON OF NEW MEXICO

At the end of the bill add the following new section:

SEC. . RULES OF FEDERAL LAND MANAGEMENT AGENCIES NOT AFFECTED.

Nothing in this Act shall affect the ability of the Federal land management agencies (including the Bureau of Land Management, the United States Forest Service, the United States Fish and Wildlife Service, and the National Park Service) to promulgate and implement rules affecting use of or action on Federal lands within the boundaries of authorized units of the national conservation system.

The CHAIRMAN. Pursuant to House Resolution 93, all time for the consideration of amendments has expired. No further amendments are in order.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. LAHOOD, 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. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, pursuant to House Resolution 93, 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 in the Committee of the Whole? If not, the question is on the amendment.

The question was taken; and on a division (demanded by Mr. CLINGER) there were—ayes 132, noes 91.

So 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 MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. COLLINS of Illinois. Yes, I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. COLLINS of Illinois moves to recommit the bill H.R. 450 to the Committee on Government Reform and Oversight with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 5, add the following new subsection:

(c) DRINKING WATER SAFETY.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

Mrs. COLLINS of Illinois. Mr. Speaker, the motion I am making is to recommit the bill to the Committee on Government Reform and Oversight with instructions to report it back to the House.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, the motion to recommit probably could not be more simple. It deals with the most simple element known to mankind, water. More specifically, it deals with the basic safety of our Nation's drinking water.

Mr. Speaker, I come from Milwaukee where 3 years ago over 400,000 people fell sick as a result of the parasite Cryptosporidium. Over 100 deaths were attributed directly or indirectly to this and 400,000 people in my community fell ill as a result of this parasite.

The people in my community have dealt with this tragedy, we have moved forward, we have cleaned up our water supply, and now the issue is whether the Federal Government has a responsibility or a role to play in helping other communities avoid the tragedy that befell Milwaukee.

The EPA has responded and is moving forward orderly to promulgate rules to deal with the drinking water supply in our Nation.

I was talking to a friend of mine last night, and he said, ''Isn't it hypocritical for Congress to care more about duck hunting season than our drinking supply?'' And I said, ''No, no, no, you don't understand the new Congress. I'll tell you what the new Congress is all about. If you're a duck in this country, you better be on guard. If you're a goose, you better be on guard. But if you're a young person who died from E. coli like the young person we heard about yesterday, or if you suffer from cryptosporidium, you also should be on guard. Because this Congress has decided that we don't care about our drinking water supply in this Nation.''

And he said, ''But why can't Congress create an exception for drinking water?''

I said, ''It's not one of the priorities. Duck hunting's a priority. But safe drinking water is not a priority in this country.''

□ 1310

I think that that is the message that the American people should get from this debate.

Mr. BENTSEN. Mr. Speaker, will the gentlewoman yield?

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

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman for yielding. Unfortunately, the new House does not believe in protecting small investors because they refuse to consider an amendment which would have exempted the Securities and Exchange Commission which they asked to be exempted from this, so small investors, when more Americans today are investing in mutual funds than putting their money in banks we are going to shut down the SEC with this legislation. So I think the gentleman can add that to his list.

Mr. BARRETT of Wisconsin. Again, the basic point here is quite simple. I think we did the right thing yesterday in passing an exemption for duck hunting season. I think the duck hunting season should go forward in this country, but I also believe very strongly that the Federal Government has a role, and it is a good role, to make sure that our Nation's drinking water is safe.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, this motion to recommit is simple and straightforward. H.R. 450 should make clear that regulations governing the basic safety of our Nation's drinking water are exempted from the moratorium.

Last night we voted to exempt duck hunting. At the very least we should vote to exempt water quality and testing for the safety of our citizens from this moratorium.

The parasite Cryptosporidium is in our water. As my colleague, Mr. BARRETT, noted, however, 40 people died in Milwaukee recently and over 400,000 became ill.

Recently Cryptosporidium has been detected in New York City's water supply and no one yet knows how widespread the danger is in New York City and in other cities across this country. This bill would halt efforts to find out.

Cryptosporidium is not taking a moratorium. Parasites do not take a moratorium and public safety should not take a moratorium. Vote for the motion.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield the remainder of my time to the other gentlewoman from New York [Ms. SLAUGHTER], the only bacteriologist in the House of Representatives.

Ms. SLAUGHTER. Mr. Speaker, I know that no Member of the House of Representatives wants to be responsible for the fact that we have stopped the new regulations on food inspection on meat and poultry. I know the fact that 4,000 or 5,000 people will die each year because of that is not anything that Members want. But this morning we have to talk about Cryptosporidium. We cannot avoid the water. Maybe you are a vegetarian and you are not going to eat the meat, but remember when we came back to Washington last year, those of us who served here, and found that the entire water supply in the City of Washington and Northern Virginia had been shutdown and there was no bottled water to be had and people were worried about the hospitals and babies and we did not know how long this was going to last.

We simply cannot avoid it. It makes no sense from any standpoint, legislatively or from the standpoint of public health that we would stop the regulations being put forth when we find Cryptosporidium in the water supply of the United States. A Third World country would do it; can't we?

I urge Members to vote for this motion to recommit so we can right this wrong.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, I yield myself 1 minute just to say I think the ducks have been getting a bum rap here frankly because we did indeed provide an exemption because there was no exemption in this bill to cover the migratory bird situation.

There is an exemption, however in this bill to provide for the sorts of things that are covered by this motion to recommit. The elements that have been mentioned here are threats to health and safety. When we talk about microbiology and disinfection of products, this would come under health and safety, and therefore, there was no need too provide a specific exemption for these things because they can be covered under that.

Beyond that, however, the environmental regulations, some of them have been the most onerous and need to be carefully reviewed and looked at in this process in the moratorium.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, the reason that we need this bill in not because of some Trojan Horse for health and safety. We have fully protected health and safety. As the Members of this body have seen time and time again, this exemption right here will allow the administration to take any rulemaking necessary to protect health and safety. Perhaps they are not competent enough to do so.

But the real issue in this bill, Mr. Speaker, is are we on the side of the American people and against the army of bureaucrats who produced this avalanche of new regulations in just 1 year under the Clinton administration?

I say to Members this Republican Congress is going to stand up and put an end to the hidden tax and regulations and stand up for the American people.

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

Mr. CLINGER. Yes, I yield to the gentleman from California.

Mr. THOMAS. Is there a moratorium on snakes in this resolution?

Mr. MCINTOSH. Mr. Speaker, it is vitally important that we proceed with this moratorium on regulations so that a year from now we do not see another pile of new burdensome Federal regulations that impose a hidden tax on the American middle class, costing every family in this country $6,000 each year, higher car prices, higher food prices, jobs being sent overseas.

There is an article in the Wall Street Journal that points out that if we do not act now to stop this avalanche of new regulations we could have a regulatory recession in this country. It is time to vote yes for a moratorium, put an end to burdensome unnecessary regulations and stand up for the American people and not on the side of the army of bureaucrats here in Washington.

Mr. CLINGER. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, a proposed EPA regulation would allow companies to continue to produce carbon tetrachlorides for export for feed stock use. Without this regulation these companies would be severely limited and could lose foreign customers.

It is my opinion and belief that this proposed regulation is covered under the exemption from the moratorium for rules that repeal, narrow, streamline or otherwise reduce a regulatory burden, and I wanted the chairman's opinion.

□ 1320

Mr. CLINGER. I would agree with the belief and opinion of the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Chairman, I thank the gentleman. I think the chairman, the gentleman from Indiana [Mr. MCINTOSH], is in agreement with this opinion?

Mr. MCINTOSH. If the gentleman will yield, yes, Mr. Speaker, I am.

Mr. CLINGER. Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Mr. Speaker, for the purposes of the motion to recommit the bill, I have a question for the gentleman from Indiana [Mr. MCINTOSH].

Has the gentleman had a chance to read the Federal implementation plan for California that EPA has promulgated under the Clean Air Act which I have in front of me?

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

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

Mr. MCINTOSH. No. I have not been able to read through the 1,700 pages of this regulation, but I understand that it would virtually shut down the economy of southern California, close down a third of the flights at LAX, put an end to barbecues in the backyard.

Mr. EHRLICH. Barbecues in the backyard?

Mr. MCINTOSH. All in the name of supposed benefits.

So, Mr. Speaker, I understand this regulation which would be stopped by our moratorium would do great damage to the economy of California.

Mr. EHRLICH. Mr. Subcommittee Chairman, it seems to me this FIP is a good example of why the regulatory moratorium is needed, so that we can assess just exactly what agencies are doing and whether they are going beyond what Congress originally intended.

Mr. CLINGER. Mr. Speaker, I urge a ''no'' vote on the motion to recommit, and a vote in favor of the bill.

The SPEAKER pro tempore (Mr. WALKER). Without objection the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 250, not voting 12, as follows:

[Roll No. 173]

AYES—172

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

NOES—250

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
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
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews
Barton
Becerra
Costello
Ehlers
Gibbons
Gonzalez
Kaptur
McCarthy
Meek
Ortiz
Rush

□ 1337

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). 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. CLINGER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 146, not voting 13, as follows:

[Roll No. 174]

AYES—276

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—146

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Andrews
Barton
Becerra
Costello
Deutsch
Ehlers
Gibbons
Gonzalez
McCarthy
Meek
Moorhead
Ortiz
Rush

□ 1358

The Clerk announced the following pairs:

On this vote:

Mr. Barton for, with Mr. Costello against.

Mr. Moorhead for, with Mr. Deutsch against.

Mr. Ortiz for, with Mr. Becerra against.

Mr. NEAL of Massachusetts and Mr. MEEHAN changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FATTAH. Mr. Chairman, on a number of votes I was unavoidably detained and not available on the floor, I ask that the RECORD reflect how I would have voted on those.

On vote No. 160, I would have voted ''yes.'' Vote No. 161, the Slaughter amendment, I would have voted ''yes.'' Vote 162, the Spratt amendment, ''yes.'' The Waxman amendment, vote No. 163, ''yes.'' And the Collins amendment, 164, ''yes.'' And on the Norton amendment, 165, I would have voted ''present.''

I ask that the RECORD reflect these votes.

AUTHORIZING THE CLERK TO MAKE A CERTAIN CORRECTION IN ENGROSSMENT OF H.R. 450

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make the following correction in the engrossment of the bill, H.R. 450.

The SPEAKER. The Clerk will report the correction.

The Clerk read as follows:

''In Section 6(4), in the second sentence, after ''nor does it include,'' insert the following new clarifying words: ''any action taken in connection with the safety of aviation or''.''

□ 1400

Mr. MINETA. Mr. Speaker, this request has been cleared with the full committee and subcommittee chairmen of the Committee on Government Reform and Oversight and of the Committee on Transportation and Infrastructure.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE FURTHER CORRECTIONS IN ENGROSSMENT OF H.R. 450, REGULATORY TRANSITION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 450, the Clerk be authorized to correct section numbers, section headings, cross references, punctuation, and indentation, and to make any other technical and conforming change necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. BATEMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMENDATION TO STAFF MEMBERS

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

Mr. CLINGER. Mr. Speaker, I want to commend the staff members who worked so very hard on this legislation. On our side, Judy Blanchard from my staff; and Mildred Weber. They have been invaluable in moving this legislation.

GENERAL LEAVE

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 450, the bill just passed.

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

There was no objection.

RECORD ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1022, RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–51) on the resolution (H. Res. 96) providing for the consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE CHAIRMAN OF THE COMMITTEE ON RULES

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

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is planning to meet early next week on two bills to improve the federal regulatory process. Next Monday, February 27, the committee will meet at 5 p.m. to consider a rule for H.R. 926, the Regulatory Reform and Relief Act, better known as the Reg Flex Act. Members should be aware that this rule may include a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to their consideration. In this case, the preprinting of amendments is optional.

On Tuesday, February 28, at 2 p.m., the Committee on Rules will meet to consider a rule for H.R. 925, the Private Property Protection Act. In this case the rule may include, and I would just emphasize this, may include a requirement as opposed to an option that amendments be preprinted in the CONGRESSIONAL RECORD prior to consideration of the bill for amendment.

Amendments to be preprinted should be titled, ''Submitted for Printing Under Clause 6 of Rule XXIII,'' signed by the Member, and submitted at the Speaker's table.

Each of these bills may be considered for amendment under the 5-minute rule, with a possible overall time limitation on the amending process.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

It is not necessary to submit amendments to the Committee on Rules or to testify.

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

Mr. SOLOMON. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, was I correct in understanding that amendments that are preprinted will have priority under the proposal?

Mr. SOLOMON. Amendments for the first, for the Reg Flex Act would have priority of recognition, but it is only optional that they be filed, be printed.

Mr. BEREUTER. Mr. Speaker, if the gentleman will continue to yield, would my understanding be correct though, that a Member of the House, not a member of the committee, who has his amendment printed in the RECORD would have priority over a member of the committee?

Mr. SOLOMON. The gentleman would please restate that.

Mr. BEREUTER. Would a Member, not a member of the committee, have priority, who has his amendment printed in the RECORD, have priority over a member of the committee in offering such an amendment?

Mr. SOLOMON. Not over the committee chairman, no.

Mr. BEREUTER. Would a Member who has his amendment printed have priority over a member of the committee whose amendments were not printed in the RECORD.

Mr. SOLOMON. That would be subject to the recognition of the chair, but in most cases, yes.

Mr. BEREUTER. If the gentleman will continue to yield, the reason this gentleman was so upset when we took up the crime bill, block grant, is that the parliamentarian informed the Chairman of the Committee of the Whole that no matter how long I stood here, and I waited for nearly 7 hours to offer an amendment, but not being a member of the Committee on the Judiciary, the Chairman of the Committee of the Whole was informed by the parliamentarian that the Chairman had no option but to continue to recognize members of the Committee on the Judiciary for amendments, be they printed or not printed. And many, many, many were nonprinted, and they continued to be offered. And Members of the House who were not members of the Committee on the Judiciary were shut out from offering amendments.

In fact, I just directed a letter to the chairman of the Committee on Rules about how this process does not serve Members well who are not members of the committee debating the bill before us.

So I would hope that the Committee on Rules might at least give all Members priority whose amendments are preprinted. I understand that the members of the committee and certainly the chairman should have priority for amendments that are printed in the RECORD, but you see we can be completely shut off from offering our amendments if we are not members of the committee. That is exactly what happened to this gentleman.

So I would like to ask the chairman of the Committee on Rules if he would give that matter some consideration.

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

Mr. SOLOMON. We most certainly will. Of course, the recognition is always subject to the Speaker, to the Chairman of the Committee of the Whole. But certainly, I would just advise the gentleman that we would try to work with the managers of the bill to make sure that we are going to get the proper recognition.

Of course, if there are dilatory tactics, stalling tactics, that sometimes can put the gentleman in that particular position, in an awkward position. We would hope that that would never happen.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I yield to the distinguished gentleman from Texas [Mr. ARMEY] for the purpose of discussing the schedule for next week.

Mr. ARMEY. Mr. Speaker, let me first give the Members a tentative schedule for the month of March. As has been the case for the month of February, votes may be scheduled for as early as 2 p.m. on Mondays. However, as often as has been possible in the past, if we can work out an agreement, we may be able to hold votes over until 5 p.m. on Mondays.

As many Members on both sides of the aisle have long distances to travel to their districts, our leadership will do everything we can to notify members as soon as possible so that they can finalize their travel plans.

Also the House will not be in session on Friday, March 17, or on Monday, March 20, for a district work period. We expect no votes until 5 p.m. on Tuesday, March 21.

We have a very heavy legislative schedule for the month of March, and it is our hope to have Members on their way home to their families and districts by 3 p.m. on Fridays. However, if the schedule requires us to work later on Fridays or meet during weekends, we will advise Members at the earliest possible time.

□ 1410

On another note, it is our intention to change the time the House meets for legislative business on Wednesday from 11 to 10 a.m. It is our hope that this schedule change will allow us to help Members leave for their districts by 3 p.m. on Fridays.

Perhaps this would be an appropriate time for me to yield to the gentleman from California about the March schedule, prior to going on to next week's schedule.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

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

Mr. FAZIO of California. I thank the gentleman for yielding.

I do not think in February we have had any votes before 5 o'clock on Mondays. I am certainly hopeful that that will continue to be the case. The concern that I have expressed in a prior dialog with the leader is simply that those from west of the Rockies lose an entire Sunday afternoon in order to be here for late votes on Monday, and I would hope that we could always find a way to avoid that, including, if it were in the majority's plans, Monday, February 27, when I understood we may be asked to be here at 3:30.

We have all made plans for this particular weekend that would allow us to get 6:30 and 7 a.m. flights on Monday morning in order to be here for the 5 o'clock voting time that was announced.

I would certainly hope that we would not have any early votes in March, and I hope we are not going to break our word by having any votes earlier on this coming Monday, the 27th, because I think it really is totally counterproductive for Members who really do need to be with their families, or do need to spend time with their constituents.

It has been hard enough in the early going of this Congress to maintain that kind of rapport.

Mr. ARMEY. If the gentleman will continue to yield, let me begin my response by the observation at the outset of the February schedule we advised Members of the possibility of votes being as early as 2 o'clock on Mondays.

Yes, the gentleman from California [Mr. FAZIO] rightly observes that, thanks largely to the splendid cooperation we have gotten in negotiating with the minority, we have to this point been able to avoid any votes before 5 o'clock on Monday.

I know I am grateful for that, and I can tell the Members, so many times in the past that I have gotten off my plane and been at home in Dallas, TX, and seen the California folks changing planes at that point, and I can appreciate the struggle for that long distance travel.

We are still hopeful. However, on Monday next we will have a rule that will require to be voted on about 3:30 on Monday next. It is an open rule. We do not intend to call for a recorded vote on that. We must be prepared, though, for the possibility that somebody on the minority side might call for a vote on that open rule, and in that case, must advise Members of the possibility, even some degree of probability, of a vote at 3:30 next Monday.

If we had an agreement, no vote would be called for, then we could advise Members otherwise.

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

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

Mr. SOLOMON. I might also say, Mr. Speaker, that in the rule that will be brought up at 2:30, it provides for 2 hours of general debate on the risk assessment bill. Therefore, if there is no vote on the open rule, then we would go directly to 2 hours of general debate.

It means that the gentleman could be here as late as 6 o'clock and not expect a vote even before that time, which would solve all their problems.

Mr. GEPHARDT. Mr. Speaker, it is my understanding, and I do not know this for a fact, but there may be a Member on our side who will ask for a vote. I want to make that warning. I do not know that, but I want to make the warning.

However, I would remind the distinguished majority leader, the chairman of the Committee on Rules, that it is my understanding he has the unilateral authority to roll the vote on the rule until 4:30 or 5 o'clock. That would not be something we would object to.

Mr. ARMEY. If the gentleman will continue to yield, it is very difficult to consider the acceptability to the body of rolling the vote on a rule making in order a debate that would ensue in the intervening time, so it seems to me that in the interests of conforming with the accepted procedures of the House, if a vote is ordered at 3:30, we would be required to take that vote in order to commence with the debate that we hope or expect in order to accomplish an already crowded schedule.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. I thank the gentleman for yielding to me.

Mr. Speaker, I want to explain why there may be a problem here. If we are talking about a genuinely open rule, as those that have been historically understood here, there would not be a problem. My understanding is that we are talking not about an open rule, which I had always understood to be anyone could get up until the conclusion of people's interest and offer amendments, but a rule with one of these 10-hour limitations.

I know we have not yet made English the national language by some legislation, but I had thought English was still the language of these debates, though. An open rule is not one where there is a 10-hour limit.

In fact, we just heard one of the very distinguished Members on the other side, the gentleman from Nebraska [Mr. BEREUTER], pointing out that during one of the crime bills he stood around for 7 hours and was not able to offer an amendment.

A rule in which the leading Member of the House is unable to offer an amendment is not an open rule. It is, frankly, mislabeling in the extreme to call one of these 10-hour limits an open rule, especially since we done some compilation on the four 10-hour bills that I have seen, and anywhere from 2 hours and 40 minutes to 3½ hours has gone just for voting.

Obviously, voting is important. we have had people call rollcalls on unanimous votes, in one case, 405 to nothing, the gentleman from Pennsylvania, [Mr. CLINGER], and that came out of the 10 hours.

So if we were talking about an open rule, with the possibility after 3 or 4 days or 2 days of closing it down, that would be a different story. However, when we are talking about one of these 10-hour rules, where when the House is unruly, that comes out of the debate time; when there is a point of order, that comes out of the debate time; when we are talking about that kind of restriction, where many, many Members have been prevented from offering amendments, it is not an open rule, and that is why there might be a vote.

Mr. SOLOMON. If the gentleman will continue to yield, I have here a record of all of the rules from last year that were brought to this floor under an open rule, except for the fact that they had time constraints.

They were extremely important bills, such as the Employment Retirement Security Act, the Black Lung Benefits Restoration Act, the Presidio Management, the State and local governments interstate waste control, very important; the American Heritage Partnership Act.

All of those rules were open rules except for the fact that they had time constraints. All of those rules were completely open except for time constraints, and the time constraints were no more than 4 hours, not 10 hours. We allowed those to go. We supported the gentleman, we in the minority, and allowed those to go through on voice votes, even though they were severe time constraints, because it was an open rule process.

We would certainly expect at least that kind of consideration from those in the minority.

Mr. FRANK of Massachusetts. If the gentleman will continue to yield, Mr. Speaker, first, my understanding was last year votes did not come out of that time, so there was some control.

Second, I am, again, struck by every time the gentleman is questioned about living up to the promises that were made, the answer is ''We are doing the same as you did.'' It seems to me that there ought to be a time limit on how often you can have it both ways. Either you are bringing a new openness to the House, or you are following the old rules.

Maybe the gentleman can decide 1 day it will be one and 1 day it will be the other, but there ought to be a rule you cannot make both arguments in the same day, so once again we get the argument ''We are just doing what you did.''

I do not think we always did what was right. As far as the gentleman agreeing to limit rules, let me be very clear. The minority last year, when they were in the minority, and before that, very often they supported closed rules whenever they did not want to see amendments. That is very clear.

However, the fact is that the open rule process as the gentleman describes it is anything but an open rule process, and maybe I hallucinated. Maybe the gentleman from Nebraska [Mr. BEREUTER] was not there a few minutes ago saying ''I had an amendment that I was kept from offering.'' I could have sworn he was. I will have to check C–SPAN, because I do not think he could have been clipped out.

The fact is that Members here time and time again have been prevented from offering amendments. Again, I do not remember this situation where the rollcalls all came out of that, so people had an extended rollcalls. By the way, even if that is what we did, even if that is what we did, I think you should feel free to change it.

□ 1420

Please let me say to my friends on the other side. Do not feel bound by our example. If in fact experience has shown that people like the gentleman from Nebraska cannot offer an amendment, improve on us. Strive to be better. Do not limit yourselves by history.

At the same time, I have to say if the explanation is always going to be that you are just doing what we did, please stop insisting that you are doing it very different. The fact is that on issue after issue that has come up under your supposed open rule, we have not been able to get to amendments.

I would say one final thing as a member of the Committee on the Judiciary. The Committee on the Judiciary, under the gun, has done away with subcommittee markups. Maybe other committees have. We have not had extensive hearings. So in fact bills are coming to the floor under this period less prepared with less work than previously. The chairman of the Committee on the Judiciary has time and time said, ''Well, We'll make sure you can offer that amendment on the floor. I will fight for your right to offer the amendment on the floor.'' And because of this restrictive 10-hour provision, subject as it is to manipulation and abuse, that has not been the case. So we have hasty legislation without subcommittee markups rushed to the floor with previous questions ordered in committee and then the 10-hour rule which with all that comes out of it is rarely as much as 5 or 6 hours of genuine debate, and on issue after issue after issue fundamental amendments have not been allowed to be presented.

I thank the gentleman for yielding.

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

Mr. GEPHARDT. I yield to the distinguished majority leader.

Mr. ARMEY. I thank the gentleman for yielding.

If I can move on to next week's schedule.

On Monday, February 27, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will take up the rule for H.R. 1022, the Risk Assessment Cost Benefit Act of 1995, and then move into debate on that legislation.

Members should take note that there will be no votes before 5 p.m. on Monday. I am sorry, there will be. Please, let me correct myself.

Mr. FAZIO of California. I thought the gentleman was yielding in more ways than one.

Mr. ARMEY. You can call that a Freudian optimism if you like.

Mr. FAZIO of California. There have been several this year.

Mr. ARMEY. Members will take note there will be votes before 5 p.m. on Monday. However, we expect no votes before 3:30 p.m.

If the majority can be assured by the minority they will not call for a vote on the rule, the majority can certainly assure the minority that no vote will be called for on this side, in which case we can amend our advice to our Members regarding the time at which votes will take place.

On Tuesday, February 28, the House will meet at 9:30 a.m. for morning hour and at 11 a.m. for legislative business. We expect to complete consideration of H.R. 1022 and then possibly take up the rule for H.R. 926, the Regulatory Reform and Relief Act.

On Wednesday, the House will meet at 10 a.m. and depending on the previous day's action, we will expect to complete consideration on H.R. 926.

On Thursday and Friday, the House will meet at 10 a.m. to consider H.R. 925, the Private Property Protection Act of 1995, which is subject to a rule. We plan to complete consideration of H.R. 925 on Friday.

Also, we may take up House Resolution 80, the resolution of inquiry into the Mexican currency situation, on Thursday or Friday. It is our hope to have Members on their way home to their families in their districts by 3 p.m. on Friday.

The House schedule for next week promises to be a very busy one and Members should be advised that we do expect to complete consideration on these important pieces of legislation next week. So the House may work late into the evening on several days.

I thank the gentleman for yielding.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from California.

Mr. FAZIO of California. I thank the leader for yielding.

I guess I go back to this 3:30 votes issue. I personally think that Members from the West are being held hostage as we attempt to move the process here so quickly. We all understand that an open rule is being defined in a variety of ways and there are many Members on our side who object to the 10-hour time limit.

If there could be and I think there is a good chance for unanimous-consent requests to be granted, then perhaps we would be able to roll the vote on the rule until after 5 p.m. so that Members in the West can maintain their schedules and plan to fly as they had originally planned, can carry out their Sunday activities and still be here in time to vote against or for this rule as they may wish to.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. I want to make a suggestion, since my friends on the other side have told us that our example is more important to them than I had previously realized. Let me give them one that they apparently overlooked in their study of us. We have in the past done rules in two parts. It would be entirely possible on a Monday to bring out a rule which provided for general debate. We could then have the rule voted unanimously, have the two hours of general debate, then go into the other part.

If you were in fact motivated by a desire to accommodate that point of view and not lose any time, you could have a two-part rule. You could have a rule that provided for general debate and then go into the other rule which would provide for debate beyond that. That is something we often did.

An agreement to do a two-part rule which puts general debate up in the noncontroversial procedure and then has a more controversial one would accommodate this.

Mr. ARMEY. If the gentleman will yield further, the gentleman from California makes a good point about the difficulties that the California and other western travelers have. The majority leader would like to extend to the gentleman from California the invitation, if you would like to make a unanimous-consent request that would allow us to roll the vote on the rule until the conclusion of general debate on the ensuing bill, I can assure you no one on this side of the aisle would object to that unanimous consent request.

Mr. FAZIO of California. If the gentleman would yield, I would be inclined to make that request. I do want to make sure that I would not find opponents on my side. I am encouraged by your position and we can perhaps make such a request shortly.

Mr. GEPHARDT. I want to ask a couple of other questions, and we will have an answer to that question in just a moment.

Can the gentleman tell us when the resolution regarding the Mexico bailout situation will be brought up? Is it fair to say members would be given 24 hours' notice prior to its consideration?

Mr. ARMEY. The gentleman is correct. I wish I could be more precise. It will be Thursday or Friday. But I can assure the gentleman that you will have 24 hours' notice.

Mr. GEPHARDT. I thank the gentleman.

Second, I want to reiterate our desire to be able at whatever time it can be made available to get a projection of when you think the other pieces of legislation in the contract may be

brought up. I realize that you do not know for sure. But it would help us a lot if we could have that projection so we can begin thinking about what is coming and when it is coming and provide for that.

Mr. ARMEY. If the gentleman would yield further, again let me thank you for your suggestion. We are again in a period where we are examining that schedule and we would hope to be able to give you that as soon as possible.

Mr. GEPHARDT. I thank the gentleman.

Finally, you have said that the House will meet at 10 a.m. Wednesday instead of 11.

I assume that you have the authority to effect this meeting time change. Traditionally as you know the minority has been consulted and agreed to changes in the meeting time. I would hope we could continue with that practice. I realize what your concern is. We will try to work with you in every way that we can. But it would be helpful if we could talk about that before it is announced.

Mr. ARMEY. Again if the gentleman would yield, let me say that I expect that we will work this out by unanimous consent. It is my anticipation that we will be able to do so.

Mr. GEPHARDT. I thank the gentleman.

Finally, can the gentleman tell at this point when the tax reduction bill along with the budget cuts to pay for it might be coming onto the floor? Generally. I know you do not know the exact date but just the general time.

Mr. ARMEY. If the gentleman would yield, we expect that to be very late in March. We anticipate that being the last of the contract items to be brought to the floor. So at this point, let me just say very late in March.

Mr. GEPHARDT. I thank the gentleman. I have no further questions. We will be getting an answer on this possible unanimous consent request on the rule on Monday. As soon as we have an answer, we will try to make that request if we can.

Mr. ARMEY. If the gentleman would yield further, I am optimistic that the request might be made. I am confident it will not be objected to on this side. Let me just point out that we will put a whip advisory out immediately and I am sure your side will do the same.

Mr. GEPHARDT. Exactly. I thank the gentleman.

□ 1430

PERSONAL EXPLANATION

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

Mr. BROWDER. Mr. Speaker, I was called away from the House floor on Wednesday, February 22, 1995, due to an emergency in my family and missed several votes.

Had I been present I would have voted ''no'' on rollcall 152, ''no'' on rollcall 153, ''yes'' on rollcall 154, ''no'' on rollcall 155, ''no'' on rollcall 156, and ''yes'' on rollcall 157.

Mr. Speaker, I ask unanimous consent that a statement to this effect appear in the permanent RECORD following these votes.

The SPEAKER pro tempore (Mr. BATEMAN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 27, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

GOVERNMENT BY CUTS

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

Mr. GENE GREEN of Texas. Mr. Speaker, I appreciate the opportunity to address the house this afternoon. I was so ecstatic this morning when I came in because I am only a second-term Member but I found out I had arrived. I found out that last night I was called by name on Rush Limbaugh, but the only thing he missed, he did not say I was GENE GREEN, he called me Mr. Green Jeans, and I am glad for that recognition even though he did transpose the names.

The reason he talked about it though was because I talked about how the breakfast and lunch program will cut children in Texas by 4 percent, and yesterday the House majority Republicans on the Economic and Educational Opportunity Committee voted to deny thousands of school children in the State of Texas their breakfast and their lunches.

Last year during the fall when people asked me what I thought a Republican majority would be in Congress I jokingly described it as nuclear winter. Well, if it is, then we are subjecting ourselves to the fallout now.

The Committee on Appropriations yesterday cut $17 billion out of many programs.

Safe and Drug free schools cut by $481 million.

School-to-Work cut by $24 million.

Displaced Workers was cut by $99 million.

In nondefense rescission bill this week job training was cut by $200 million.

Veterans Administration will be cut by $206 million.

NASA reduced by $66 million.

Federal Highway Administration cut by $421 million.

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO FREDERICK DOUGLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 5 minutes.

Mr. TORKILDSEN. Mr. Speaker, I rise today to pay tribute to a man who was, by definition, a great American. Born into slavery in 1817, Frederick Douglass would become an abolitionist, orator, journalist, and advisor to Presidents.

Abraham Lincoln once told Frederick Douglass, ''There is no man whose opinion I value more than yours.''

His first autobiography paints a cruelly accurate picture of the conditions and circumstances he endured as part of his childhood. Nevertheless, Douglass learned to read and write at an early age, when the plantation owner's wife defied the law and began teaching him. This was the beginning of what would become an impressive self-education.

Eventually Douglass was put to work in a Baltimore shipyard. In 1838, Douglass escaped to New York and soon moved to New Bedford, MA, where he married.

Douglass soon became active within the Massachusetts abolitionist movement. After an impromptu speech at a rally in Nantucket, Douglass was immediately propelled to the forefront of the abolitionist debate then raging throughout America.

Many who heard Douglass speak began doubting his story. At the time,

people refused to believe that a former slave could speak so eloquently, so passionately and with such command of the English language. This prompted Douglass to write his first book: Narrative of the Life of Frederick Douglass, which Douglass wrote while living in Lynn, MA.

One hundred years ago this week, Frederick Douglass died. His legacy should serve as a source of strength and hope for all Americans regardless of our own ethnic and cultural backgrounds. Desire for freedom and social justice is not limited to any race, gender, or political party. And desire to bring about positive change in our society should never be stifled by those who stand in the way of progress.

Later in life Douglass was asked by a young man, what could be done to change things. Douglass said. ''Agitate. Agitate. Agitate.''

In our efforts to fight for meaningful change we should remember these and other words of Frederick Douglass, ''Fellow citizens, ours is no newborn zeal and devotion—merely a thing of this moment.''

THE MEXICAN HOLDUP

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

Mr. FUNDERBURK. Mr. Speaker, the Mexican holdup continues, aided and abetted by the White House and the congressional leadership. Despite overwhelming opposition across the country, the Clinton administration sidestepped the people's House and handed the regime in Mexico City $20 billion.

What did the American people get for this sweetheart deal between Wall Street and the one-party dictatorship south of the border? They got nothing, except of course laughs from the bankers and the politicians who once again put one over on them.

Mr. Speaker, you would expect that the Clinton administration would have the sense to demand something from Mexico in exchange for our money—such as denationalize every Mexican company, end wage and price controls, stop propping up Castro's brutal regime, or start patrolling the Mexican side of the border to stem the wave of illegals. Unfortunately, that is asking too much, because Wall Street, the international bureaucrats, and Mexico City want to ensure that they can maintain business as usual and continue fleecing the American people.

If congressional Republicans do nothing to stop this Mexican holdup, we will have fulfilled George Wallace's declaration that there isn't a dime's bit of difference between Democrats and Republicans.

□ 1440

A BREACH OF CONTRACT WITH THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, yesterday I met with 25 constituents from the eastern panhandle of West Virginia who were as amazed as I was and could not believe what had happened, and that is that this Congress, under the Republican Contract for America, honestly was proposing and, indeed, appears hell-bent to eliminate the School Lunch Program by putting it into a block grant, a program that has been with us now since 1946.

Let us talk about what the School Lunch Program does for West Virginia and, in so doing, for the Nation.

The School Lunch Program serves 180,000 lunches per day in our State. It serves 77,000 breakfasts per day. The Child Care Program serves facilities such as Head Start and day care, serves 38,000 meals per day. Fifty-seven percent of school lunches in West Virginia go to those eligible for free or reduced meals. Seventy-seven percent of school breakfasts in West Virginia go to that same category. The West Virginia school lunches cost $98 million, of which $55 million is Federal. The balance comes from students and their parents, from county and State contributions.

Twenty-one of our fifty-five counties in West Virginia are severe-need counties, meaning that 60 percent or more of these students qualify for free or reduced lunch. In my district alone, the Second District, the severe-need counties include Braxton, Calhoun, Clay, Gilmer, Lewis, and Randolph.

The average price for a school lunch in West Virginia is 85 cents for breakfast. It is 50 cents, the actual cost per meal being $2.12, making the Federal subsidy per meal $1.36.

The history of the National School Lunch Act enacted in 1946 was done under the national security heading in the Constitution. And why? Because so many young recruits were failing their draft physicals due to nutrition-related diseases.

In 1966 Congress enacted the Child Nutrition Act in recognition of the demonstrated relationship between food and good nutrition. Today that program serves 25 million students a day. The School Breakfast Program serves 5 million a day.

Now, let us talk about what this means. They say they want it in a block grant. What that means is you take the School Lunch Program and the School Breakfast Program, now you mix it up in a pot, you put it in with WIC, Women, Infant, and Children Program, put it in with the Child Care Nutrition Program, cut the money, but say you are giving flexibility and send it all to the States, and then you let the States decide which of the children do we feed. Whom do we feed? Do we feed the WIC child, do we feed the toddler, or perhaps the 6th grader? Which child gets it? Which child does not?

There is something else that is not talked about in this legislation, the reality of the matter is that you will close hundreds, if not thousands, of school lunch programs across the country. Why? Because in order to make enough money to keep the program going, you are going to have to charge far more to those who are able to pay the full cost, thus pricing it further out of the market.

We saw this happen already. If you remember the halcyon days of President Reagan, when catsup was going to be a vegetable back in 1981 or 1982 in the School Lunch Program, and we saw, because of the new regulations then, we saw many lunch programs close down.

And so I have a great concern, and obviously total, opposition to this measure.

Well, I hope that people across this country, Mr. Speaker, will rally on this. Send in those, tear off the lid from the milk cartons from the school lunches, send them in to those who think this is such a good idea. Let your legislators, your Representatives, your Senators know, your Members of the House of Representatives. There are lots of things we can have legitimate arguments about. But taking apart the School Lunch Program? Ever try to educate a child who has a rumbling tummy? Ever try to educate a child who has nutrition or protein deficiency? Ever try to educate a child who does not get enough to eat?

In many areas of our country this is the way children get enough to eat.

We did not talk about the Summer Lunch Program either, because that is another one that will get pitted against all the others. We are going to make our children in our States compete for food. That is what this is all about.

This is one that I think everyone can say that is not a part of the contract we want. This is a breach of contract with the American people, and I urge there be strong opposition to this provision in the Contract for America.

I am counting on America, Mr. Speaker, to respond and say we want lunch in our schools.

PROCEEDING WITH GENERAL DEBATE PENDING A VOTE ON HOUSE RESOLUTION 96

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the House may proceed to general debate in the Committee of the Whole as though under House Resolution 96 during any postponement of proceedings on that resolution pursuant to clause 5 of rule I.

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

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, I just want to say to the minority leader that this is a highly unusual request for us to begin debate and finish a rule and then postpone the vote subject to the general debate starting. We certainly are going to agree with the unanimous-consent request out of courtesy to those in the western part of the country, but I just want it understood that this does not set a precedent; that in the future we are going to have to work these things out in advance, and there could very well be votes earlier than 5 o'clock on Mondays in the future.

And having said that, I appreciate the gentleman's unanimous-consent request and will not object to it.

Mr. GEPHARDT. If the gentleman will yield, I would like to make a short statement and perhaps ask a question.

The point I would like to ask is: With this unanimous-consent request, I assume we have accomplished not having a vote until at least 5 o'clock? Is that correct?

Mr. SOLOMON. Absolutely, and it would be up to your side to call a vote, and as I understand it from your unanimous-consent request that we could interrupt the 2 hours of general debate at any point subject to your decision to call for a vote, but you would not be doing that prior to 5 o'clock. Was that your unanimous-consent request?

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. We certainly concur with that.

Mr. GEPHARDT. I made the unanimous-consent request with the express purpose of making sure we did not have a vote until after 5 o'clock.

Mr. SOLOMON. We would certainly, in agreeing to that, hope there would not be a need for a vote on a previous question, and we would hope that we kind of have that understanding, although I know the gentleman could not guarantee it.

Mr. GEPHARDT. That is correct.

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

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

There was no objection.

TRIBUTE TO WILLIAM HENRY HADDIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, 50 years ago a small group of Marines raised a flag on a far away island in the Pacific Ocean—Iwo Jima. the scene was immortalized for all Americans in the famous photo and memorial statute near Arlington Cemetery.

The battle for Iwo Jima paved the way to victory over Japan. It was not without cost—6,000 Marines were killed. Pvt. William Henry Haddix was one of these who made the supreme sacrifice of his life. Today when we think of the veterans who died in those wars, our minds play tricks on us. We sometimes imagine those soldiers as old and wise, but most were very young like Bill Haddix. Bill left behind a young wife Etta, and two small children.

He also left behind a beautiful and precious legacy. Just days before he died he had written his wife and family. Private Haddix's daughter—Susan Haddix Harrison from Jackson, MI—Susan is here in the chamber with us today and has generously shared his deeply moving and meaningful letter with me and I share it with you. The letter includes a poem by Private Haddix about his experience on Iwo Jima. Interwoven in the fabric of the words are the golden threads of faith in God and duty to country.

IWO JIMA

I have landed on an island
in the Pacific salty air
where heat, rain, mud and bugs
are an everyday affair.

The nights are long and dreary
as the pale moon lights the sky,
and I lie awake a thinking
as the hours creep slowly by.

Where men must go on fighting
for land that must be won
In dirt, grit, slime and sweat
beneath the burning sun.

I can't help but dream of home
and the ones I love so dear,
It makes a man cuss the day
he ever landed here.

All luxuries are forgotten
In this land so far away
and it takes a lot of guts
for the guy who has to stay.

I pray for you my darling
every single night
and know God will care for you
because you're living right.

When we meet our enemy
be it day or night
It's do or die for that poor guy
for we fight with all our might.

Should I ever receive a call from God
I know darn good and well,
That I'm bound to go to heaven
for I've served my time in Hell.

WILLIAM H. HADDIX,
Private, 28th Replacement Draft, Co B, 3rd Marine Division.

□ 1450

Private Haddix did not ask that he may live. He was prepared to die if need be. All he asked is that he may be ready if he was called. And he asked that his sacrifice may not be in vain.

Today, we salute Private Haddix and all the men of honor and courage who fought beside him five decades ago. We should always remember their bravery, their honor, and their dedication to our Nation. Our most precious inheritance is freedom, but we should remember that it was not free to those who earned it.

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

[Mr. VOLKMER 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 Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS 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.]

WIC: A HEALTH PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I strongly support efforts to streamline Government programs to make them more efficient and cost effective. However, as we implement these reforms, we must make sure our efforts are in the best interest of the individuals these programs are meant to serve. Cutting costs should not mean cutting corners.

So, as we work diligently in the days ahead to trim the size of our Government and reduce Federal spending, I don't want to focus only on what is broken or at least expendable. I also want to look at what is working.

When initiatives do work, we should take that knowledge and experience and apply it in other areas. One proven program which deserves our attention is the supplemental food program for women, infants and children—or WIC as it is better known.

Many people may think of WIC as a welfare program but it is really a public health program. WIC is designed to influence a lifetime of good nutrition and health behaviors. It provides specific nutritious foods to at-risk, income-eligible pregnant, postpartum, and breastfeeding women, infants and children up to 5 years of age.

WIC has a 20-year track record of providing effective, cost-efficient services to some of the Nation's most vulnerable citizens.

Since 1974, WIC has grown from a program operated by a handful of local health departments, hospitals, and community organizations to one serving more than 6 million people through a network of approximately 9,000 clinics nationwide. In my home State of Florida, WIC serves all 67 counties and over 312,000 clients each month.

WIC results in significant increases in the number of women receiving adequate prenatal care and enhances the

dietary intake of pregnant and postpartum women, improving their weight gain.

For infants, WIC prenatal benefits reduce low and very low birth weights. WIC lowers infant mortality rate by 25 percent among participating Medicaid beneficiaries.

For children, WIC participation leads to higher rates of immunization against childhood diseases. The immunization rate in Pasco County, FL, is almost 100 percent and this rate is attributed to the WIC Program. WIC also reduces anemia among children.

WIC children are more ready to learn as compared to those children not in WIC. Four- and five-year-olds participating in WIC have better vocabularies and digit memory scores than children not participating in WIC.

Numerous studies have shown that WIC is not only a successful prevention program, it is cost effective. WIC is a Government program that actually saves money.

Every dollar spent on pregnant women in WIC produces between $2 to $4 in Medicaid savings for newborns and their mothers. In 1992, WIC benefits averted $853 million in health expenditures during the first year of life of infants.

WIC should be a model for entrepreneurial government. In 1994, $1.1 billion in rebate revenue was generated from the manufacturers of infant formula, allowing 1.5 million more participants to be served. Local WIC agencies coordinate their services with other health and social service programs as needed. By coordinating these services, the WIC Program is able to reduce the number of bureaucracies a family must deal with. H.R. 4, the Personal Responsibility Act, currently includes the WIC Program in a nutrition block grant. I am concerned that if WIC is included in this block grant, the program will lose critical components that make it a success today.

In closing, I would like to include as a part of this statement a letter I received from one of my constituents, Clara Lawhead, who is the director of the Pasco County, FL, WIC Program.

A partial quote from that letter says:

> WIC is helping us to shape our future by helping to produce healthier children. WIC is not only vital to maintaining and improving our current health as a nation, but will be absolutely instrumental in creating a healthy population for the next century.

I have seen what the WIC Program can do for children and their mothers. We must make sure our reform efforts do not erode the ability of a proven program like WIC to provide essential services to women and children.

Mr. Speaker, I urge my colleagues to very carefully review proposals that reform our Nation's nutrition programs as we craft final welfare reform legislation.

The letter referred to follows:

ODESSA, FL, *January 31, 1995.*

Congressman MICHAEL BILIRAKIS,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN BILIRAKIS: Recent legislative proposals threaten the survival of the Special Supplemental Nutrition Program for Women, Infants and Children, known as WIC. WIC provides access to maternal, prenatal and pediatric health care services for a targeted high risk population. It is a prevention program designed to influence a lifetime of good nutrition and health behaviors. WIC provides quality nutrition education and services, breastfeeding promotion and education and food prescriptions to qualified participants. WIC is administered through area health agencies and coordinates services with other maternal and child health care. More than 70 evaluation studies have demonstrated the effectiveness of WIC and proven medical, health and nutrition successes for women, infants and children.

WIC has proven its cost effectiveness in the past and will continue to present the public with cost savings in the future, unless this legislation, which would severely limit the WIC Program, is passed. Because of the WIC Program, for example, Medicaid costs were reduced on average from $12,000 to $15,000 per infant for very low birthweight prevented. In 1990, the federal government spent $296 million on prenatal WIC benefits, averting $853 million in health expenditures during the first year of life. Every dollar spent on pregnant women in WIC produces $1.92 to $4.21 in Medicaid savings for new borns and their mother. These are incredible examples of the savings that the WIC Program brings to our country each year.

Even more important to the American public than the cost savings are the incredible improvements to the health of our infants and children. Infant mortality during the first 28 days was reduced with WIC participation in four out of five states. The infant mortality rate has been reduced by 25% to 66% among Medicaid beneficiaries participating in WIC. WIC significantly improves breastfeeding rates, immunization rates of children and children's diets. WIC reduces the rates of anemia among children. Four and five year olds participating in WIC in early childhood have better vocabularies and digit memory scores than children not participating in WIC. WIC is helping us to shape our future, by helping to produce healthier children. WIC is not only vital to maintaining and improving our current health as a nation, but will be absolutely instrumental in creating a healthy population for the next century, unless this legislation is allowed to pass with WIC included.

Congressman Bilirakis, it would be in the best interest of all Americans, both young and old, if the proposed legislation, called the ''Personal Responsibility Act'' and a ''Medicaid Swap'' were not allowed to be approved, with WIC included, by the United States Congress. Unlike most of the institutions mentioned in these pieces of legislation, the WIC program is not a welfare program, rather a supplemental nutrition program. The participants of WIC include middle class Americans, a part of society which can ill afford more benefits removed from their grasp. Americans across our great country hope that you and the other members of Congress will have the insight and knowledge to defeat the inclusion of WIC in the proposed legislation.

Sincerely, your friend and ally,

CLARA H. LAWHEAD.

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.]

UNITED STATES-CHINA SATELLITE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

Mrs. SEASTRAND. Mr. Speaker, I rise today to raise questions about the Clinton administration's recent initialing of a trade agreement with the Government of China regarding commercial space launch services.

Commercial space is a growing industry right here in the United States of America. It is an industry with tremendous potential for creating jobs and stimulating local economies. It is also an industry where America is in danger of falling further behind our international competitors.

The original 5-year agreement between the United States and China expired on December 31, 1994. The new agreement expands the number of Chinese launches for international customers to geosynchronous Earth orbit [GEO] through 2001 and requires that Chinese launch prices be on a par with Western launch providers. According to an official with the U.S. Trade Representatives's Office, on a par essentially means that the Chinese can offer a price up to 15 percent lower than the going international rate.

In the initialed agreement, the administration has also established disciplines for satellite launches into low Earth orbit and detailed conditions under which increases in quantitative limit may occur to address shortages in the supply of launch services for U.S. satellite services and users.

The agreement was also initialed 1 week after the explosion of a Chinese March 2E rocket that destroyed a $160 million Apstar–2 satellite.

What does all this mean? As I'm sure the administration knows, the United States has a burgeoning commercial space market that holds tremendous potential for the U.S. economy. As I indicated on the floor February 3, the French already control roughly 60 percent of the commercial space market. Others, most notably the Chinese and the Russians are closing in fast.

Where the United States has its best opportunity to take the lead in commercial space is in the newly emerging low Earth orbit satellite market. I am concerned by the administration's seeming desire to turn this market over to the Chinese. Ambassador Kantor believes that this agreement carefully balances the interests of the U.S. space launch, satellite, and telecommunications industries.

Mr. Speaker, I disagree with Mr. Kantor's assessment.

Nobody can blame U.S. companies for wanting to launch satellites at reasonable prices. On the other hand, I'm sure United States companies have some degree of concern about the explosions which have hampered the Chinese Long March program. Aside from these factors, the Clinton administration seems to discount the fact that the United States is uniquely positioned to be a leader in the low Earth orbit market.

On the central coast of California we are building the first polar orbit commercial spaceport in America. The spaceport expects to open its doors in 1996 and will provide a unique service—the ability to launch in polar orbit and launch for less money. It is the goal of the California spaceport to the one of the world's primary facilities for moving surface infrastructure into space. In addition, the California spaceport intends to do it safely, efficiently, and for less money—roughly $5,000 per pound as opposed to the current scale of $10,000 per pound.

As I mentioned a few weeks ago, I will soon be introducing national spaceport legislation. My intent is to create an environment that allows the U.S. commercial space industry to evolve, mature, and flourish.

□ 1500

This is an industry that is already on the move in California, but it is much more than just California. The United States has many potential launch bases—including Alaska and Hawaii—plus the two existing ones in California and Florida. The question we must ask is, with existing spaceport facilities—plus all of the potential launch bases—and a healthy market for boosters and satellites, why isn't the United States in a better position to compete with our international competitors for a bigger share of the commercial launch market?

The administration, by continuing to parcel out this market, is not only putting the United States at a competitive disadvantage, it is taking jobs away from Americans and it is discouraging what could be a hugely successful market for the country.

Mr. Speaker, I'm frankly a little puzzled by the administration's entire approach to the trade with the Chinese. As a Presidential candidate, Bill Clinton stated that as President, he would not renew most-favored-nation [MFN] trading status. Typically, the President changed his mind and opted for a policy of engagement.

A few weeks ago the Clinton administration announced its intention to impose a billion dollars' worth of punitive tariffs on Chinese imports over intellectual property rights. And just yesterday, while the No. 2 official from U.S. trade representative's office was in China negotiating copyrights, Energy Secretary O'Leary was there announcing $6 billion in energy deals.

Hovering over this is the enormous trade deficit with the Chinese. When the figures were announced last week. Ambassador Kantor tried to paint a positive picture of this deficit—a picture that Democrat Senator DORGAN of North Dakota described as: "the most bizarre interpretation that I have ever heard" of bad economic news.

Our trade policy with the Chinese seems to be going in several different directions. I would respectfully submit that the administration rethink the commercial launch agreement, particularly as it relates to low Earth orbit satellite launches. If the Clinton administration is interested in contributing to the success of a commercial space market, perhaps they would consider doing it in the United States.

Mr. Speaker, I would ask for the Clinton administration to take a look at this and support the American commercial space industry.

TO BE OR NOT TO BE CIVILIZED: THAT IS THE QUESTION

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker and colleagues, I rise today in support of continued Federal funding for the National Endowment for the Arts, the National Endowment for the Humanities, the Institute for Museum Services and the Corporation for Public Broadcasting. To be or not to be civilized; that is the question, Mr. Speaker.

A civilized society must include art and cultural enrichment, and it is one of the responsibilities of government to support that aspect of our civilization. We get what we pay for. We cannot rely solely on the good will of a relatively few private individuals to fund the arts—it is the duty of us all.

This Nation's investment in the arts is one of the best we make. For example, the approximately $2 million in Federal funding for the NEA, NEH, and IMS that goes to my county in California, San Diego County, is matched by nearly four times that amount in local contributions. This is a perfect example of public-private partnership. The Government's funding stimulates local giving to the arts which in turn stimulates local economies.

According to a recent study commissioned by the California Arts Council, nonprofit art organizations contribute some $2.1 billion annually to California's economy, generate $77 million in tax revenue, and create some 100,000 jobs. Yes, the arts are important to the State economy of California, and to other States as well. Business Week says that Americans spent $340 billion on entertainment in 1993.

Critics tell us that the arts are only for the elite. Nothing could be further from the truth. Audiences and participants alike are people from all walks of life. Nearly 40 million tickets were sold last year to theater, music, and dance performances. Nielsen-rating figures show that 56.5 percent of households watching PBS programs earn less than $40,000 a year. And a USA Today/CNN/Gallup poll showed that 76 percent of respondents thought the Government should continue to fund public broadcasting. Exposure to the arts is especially important for our children. If our young people can be motivated, thrilled, enriched, and "turned on" by exciting experiences in theater, painting, pottery, or dance, they will be less likely to "turn on" to drugs or gangs to fill their empty hours and empty souls.

Barbra Streisand, in a speech at Harvard University earlier this month, told how participation in the choral club at her Brooklyn high school was the beginning of her career—and she urges more support for the arts, not less. She asks how we can accept a country which has no orchestras, choruses, libraries, or art classes to nourish our children. How many more talents like Barbra Streisand's are out there, whom we will lose when there are no programs to challenge them?

In San Diego County, the San Diego Opera Company and the San Diego Symphony provide opportunities for kids to attend the opera and symphony concerts. The opera regularly goes out to schools with ensemble performances.

San Diego's recipients of arts funding range from elementary schools and universities to KPBS public radio and TV to the Samahan Philippine Dance Company and the Centro Cultural de la Raza to the Balboa Park Museums and the Old Globe Theater, groups representing the entire population of San Diego County.

TheatreForum, and international theater magazine published at UCSD; the renowned La Jolla Playhouse whose productions go on to thrill audiences on Broadway and in the rest of the country; an international festival at locations on both sides of the border between San Diego and Tijuana, Mexico; graduate internships at the Museum of Photographic Arts; touring exhibitions from the Museum of Contemporary Arts in San Diego. I could go on and on. These and hundreds of other art forms are advanced by arts funding in San Diego County.

Even so, among all First World nations, the United States now spends the least on Federal arts support per citizen—and we are thinking of reneging on that support. If we say no to culture, we will prove, in the words of Los Angeles Philharmonic managing director Ernest Fleishmann, that "we are the dumbest Nation on the planet."

According to the General Accounting Office, the Department of Defense plans to spend $9 billion over the next 7 years building nuclear attack submarines that the Pentagon admits it does not need. That $9 billion could sustain the Arts and Humanities endowments at current levels for 26 years. 26 years of National Public Radio, Big Bird, music and art for kids—or superfluous subs for the Pentagon. Is this a difficult choice?

If we defund the NEA, the NEH, the IMS and PBS, we will be telling the world that we no longer take pride in

our theaters, our educational children's programs, our museums, our dance companies, our poets, ourselves.

Ultimately, we are judged by the heritage we leave our children. I hope we leave them more than soap operas and talk shows, attack submarines and assault rifles, gangs and drugs!

Yes, Mr. Speaker, to be or not to be civilized; that is the question.

LET US NOT BEGIN A WAR ON THE POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of Connecticut. Mr. Speaker, affirmative action affects mostly African-Americans.

Welfare? Almost half of the recipients are African-Americans.

Forty-six percent of black children are deemed poor, thus a number of food programs are more frequently used by African-Americans.

Most of the people in public housing are African-Americans.

As we continue to address these issues, the question is, Mr. Speaker, are we, as a Congress, looking at constructive changes or merely attacks toward African-Americans and the poor? Sadly, Mr. Speaker, at this point I am not quite sure.

It should be noted that to change human behavior one would use sticks and carrots, rewards and punishments. Using sticks only to alter behavior would cause one to earn the mean-spirited label.

Let us remember that we help our Nation by strengthening our weakest link, not by crushing it. Being compassionate toward the less fortunate is not a liberal or a conservative concept.

The Democrat-led War on Poverty was a failure back during the 1960's. Let us not begin a war on the poor.

THE RICKY RAY HEMOPHILIA RELIEF FUND ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, yesterday I and 21 of my colleagues from both sides of the aisle took the first concrete steps toward righting a terrible wrong, by introducing the Ricky Ray Hemophilia Relief Fund Act of 1995. This bill addresses the suffering of approximately 8,000 people with hemophilia-associated AIDS and their families. The premise behind this legislation is simple: The Federal Government must assume partial responsibility for what happened to these people because it failed to respond to the warning signs that blood products sold in this country were contaminated with the deadly virus that causes AIDS. It's time for accountability. The facts of this tragedy are horrifying. During the years 1980 through 1987, despite medical advances that could have wiped out contaminants of blood products sold to hemophilia suffers, contaminated products continued to flood the marketplace and approximately 8,000 people with blood-clotting disorders became infected with HIV. Among the victims was a young Florida boy named Ricky Ray. He and his two brothers suffered from the hereditary blood-clotting disease known as hemophilia, an illness that makes people vulnerable to potentially life-threatening bleeding episodes. The brothers Ray—and thousands of people like them—hailed blood-clotting products known as factor as a tremendous medical breakthrough that would change their lives forever. But there was a dark side to this new wonder treatment—and that was the transmission of dangerous blood-borne viruses, such as hepatitis and eventually HIV. As a result, all of the Ray brothers became HIV-positive—and in December 1992 Ricky—the eldest of the three—died of AIDS at the age of 15. Before his death, Ricky courageously spoke out and became a national symbol of this terrible situation. He inspired many of his peers to tell their stories and begin seeking answers from the Federal Government and the blood industry. I am saddened that he did not live to see the day when legislation would be introduced in his honor, but we know his brothers, his sister, his parents, and the extended family of friends he established around the country, all recognize the enormous contribution he made in his very short life. The Ricky Ray Hemophilia Relief Fund Act establishes a fund of $1 billion from which victims of this tragedy could collect $125,000 each. The fund sunsets after 5 years and eligibility for its benefits are carefully defined in the bill. This legislation is not about charity—and it is not about making everything all right for the victims. Certainly $125,000 is only a very small down payment on the staggering emotional and financial costs that hemophilia-associated AIDS places on its victims and their families. What this bill is about is the Federal Government owning up to a share of responsibility for what happened.

In 17 other developed countries where similar disasters occurred, national governments have stepped up to their obligations and established compensation programs. It's time for the United States to follow that lead. As this legislation moves through the process of consideration in this House, we will debate the extent of Government's obligation and the proper response to this tragedy. I know many of my colleagues are concerned about setting precedents and spending money. I share that concern—but I believe this is one of the things Government should appropriately be doing, responding to a tragedy that the Government had some responsibility to prevent. Of course, we look forward to the upcoming release of a thorough study conducted by the National Academy of Science's Institute of Medicine about what went wrong with the blood supply and how decisions about addressing those problems were made. Our legislation is in no way meant to prejudge or preclude that study, whose results should be available in May, nor do we have any interest in interfering with an ongoing legal process involving citizens and private industry. By presenting this bill to the House, we are simply acknowledging our commitment to the victims of this tragedy and our interest in seeing the Federal Government take action. I urge my colleagues to join us in this effort.

□ 1510

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2 AND HOUSE JOINT RESOLUTION 24

Mr. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of House Joint Resolution 2 and House Joint Resolution 24.

The SPEAKER pro tempore (Mr. BATEMAN). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

COMMEMORATING BLACK HISTORY

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 5 minutes.

Mr. TUCKER. Mr. Speaker, I want to take this opportunity today, as we commemorate Black History Month, to thank some people. I want to thank them for their contribution to making America the great country that it is.

Now I won't get to them all today, and even if my colleagues in the Congressional Black Caucus stood here and helped me name them, we couldn't thank them all today, and even if all the Members of the U.S. House of Representatives, whose very lives have been affected by them, were here today to thank them, we couldn't thank them all. But I will, however, try to thank as many of them as possible.

First, I want to thank God, for mother Earth and the fruit of her African body.

I want to thank Crispus Attucks, who at the Boston Massacre in 1770, became the first man to die in the American Revolution. I want to thank him for his desire for freedom and his fight for American independence.

I want to thank Frederick Douglass, the great abolitionist who spoke passionately against slavery, for always knowing and speaking with a clear voice. That he was equal to any man, even when the reality seemed to be otherwise.

I want to thank Matilda Arabella Evans, who in 1872 became the first African-American woman to practice

medicine in South Carolina, for being a role model to all aspiring doctors.

To Maggie Lena Walker, who in 1867 became the first African-American and first woman to become president of a bank. Thank you Ms. Walker for showing our children that they too can run a bank.

Thank you to Granville T. Woods, who in 1901 received a patent on his invention of the third rails that are still used today on subway systems in New York and Chicago.

To Garret A. Morgan who in 1923 received a patent on his invention of the traffic light.

To Jan E. Matzeliger who in 1883 patented the lasting machine which improved the speed and reduced the labor associated with constructing shoes.

To those eight black slaves who in 1777, organized the first black Baptist church. Thank you for showing us the importance of establishing our spiritual base even though the devil is all around us.

To Harriet Wilson. Thank you for writing the first novel published by a black writer in 1859, your words continue to inspire.

To Nat Turner, who in August 1831 led a slave revolt in Virginia. Thank you for fighting and dying to be free.

To those four young girls that died in the Birmingham church bombing, my daughter's life has been made easier by your sacrifice, and rest eternally assured that that sacrifice will not be forgotten, by me or her.

To Arthur Ashe, Tennis Hall of Famer, writer, historian, philanthropist, and father. Thank you for courage, and wisdom and strength. You showed with your life what a man could become.

To madame C.J. Walker the first African-American millionaire. Thank you for showing us how to do business.

To Fred Gregory, Guion Bluford, the late Ron McNair, and Mae Jemmison. Thank you for showing our kids that the sky is not the limit.

To Parren Mitchell, former U.S. Congressman from Maryland. Thank you for believing in African-American businesses.

To Marion Anderson and Leontyne Price. Thank you for showing the world that we too sing in America.

To Dr. Daniel Hale Williams, the first man to ever perform open heart surgery. Thank you for showing the world how to heal an ailing heart.

To Dr. and Mrs. Walter R. Tucker. Thank you for being an example of excellence and ambition.

To Harriet Tubman, conductor on the underground railroad to deliver over 300 Africans from the south to the north out of slavery. You did not have to come back for us, but you did and we owe you a debt of gratitude.

Finally, I want to say a special thank you to Dr. Carter G. Woodson, who committed his life to telling the history of the African in America. Thank you Dr. Woodson for insisting that if a story of America were told, this story had to be included.

SAVE THE GREENBACK ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS. Mr. Speaker, I rise today to introduce the Save the Greenback Act, a bill designed to preserve the status of the American 1 dollar bill, also known as the American Greenback, which has been a staple of our currency since 1862, and since 1869 has carried the likeness of the Founder of our Nation, George Washington.

The Kingston Trio's song that said ''And I don't give a damn about a green back dollar,'' has maintained a timelessness and elegance for future generations. However, the plans to discontinue printing the 1 dollar bill and to phase it out of existence, will incite a great number of people into giving a damn about a greenback dollar, because their pockets will be weighted down with heavy change instead of having a few bills tucked into their billfolds.

During that entire period, we have never heard the American people express their disagreement, or their displeasure with the 1 dollar bill. In fact, as many of you are aware, the mere mention of any redesign of our currency inevitably triggers an onslaught of calls from constituents.

In past Congresses there have been misguided efforts by special interests to replace the 1 dollar bill with a coin. The proponents of this coin make three bold claims; that is will be easier to handle, it will be popular with the American people and that it will save money.

Let me address each of these claims in turn: Imagine if you will, replacing ten 1 dollar bills in your wallet with ten coins in your pocket. After several days, one might suspect a conspiracy by clothing manufacturers in drafting the dollar coin proposal, as everyone's pockets begin to wear out.

As to the coin's popularity with the American people: There have been three national polls on this issue in the last year. In every poll, the American people overwhelmingly rejected any attempt to do away with the dollar bill and have expressed their displeasure for replacing it with a coin.

The most recent poll was conducted in January, under the auspices of the House Budget Committee. Only 18 percent of those questioned preferred a dollar coin.

Earlier polls have indicated a very real concern by the American people that if the dollar coin becomes law, the price of items purchased from vending machines, such as food, laundry and diet coke will rise. They also expect to see increases in the costs of other items such as parking meters and pay telephone calls.

Mr. Speaker, the legislation designed to eliminate the dollar bill will an excuse by the special interests to raise prices on everyday items—a future sales tax, to be levied on all Americans but falling the hardest on those who can least afford it.

None of us really want to see a repeat of the Susan B. Anthony drama in which the dollar coin was overwhelmingly rejected by the public. It did not save a nickel when it was minted, although proponents said at the time that a substantial savings would be realized.

At this moment, there are over 300 million Susan B. Anthony coins sitting idle in the U.S. Mint. Will we have to make room a few years down the road for the new dollar coin because we did not heed the hard lessons of the past?

It is not enough to blame the failure of the Susan B. Anthony on its design alone. The people rejected it as part of the currency system. They had a choice, and they voted against it.

It is important to note that the proposed dollar coin legislation will not allow the American people a choice, but will mandate on them a coin that they do not want.

Further, the dollar coin will not generate sufficient savings to justify such a major disruption in the lives and habits of the American people. Given the serious economic challenges facing this Congress, I believe that there are more urgent problems before us than forcing a change from the 1 dollar bill to a coin.

The costs of changing to a 1 dollar coin would be significant to many in the private sector including but not limited to the small town banks which would have to retool their coin counting, wrapping and sorting equipment—costs which would inevitably be passed on to their customers. The facts is, the 1 dollar bill has remained in existence for so long because people didn't want to carry bulky coins. They still don't.

Mr. Speaker, many of us were elected to this body by a public tired of being dictated to by their Government, having unwanted legislation forced on them, and tired of laws enacted for the sole benefit of special interests. We would do well to remember that we are here to advance the interests of the American people and not put needless obstacles in their path.

□ 1520

HUGE SAVINGS POSSIBLE FROM ELIMINATING WASTEFUL EXPENDITURES ON HANFORD NUCLEAR FACILITY CLEANUP

The SPEAKER pro tempore (Mr. BATEMAN). Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. WYDEN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WYDEN. Mr. Speaker, I rise today to discuss how $274 million in wasteful expenditures can be cut from

the budget for cleaning up the Hanford nuclear facility in Washington State.

This matter obviously has great implications for taxpayers across the country, but it certainly has special implications for the 1 million Oregonians who live downstream from Hanford.

Last year the Energy Department made a binding commitment to citizens of the Northwest and to the American people to make progress in cleaning up the Hanford nuclear facility. Now, only 1 year later, the Department of Energy is threatening to break Hanford's contract with America by failing to fund critical cleanup work, while allowing its contractors to waste taxpayers' money on low priority projects and out-and-out boondoggles.

Working with the Hanford watchdog group, Heart of America, I have carefully reviewed Hanford's $1.5 billion cleanup budget for fiscal year 1995, and have identified over a quarter billion dollars of wasteful spending in this budget.

My staff has independently reviewed the budget data with Department of Energy officials and confirmed that the current budget figures in this report are accurate. Some of the areas where significant budget savings could be realized include significant contractor overhead costs.

The current overhead budget is more than $450 million, which is 30 percent of Hanford's total clean-up budget for fiscal year 1995. Reducing these overhead costs from 30 percent to 20 percent of the budget would yield a savings of $150 million alone.

Second, Hanford contractors should be prevented from claiming a bonus for purported cost savings from not constructing six new double-shelled waste tanks. The need for these tanks and the contractor's cost estimate of $435 million to contract them has always been a questionable expenditure.

The Department of Energy has now determined that it is not necessary to construct all of these tanks. Under the current contract, eliminating the questionable expenditure for constructing these tanks could be considered a so-called cost savings for which the contractor could claim a bonus equal to 15 percent of these so-called savings.

Eliminating any contractor bonus for purported cost savings for not constructing the tanks would yield a savings of $63 million.

Third, the Hanford Advisory Board has recommended that the use of cleanup funds to subsidize defense and energy programs at Hanford be ended, and that this would save $39 million.

Mr. Speaker, this waste of taxpayer money ought to be stopped, and the funds immediately redirected to urgent clean-up projects, such as preventing high-level waste tanks from leaking radioactive waste, and protecting the Columbia River. In these tight budget times, there is not a single dollar to waste on bloated contractor overhead, excessive legal fees, or flashy media production services.

Certainly there is money to be saved on museums, on economic development, and a variety of other services which is not related to cleanup at Hanford at all. Every cleanup dollar ought to go to fund real cleanup.

The money that is being wasted now, if it was put to more productive use, might allow Hanford to actually meet its cleanup obligations.

With all of the wasteful spending that we have been able to identify in the Hanford cleanup budget, Hanford is almost certain to come up short in meeting its cleanup milestones. That means greater risk to Hanford workers and it means greater risks to the public.

What is more, it also means greater expense to the taxpayers down the road, because as the groundwater contamination spreads, the cost of the cleanup will increase significantly.

For the past 2 years, I have worked to obtain information from the Department of Energy and its contractor, the Westinghouse Hanford Company, about how the cleanup money is really being spent. The Department of Energy repeatedly delayed in providing this information, and when it finally did come, a significant amount of the information was simply omitted or blacked out.

The reason for failing to disclose this budget information really was not clear during all that time that we struggled to get it, but it certainly is now. The reason the information was not forthcoming is that it is embarrassing, it is embarrassing to hear that the Department of Energy spent over $450 million on overhead last year at Hanford. That is more than twice the amount that was spent on actually cleaning up the soil and the groundwater.

This spending on contractor overhead is robbing Hanford of the funds needed to protect the public from the threat of a high-level waste tank explosion and to protect the Columbia River and the 1 million Oregonians who live downstream from the Hanford facility.

□ 1530

In fact, the Department of Energy and Westinghouse are cutting funds needed to properly characterize the contents of Hanford's nuclear waste tanks. This violates the recommendations of the Defense Nuclear Facility Safety Board and the intent of the law that I authored requiring the Department of Energy to identify the dangerous tanks that pose serious safety hazards.

Scaling back contractor overhead from current bloated levels to about 20 percent of the budget would yield $250 million in savings that could be used to fund this critical work.

Another area where there is rampant wasteful spending involves contractor legal fees. Again, most of this money has nothing to do with cleaning up Hanford. Taxpayer money is really being used to clean up contractor legal messes at a cost of over $40 million last year. So what happens is the taxpayer gets taken to the cleaners and the contractors' lawyers go to lunch and dinners on the taxpayers' dime.

These are just a few examples of how the cleanup dollars are being wasted. I have sent a letter to the Committee on Appropriations urging that the committee redirect the $274 million of waste in Hanford's budget toward urgent cleanups that are not funded, and also I have indicated to the committee involved in overseeing the budget at the Department of Energy, I serve as the ranking Democratic Member on the Investigations Subcommittee, that I believe that our committee should further investigate these examples of waste in Department of Energy cleanup budgets.

If the Energy Department wants to get its cleanup program on track, then the first thing that the agency has to do is clean up its own House to get rid of the waste.

I would like to conclude by talking a bit about what the response of the contractor, the Westinghouse Corp., has been to our proposal. Without even looking at the proposal, Westinghouse sent out a message to its employees about the various findings in our report. Westinghouse seems to be saying in its statement that I am calling today for the elimination of all of Hanford's overhead budget. That is not what I am saying at all. What I am saying is that there is waste, that there is more than a quarter billion dollars' worth of waste in that Hanford cleanup budget, and, frankly, the way they have dealt with this report, spending dollars on trying to spread more misinformation, suggests to me that they are not getting the message.

For example, to put into perspective some of the statements made in Westinghouse's message in response to the report that we did, that they did not write, I would like to make just a few points. Westinghouse says that the term overhead covers some expenses that are in reality indirect cleanup costs. I agree with that statement. Therefore, if the cleanup budget is going down, the overhead budget ought to be going down proportionately. The Hanford budget is being reduced by 20 percent over the next 2 years, so that means that the contractor should be reducing overhead at least 20 percent. Plus, Westinghouse has claimed that bringing Bechtel in as an additional cleanup contractor would lower overhead by 13 percent and that there would be additional overhead savings from the merging of Kaiser into the Westinghouse contract. Therefore, we should be seeing at least a 33 percent overhead reduction, which is almost exactly what I have been calling for.

Westinghouse also admits that the fiscal year 1994 overhead budget totaled $451 million, but the examples of legitimate overhead they cite only account

for $148 million, which is less than one-third of the total. That means that two-thirds of the overhead is unaccounted for. We say one-third is wasted. Maybe we should be looking at the remaining third of the overhead budget more closely to determine if maybe some of that constitutes additional waste.

Westinghouse cites a number of specific overhead expenses that they say are legitimately needed for their operations. For example, they talk about their utilities, they cite steam plant expenses and replacement of antiquated facilities. The steam plant replacement project included a 20 percent contingency, double, double the normal construction contingency. This project is not any different from building a steam plant in Ohio or Florida or New York.

Should the contractor get an exorbitant contingency for building a steam plant? The contractors were already paid for the design work on the steam plant so the taxpayers are paying to indemnify the contractors against the risk that their own design is faulty.

With respect to safety and insurance, we have not questioned any of their expenditures in their area, but certainly we have asked some questions about the services budget. Westinghouse cited costs of bus service as a legitimate expense. Recently the manager of the Department of Energy's Hanford operations, John Wagner, told congressional staff that the bus service could not be justified because it costs $4,000 per user per year to provide this service.

On the administrative side, Westinghouse cites its communications expenses as legitimate. In the past, this budget has been used to pay for expenses like having contractors attend our press conferences and doctoring photos to make drums of waste disappear from the photo, while in reality the drums have not been cleaned up. Certainly public relations expenditures that we have outlined today show again how cleanup dollars are being misspent on work that is unrelated to cleanup of the Hanford facility.

Westinghouse also cites regulatory analysis and compliance. This category includes expenditures for cleaning up those legal messes which I mentioned earlier, such as $8 million to defend litigations from those who live downwind from the facility. It also includes $2.5 million for Westinghouse lawyers and outside counsel whose overbilling and expense account padding was exposed last year by the Oversight and Investigations Subcommittee.

Finally, it includes two contracts totaling $20 million for second and third layers of redundant review.

Now Westinghouse says they have greatly reduced the costs that are not directly related to cleanup. What I have to say today is if that is the case, they certainly should not be against the recommendations I am making to save $274 million in addition.

Westinghouse goes on to say that they are committed to increasing cost savings through their productivity challenge. EPA and the Washington Ecology Department say that Westinghouse's productivity challenge relies too heavily on the elimination and deferral of required work. Cutting the required work is precisely where they should not be cutting, but they ought to be making savings in the $274 million in wasteful expenditures we have found and report on today.

Westinghouse says that they are working with the regulators to streamline the regulatory process and the compliance requirements at the facility. The Hanford Advisory Board found that regulatory processes where streamlining is needed the most are not the ones imposed by law or the regulatory agencies, but the ones that are imposed by the Department of Energy's own orders. Without the statutes and the legislators, it is questionable how much cleanup work would actually be taking place.

Let me conclude by saying that the Federal Government hastened into an agreement with Hanford that really constitutes the Federal Government's contract with the people of the Pacific Northwest. More than 1 million Oregonians live downstream from Hanford.

It is not acceptable that the Federal Government breach its contract with the people of the Northwest in order to fund public relations projects, lawyers' fees, free lunches, and unnecessary overhead. I am very hopeful that the Department of Energy will move to deal with these wasteful expenditures that we have identified.

□ 1540

Many of my colleagues from the Pacific Northwest and other parts of the country ran for this body on campaigns to streamline the government, to root out waste, to make the government more efficient. I offer to them, the Members from the Pacific Northwest, both sides of the aisle, and Members of this body from other parts of the country, a specific analysis going through line by line the Hanford cleanup budget. It shows how $274 million in wasteful expenditures can be saved, and I hope the Members who have spoken so often about cutting waste will look seriously at this report and move on a bipartisan basis to make these savings, to redirect them so that the cleanup work that is necessary at Hanford is completed and to make sure that the taxpayers of the Northwest and of our entire country are not ripped off in the process.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EHLERS (at the request of Mr. ARMEY), for today, on account of illness.

Mr. ANDREWS (at the request of Mr. GEPHARDT), for February 23 and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. TORKILDSEN) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, on February 27.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. FRANKS of Connecticut, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mrs. COLLINS of Illinois, immediately following the vote on rollcall No. 165 in the Committee of the Whole, on Thursday, February 24, 1995.

(The following Members (at the request of Mr. TORKILDSEN) and to include extraneous matter:)

Mr. FAWELL.

Mr. GOODLING.

Mr. BRYANT of Tennessee.

Mr. PACKARD.

Mr. SKEEN.

Mr. HEFLEY.

Mr. CRANE.

Mr. CLINGER.

Mr. PORTMAN.

Mr. UPTON.

Mr. GILLMOR.

Mr. DORNAN.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mr. VISCLOSKY.

Mr. FOGLIETTA.

Ms. ESHOO.

Mr. SKELTON.

Mr. VENTO.

Mr. UNDERWOOD.

Mrs. KENNELLY.

Mr. POSHARD.

Mr. HALL of Texas in two instances.

(The following Members (at the request of Mr. WYDEN) and to include extraneous matter:)

Mr. DAVIS.

Mr. MANTON.

Mr. PALLONE.

Mr. TRAFICANT.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, February 27, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

400. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on military expenditures, pursuant to section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993; to the Committee on Appropriations.

401. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 95–10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

402. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 95–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–8, ''Walter C. Pierce Community Park Designation Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–9, ''Day Care Policy Amendment Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–10, ''Prevention of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Amendment Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–11, ''The United Church Equitable Real Property Tax Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–12, ''Dumbarton United Methodist Church Equitable Real Property Tax Relief Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

408. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

409. A letter from the Administrator, General Services Administration, transmitting informational copies of prospectuses for three U.S. courthouses located in Jacksonville, FL, Albany, GA, and Corpus Christi, TX, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

410. A letter from the Administrator, U.S. Small Business Administration, transmitting a draft of proposed legislation entitled, ''Small Business Amendments Act of 1995''; to the Committee on Small Business.

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. BLILEY: Committee on Commerce. H.R. 10. A bill to reform the Federal civil justice system; to reform product liability law; with an amendment (Rept. 104–50, Pt. 1). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 96. Resolution providing for the consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and other purposes (Rept. 104–51). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SHUSTER (for himself, Mr. MINETA, Mr. DUNCAN, and Mr. OBERSTAR):

H.R. 1036. A bill to amend the Metropolitan Washington Airports Act of 1986 to direct the President to appoint additional members to the board of directors of the Metropolitan Washington Airports Authority, to replace the Board of Review of the Airports Authority with a Federal Advisory Commission, and for other purposes: to the Committee on Transportation and Infrastructure.

By Mr. JACOBS:

H.R. 1037. A bill to amend the Internal Revenue Code of 1986 to include liability to pay compensation under workmen's compensation acts within the rules relating to certain personal liability assignments; to the Committee on Ways and Means.

By Mr. CLINGER (for himself, Mr. SPENCE, and Mr. GILMAN):

H.R. 1038. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on National Security, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. BLUTE, Mr. MCKEON, and Mr. HANCOCK):

H.R. 1039. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. BAKER of California (for himself, Mr. STEARNS, Mr. LIPINSKI, Mr. FORBES, Mr. CANADY, Mr. EMERSON, Mr. FIELDS of Texas, Mrs. MEYERS of Kansas, Mr. SOLOMON, Mr. BACHUS, Mr. CALVERT, Mr. HOSTETTLER, Mr. BAKER of Louisiana, Mr. ENGLISH of Pennsylvania, Mr. WICKER, and Mr. MCCRERY):

H.R. 1040. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for retirement savings, to permit nonemployed spouses a full IRA deduction, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. BLUTE, Mr. MCKEON, and Mr. HANCOCK):

H.R. 1041. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for all dividends and interest received by individuals; to the Committee on Ways and Means.

H.R. 1042. A bill to amend the Internal Revenue Code of 1986 to provide that no capital gains tax shall apply to individuals; to the Committee on Ways and Means.

By Mr. DAVIS.

H.R. 1043. A bill to require the continued availability of $1 Federal Reserve notes for circulation; to the Committee on Banking and Financial Services.

By Mr. FAWELL (for himself, Mr. VISCLOSKY, and Ms. PRYCE):

H.R. 1044. A bill to amend part E of title IV of the Social Security Act to prevent abandoned babies from experiencing prolonged foster care where a permanent adoptive home is available; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. CUNNINGHAM, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. FAWELL, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. CASTLE, Mr. TALENT, Mr. SAM JOHNSON, Mr. HUTCHINSON, Mr. KNOLLENBERG, Mr. WELDON of Florida, Mr. FUNDERBURK, Mr. NORWOOD, Mr. SOUDER, Mr. MANZULLO, Mr. INGLIS of South Carolina, Mr. MICA, Mr. BOEHNER, Ms. DUNN of Washington, Mr. CHRISTENSEN, Mr. MCCRERY, Mr. EMERSON, and Mr. BARTLETT of Maryland):

H.R. 1045. A bill to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. HASTINGS of Florida:

H.R. 1046. A bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. HYDE, Mr. SCHAEFER, Mr. CRAPO, Mr. ALLARD, Mr. DELAY, and Mr. YOUNG of Alaska):

H.R. 1047. A bill to provide under Federal law a limited privilege from disclosure of certain information acquired pursuant to a voluntary environmental self-evaluation and, if such information is voluntarily disclosed, for limited immunity from penalties; to the Committee on the Judiciary, and in additional to the Committees on Commerce, Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KENNELLY:

H.R. 1048. A bill to amend the Internal Revenue Code of 1986 and title I of the Employee Retirement Income Security Act of 1974 with regard to pension integration, participation, and vesting requirements, to provide for division of pension benefits upon divorce unless otherwise provided in qualified domestic

relations orders, to provide for studies relating to cost-of-living adjustments and pension portability, to clarify the continued availability, under provisions governing domestic relations orders, of remedies relating to matters treated in such orders entered before 1985, and to provide for entitlement of divorced spouses under the Railroad Retirement Act of 1974 independent of the actual entitlement of the employee; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, 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. LANTOS (for himself, Mr. BROWN of California, Mr. SCHUMER, Mrs. SCHROEDER, Ms. ESHOO, Mr. MILLER of California, Mr. OBERSTAR, Mr. BERMAN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. OLVER, Ms. VELAZQUEZ, Ms. WOOLSEY, Mr. FROST, Mr. JOHNSTON of Florida, Mr. SABO, Mr. WYNN, Mr. YEATES, Mr. ACKERMAN, Mr. FILNER, Mr. GUTIERREZ, Mr. MANTON, Mr. OWENS, and Mr. VENTO):

H.R. 1049. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Economic and Educational Opportunities.

By Mr. DELLUMS (for himself, Mr. BONIOR, Mr. CONYERS, Mr. EVANS, Mr. FILNER, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MCKINNEY, Ms. NORTON, Mr. OWENS, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. SANDERS, Mr. TOWNS, and Ms. VELAZQUEZ):

H.R. 1050. A bill to establish a living wage, jobs for all policy for the United States in order to reduce poverty, inequality, and the undue concentration of income, wealth, and power in the United States, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on Government Reform and Oversight, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN:

H.R. 1051. A bill to provide for the extension of certain hydroelectric projects located in the State of West Virginia; to the Committee on Commerce.

By Mr. NEUMANN (for himself, Mr. SENSENBRENNER, and Mr. PETRI):

H.R. 1052. A bill to amend the Clean Air Act to repeal the reformulated gasoline provisions and the provisions relating to work-related vehicle trip reduction, and for other purposes; to the Committee on Commerce.

By Mr. POSHARD:

H.R. 1053. A bill to prohibit Members of the House of Representatives from using official funds for the production of mailing or newsletters, to reduce by 50 percent the amount which may be made available for the official mail allowance of any such Member, and for other purposes; to the Committee on House Oversight.

By Mr. STARK:

H.R. 1054. 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. TRAFICANT:

H.R. 1055. A bill to amend title 5, United States Code, to clarify that the Government in the Sunshine Act applies to the Federal Open Market Committee; to the Committee on Government Reform and Oversight.

By Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. BECERRA, Mr. BONIOR, Mr. CLAY, Mrs. CLAYTON, Mr. DE LA GARZA, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRAZER, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLDEN, Mr. JEFFERSON, Mr. KENNEDY of Massachusetts, Mr. LAFALCE, Mr. LEWIS of Georgia, Mr. MARTINEZ, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MINETA, Mrs. MINK of Hawaii, Mr. MONTGOMERY, Mr. NADLER, Ms. NORTON, Mr. PASTOR, Mr. PAXON, Mr. RAHALL, Mr. RICHARDSON, Mr. ROMERO-BARCELO, Mr. SERRANO, Mr. TORRES, Mr. TOWNS, Mr. TUCKER, Ms. VELAZQUEZ, and Mr. YATES):

H.R. 1056. A bill to establish the Commonwealth of Guam, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINETA (for himself, Mr. LIVINGSTON, and Mr. SAM JOHNSON):

H.J. Res. 69. Joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Oversight.

By Mr. LATHAM (for himself, Mr. HANCOCK, Mr. EWING, Mr. SMITH of Texas, Mr. BAKER of Louisiana, Mrs. WALDHOLTZ, Mr. FOX, Mr. LEACH, Mr. HOSTETTLER, and Mr. CHAMBLISS):

H. Res. 97. Resolution to authorize and direct each standing committee of the House with subject matter jurisdiction over laws under which Federal agencies prescribe rules and regulations to report legislation during this session of Congress which would have the effect of streamlining those rules and regulations, and for other purposes; to the Committee on Rules.

By Mr. WYNN:

H. Res. 98. Resolution expressing the sense of the House of Representatives on rising interest rates and the impact on the housing industry; to the Committee on Banking and Financial Services.

H. Res. 99. Resolution expressing the sense of the House of Representatives on the calculation of the Consumer Price Index; to the Committee on Economic and Educational Opportunities.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. HOEKSTRA and Mr. ROGERS.

H.R. 26: Mr. GENE GREEN of Texas.

H.R. 29: Mr. SENSENBRENNER.

H.R. 44: Mrs. MEYERS of Kansas, Mr. MILLER of California, Mr. TORRICELLI, Mr. STUPAK, Mr. FROST, Mr. MANTON, Mr. WILSON, Mr. BARTON of Texas, Mr. GORDON, Mr. HOLDEN, and Mr. GENE GREEN of Texas.

H.R. 46: Mr. BONO, Mr. CREMEANS, Mr. STUMP, Mr. TAYLOR of North Carolina, Ms. MOLINARI, Mr. BONILLA, Mr. MANTON, Mr. FRISA, Mr. ROGERS, and Mr. CHRYSLER.

H.R. 191: Mr. SMITH of New Jersey.

H.R. 192: Mr. SMITH of New Jersey.

H.R. 193: Mr. SHAYS.

H.R. 194: Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, and Mr. ZIMMER.

H.R. 195: Mr. FRELINGHUYSEN.

H.R. 201: Mr. CALVERT.

H.R. 343: Mr. LUTHER.

H.R. 384: Mr. ACKERMAN.

H.R. 387: Mr. SHAYS, Mr. HOLDEN, Mr. CALVERT, and Mr. LIPINSKI.

H.R. 388: Ms. MCKINNEY.

H.R. 405: Mr. ROHRABACHER.

H.R. 447: Ms. SLAUGHTER, Mr. SANDERS, Mr. JACOBS, Mrs. MEEK of Florida, Mr. REGULA, Mr. WATT of North Carolina, Ms. RIVERS, Mr. EMERSON, Ms. KAPTUR, Mrs. CLAYTON, Mr. MARTINEZ, Mr. TORRES, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. MINETA, Mr. OWENS, Mr. OXLEY, Mr. BACHUS, Mr. QUINN, and Mr. WYNN.

H.R. 483: Mr. HERGER, Mr. HUTCHINSON, Mr. BAKER of Louisiana, Mr. BUNNING of Kentucky, Mr. FAZIO of California, Mr. STENHOLM, Mr. MORAN, Mr. BURTON of Indiana, and Mr. KLUG.

H.R. 501: Mr. STUMP, Mr. THORNBERRY, Mr. SAXTON, Mr. EHLERS, Mr. HERGER, and Mr. FUNDERBURK.

H.R. 549: Mr. STUPAK.

H.R. 593: Mr. ENGLISH of Pennsylvania.

H.R. 612: Mr. SENSENBRENNER.

H.R. 645: Mr. ANDREWS and Mr. GUTIERREZ.

H.R. 663: Mr. WICKER.

H.R. 682: Mr. STUMP and Mr. LINDER.

H.R. 697: Mr. STUMP.

H.R. 704: Mr. ROYCE, Mr. SCHIFF, Mr. CANADY, Ms. LOWEY, Mr. SANDERS, Mr. BACHUS, Mr. WICKER, and Mrs. MALONEY.

H.R. 708: Mr. LIPINSKI and Mr. ENGLISH of Pennsylvania.

H.R. 709: Mr. STUPAK, Ms. LOWEY, Mr. ROMERO-BARCELO, Ms. MCKINNEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 756: Mr. COOLEY.

H.R. 785: Mr. ROMERO-BARCELO, Mr. GILCHREST, Mr. TORKILDSEN, Mr. SHAYS, Mr. FRELINGHUYSEN, and Mr. FALEOMAVAEGA.

H.R. 789: Mr. CRANE, Mr. TATE, Mr. HUTCHINSON, and Mr. PARKER.

H.R. 795: Mr. SMITH of Texas.

H.R. 803: Mr. BARTLETT of Maryland.

H.R. 819: Mr. SHAYS.

H.R. 839: Mr. BAKER of Louisiana.

H.R. 887: Mr. CUNNINGHAM.

H.R. 896: Mr. FRAZER, Mr. FROST, Mr. TORRICELLI, Mrs. MEEK of Florida, Mr. YATES, Mr. WILSON, Mr. LAFALCE, Mr. FOX, Mr. HOLDEN, and Ms. SLAUGHTER.

H.R. 899: Mr. LARGENT, Mr. WATTS of Oklahoma, Mr. DICKEY, Mr. RADANOVICH, Mr. CONDIT, Mr. BALDACCI, Mr. GALLEGLY, Mr. KOLBE, Mr. BROWNBACK, Mr. CLEMENT, Mr. WAMP, and Mr. METCALF.

H.R. 922: Mr. MILLER of California, Mr. MORAN, Mr. JACOBS, Mr. SCHUMER, and Mr. THOMPSON.

H.R. 928: Mr. WELLER.

H.R. 934: Mr. EVANS.

H.R. 935: Mr. EVANS.

H.R. 953: Mr. ALLARD.

H.R. 1005: Mr. GOODLATTE and Mr. LIPINSKI.

H.R. 1006: Mr. JACOBS and Mr. LIPINSKI.

H.R. 1018: Mr. WICKER.

H.R. 1025: Mr. DOOLEY and Mr. CONDIT.

H.J. Res. 61: Mr. GEKAS, Mr. HEFLEY, Mr. FORBES, Mr. DUNCAN, Mr. MCKEON, Mr. GRAHAM, Mr. HOKE, Mr. GOSS, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. SCARBOROUGH, Mr. MANZULLO, Mr. MCCOLLUM, Mr. HILLEARY, Mr. CHRISTENSEN, Mr. SMITH of Texas, Mr. BLUTE, Mr. TAYLOR of North Carolina, Mr. DAVIS, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 10: Mr. ACKERMAN, Mr. WYNN, Mrs. MALONEY, Mr. MCKEON, Mr. FORBES, Mr. SAXTON, Mr. FOX, Mr. BLUTE, and Mr. WALSH.

H. Con. Res. 21: Mr. BROWN of Ohio, Mr. YATES, Ms. ESHOO, and Mr. LIPINSKI.

H. Res. 58: Ms. FURSE and Mr. ROHRABACHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 2: Mr. CHRISTENSEN.
H.J. Res. 24: Mr. CHRISTENSEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1022

OFFERED BY: MR. MICA

AMENDMENT NO. 4: At the end of the bill, add the following new title:

TITLE VII—REGULATORY REVIEW

SEC. 701. SHORT TITLE.

This title may be cited as the ''Regulatory Review Act of 1995''.

SEC. 702. PURPOSE.

The purposes of this title are the following:

(1) To require covered Federal agencies to regularly review their regulations and make recommendations to terminate, continue in effect, modify, or consolidate those regulations.

(2) To require covered Federal agencies to submit those recommendations to the Administrator of the Office of Information and Regulatory Affairs and to the Congress.

(3) To designate a Regulatory Review Officer within each covered Federal agency, who is responsible for the implementation of this title by the covered Federal agency.

SEC. 703. REVIEW OF REGULATIONS.

The President shall require each covered agency to do the following every 7 years for each rule designed to protect human health, safety, or the environment that is proposed or promulgated by the agency before or after the date of the enactment of this Act:

(1) Review the regulation in accordance with section 704.

(2) After the review but not later than 120 days before the expiration of the 7-year period, submit to the Congress and publish in the Federal Register a preliminary report on the findings and proposed recommendations of that review in accordance with section 705(a)(1).

(3) Review and consider comments regarding the preliminary report that are transmitted to the covered Federal agency by the Administrator and appropriate committees of the Congress during the 60-day period beginning on the date of submission of the preliminary report.

(4) After the 60-day period beginning on the date of submission of the preliminary report to the Congress but not later than 60 days before the expiration of the 7-day period, submit to the Congress and publish in the Federal Register a final report on the review under section 704 in accordance with section 705(a)(2).

(5) Make either the certification referred to in section 708 or the modification or consolidation referred to in that section.

SEC. 704. REVIEW OF REGULATIONS BY COVERED FEDERAL AGENCY.

(a) IN GENERAL.—The head of each covered Federal agency shall, under the criteria set forth in subsection (b) prepare the following:

(1) A thorough and systematic review of all regulations designed to protect human health, safety, and the environment that are issued by the covered Federal agency to determine if those regulations are obsolete, inconsistent, or duplicative or impede competition.

(2) Report on the findings of those reviews, which contain recommendations for—

(A) any appropriate modifications to a regulation recommended to be extended; or

(B) any appropriate consolidations of regulations.

(b) CRITERIA FOR REVIEW.—

(1) IN GENERAL.—The head of a covered Federal agency shall review each regulation referred to in subsection (a)(1) based on the criteria referred to in paragraph (2). Pursuant to such review, the head of the agency shall issue recommendations on—

(A) whether the head of the agency should certify that the regulation is effective based on such criteria; or

(B) if the head of the agency is unable to make such certification because the regulation does not meet such criteria, whether the regulation should be modified or consolidated.

(2) CRITERIA.—The criteria referred to in paragraph (1) are the following:

(A) The regulation is not outdated, obsolete, or unnecessary.

(B) The regulation or information required to comply with the regulation does not duplicate, conflict with, or overlap requirements under regulations of other covered Federal agencies.

(C) The regulation does not impede competition.

(D) The benefits to society from the regulation exceed the costs to society from the regulation.

(E) The regulation is based on adequate and correct information.

(F) The regulation is worded as simply and clearly as possible.

(G) The most cost-efficient alternative was chosen in the regulation to achieve the objective of the regulation.

(H) Information requirements under the regulation can be reduced, particularly for small businesses.

(I) The regulation is fashioned to maximize net benefits to society.

(J) The regulation is clear and certain regarding who is required to comply with the regulation.

(K) The regulation maximizes the utility of market mechanisms to the extent feasible.

(L) The condition of the economy and of regulated industries is considered.

(M) The regulation imposes on the private sector the minimum economic burdens necessary to achieve the purposes of the regulation.

(N) The total effect of the regulation across covered Federal agencies has been examined.

(O) The regulation is crafted to minimize needless litigation.

(P) The regulation is necessary to protect the health and safety of the public.

(Q) The regulation has not resulted in unintended consequences.

(R) Performance standards or other alternatives were utilized to provide adequate flexibility to the regulated industries.

(c) REQUIREMENT TO SOLICIT COMMENTS FROM THE PUBLIC AND PRIVATE SECTOR.—In reviewing regulations under this section, the head of a covered Federal agency shall solicit comments from the public (including the private sector) regarding the application of the criteria set forth in subsection (b) to the regulation before making determinations under this section and sending a report under section 705(a) regarding a regulation.

SEC. 705. COVERED FEDERAL AGENCY REPORTS.

(a) PRELIMINARY AND FINAL REPORTS ON REVIEWS OF REGULATIONS.—The head of a covered Federal agency shall submit to the President, the Administrator, and the Congress and publish in the Federal Register for each review of a regulation under section 704—

(1) a preliminary report that contains—

(A) specific findings of the covered Federal agency regarding—

(i) application of the criteria set forth in section 704(b) to the regulation;

(ii) the need for the function of the regulation; and

(iii) whether the regulation duplicates functions of another regulation; and

(B) proposed recommendations on whether—

(i) the regulation should be modified; and

(ii) the regulation should be consolidated with another regulation; and

(2) a final certification report on the findings and recommendations of the covered Federal agency head regarding the cost-effectiveness of the regulation and any appropriate modifications to the regulation that includes—

(A) a full justification of the recommendation to certify or, if applicable, modify or consolidate the regulation; and

(B) the factual basis for all recommendations made with respect to that certification or modification under the criteria set forth in section 704(b).

(b) REPORT ON SCHEDULE FOR REVIEWING EXISTING REGULATIONS.—Not later than 100 days after the date of the enactment of this Act, and annually thereafter, the head of each covered Federal agency shall submit to the Administrator and the Congress and publish in the Federal Register a report stating a schedule for reviewing in accordance with this title regulations issued by the covered Federal agency before the date of that submission. The first schedule shall give priority to reviewing during the 3-year period beginning on the date of the enactment of this Act regulations that have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

SEC. 706. FUNCTIONS OF ADMINISTRATOR.

(a) IN GENERAL.—The Administrator shall—

(1) review and evaluate each report submitted by the head of a covered Federal agency under section 705(a), regarding—

(A) the quality of the analysis in the reports;

(B) whether the covered Federal agency has properly applied the criteria set forth in section 704(b); and

(C) the consistency of the covered Federal agency action with actions of other covered Federal agencies; and

(2) transmit to the head of the covered Federal agency the recommendations of the Administrator regarding the report.

(b) GUIDANCE.—The Administrator shall provide guidance to covered Federal agencies on the conduct of reviews and the preparation of reports under this title.

SEC. 707. DESIGNATION OF COVERED FEDERAL AGENCY REGULATORY REVIEW OFFICERS.

(a) IN GENERAL.—The head of each covered Federal agency shall designate an officer of the covered Federal agency as the Regulatory Review Officer of the covered Federal agency.

(b) FUNCTIONS.—The Regulatory Review Officer of a covered Federal agency shall—

(1) be responsible for the implementation of this title by the covered Federal agency; and

(2) report directly to the head of the covered Federal agency with respect to that responsibility.

SEC. 708. REQUIREMENT TO PROVIDE CONGRESS NOTICE AND OPPORTUNITY TO COMMENT BEFORE MODIFYING OR [CERTIFYING] A REGULATION.

Based on the review and recommendations made under section 704(b)(1) and the recommendations of the Administrator under 706(a)(2), the head of a covered Federal agency shall certify that a regulation is effective or shall modify or consolidate such regulation, except that the head of the covered Federal agency may not make such certification, modification, or consolidation unless the head of the covered Federal agency—

(1) submits to the Congress—

(A) notice of the proposal to take that action, at least 120 days before the effective date of that action; and

(B) notice of the final determination to take that action, at least—

(i) 60 days after submitting notice under subparagraph (A) for the action; and

(ii) 60 days before the effective date of the action; and

(2) reviews and considers comments submitted to the covered Federal agency by appropriate committees of the Congress during the 60-day period beginning on the date of submittal of notice under paragraph (1)(A) of the action.

SEC. 709. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office.

(2) COVERED FEDERAL AGENCY.—The term ''covered Federal agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Occupational Safety and Health Administration.

(C) The Department of Transportation (including the National Transportation Safety Administration).

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Mine Safety and Health Administration.

(3) APPROPRIATE COMMITTEE OF THE CONGRESS.—The term ''appropriate committee of the Congress'' means with respect to a regulation each standing committee of the Congress having authority under the rules of the House of Representatives or the Senate to report a bill to enact or amend the provision of law under which the regulation is issued.

(4) OFFICE.—The term ''Office'' means the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(5) REGULATION.—The term ''regulation'' means the whole or a part of a covered Federal agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy, other than such a statement to carry out a routine administrative function of a covered Federal agency.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, FRIDAY, FEBRUARY 24, 1995 No. 35

Senate

(Legislative day of Wednesday, February 22, 1995)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The prayer this morning will be offered by the Reverend Dr. Ernest R. Gibson, pastor of the First Rising Mount Zion Baptist Church, Washington, DC.

PRAYER

The guest Chaplain, the Reverend Dr. Ernest R. Gibson, pastor of the First Rising Mount Zion Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

*When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou hast ordained; What is man, that thou art mindful of him? and the son of man, that thou visitest him? For thou hast made him a little lower than the angels, and hast crowned him with glory and honour. Thou madest him to have dominion over the works of thy hands; thou hast put all things under his feet. * * * O Lord our Lord, how excellent is thy name in all the earth!*—Psalm 8:3–6, 9.

Lord, Thou hast given to us, Your human creatures, such awesome responsibilities. Be near unto Your servants here in the Senate when the burden is especially heavy. Lord, give peace in times of confusion, comfort in times of anxiety, and direction in times of doubt. May Thine own power and spirit be in Your servants so that as they exercise dominion over things Thou hast placed in their care, may ''Thy will be done.''

In the name of Him who taught us to pray, ''Thy will be done in earth, as it is in heaven.—Matthew 6:10. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. GRAMS. Mr. President, for the information for my colleagues, this morning the time for the two leaders has been reserved and there will now be a period for the transaction of routine morning business until the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators to speak for up to these designated times: Senator DASCHLE for 20 minutes; Senator SIMPSON, 20 minutes; Senator LAUTENBERG, 10 minutes; Senator BURNS, 15 minutes.

At the hour of 11 a.m., the Senate will resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment. Under the unanimous-consent agreement, Senators will have until 3 o'clock today in order to offer their amendments to the resolution.

There will be no rollcall votes during today's session of the Senate. Senators should be on notice that any rollcall votes ordered on amendments today will be ordered to occur stacked in the sequence of votes beginning at 2:15 on Tuesday, February 28.

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

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

The assistant legislative clerk called the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Under the previous order, the Senator from Montana [Mr. BURNS] is recognized to speak for up to 15 minutes.

DEFENSE BUDGET AND BRAC

Mr. BURNS. I thank the Chair.

Mr. President, I rise today not only in support of the balanced budget amendment, but also to bring the attention of this body to some activities and some events in this Government that I find very disconcerting.

As we look at the budgets of the different organizations and programs this Government sponsors, and is charged to do so, I am concerned about the defense budget. It has been cut far too deeply, far too soon, as we have put too much focus, maybe, on some of the domestic issues and are too hesitant to look at the future security of this country.

The defense budget is constantly being raided for unrelated purposes, research and development programs are shortchanged, and even the procurement of weapons has been neglected. The cost is a collapse of near-term readiness and, of course, what I fear probably we are moving toward is a hollow force. So far, the administration and the Congress have not been willing to spend enough to maintain a well-prepared military force.

Defense advisers to President Clinton acknowledge that the Pentagon is some $49 billion short of the amount needed to fund their planned force for fiscal years 1996 through 2001. GAO, the General Accounting Office, determined the shortfall was actually $150 billion over that same period.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The numbers all point to the same thing—an ill-trained, underequipped, and demoralized U.S. military force.

It is time to restore America's military strength and readiness. Obviously, Congress needs to look at increased funding for the military. But it also has to take a look at U.S. defense policy and how those dollars are spent. Congress needs to look at priorities, on how it is spent, on what weapons, and where we want this country to be 20 years from now, and we need to force the administration to stick to those policies.

The administration needs to examine the number and level of military commitments that U.S. forces undertake. The U.S. Armed Forces right now must have the necessary funds to fulfill the missions that they have been given.

The problem is funds that should be used for readiness have been diverted. That GAO study cites that between fiscal 1990 and 1993, $10.4 billion out of the defense budget was used for such activities as World Cup Soccer and the Summer Olympics. In the fiscal years 1990 to 1994, total defense spending fell 25 percent, while nondefense spending rose 361 percent. So it is time to put some of the priorities on how we spend those dollars back into the budget.

Just as alarming is the new trend of raiding the Defense Department's budget for ''operations other than war.'' U.S. troops involvement in U.N. peacekeeping missions around the world put an immense strain on the already tight defense budget.

President Clinton proposed spending $246 billion for defense for fiscal year 1996. It is now up to the Congress to take a serious look at the U.S. defense policy and come up with a realistic defense budget.

After years of cuts in the defense budget and a drawdown of forces, we have to look at where we are, where we should be, and where we want to be.

So the Defense Department budget has fallen steadily for 10 years since 1985. The procurement amount has fallen 65 percent over the same period. The reduction of U.S. Armed Forces generally has been too deep and, yes, too fast.

Over the last 10 years, infrastructure has only been cut 15 percent. That is compared to draconian cuts in weapons and equipment procurement, research and development, and force structure.

If the United States had maintained a realistic defense budget, we would not be looking at another round of base closings and realignments. We would have a fully ready and well-equipped military force ready to handle any eventuality.

The defense budget has been stretched too thin and now it is our bases that will pay the price. Bases around the country, bases instrumental to our national defense, will be scrutinized and possibly closed and given new missions.

Malmstrom Air Force Base, in my home State of Montana, is one of those bases that will be looked at in this round of BRAC. Malmstrom is an important cog in the base structure and is an integral part of the city of Great Falls, MT, and to the rest of the State.

It is too bad that we get mixed up in our priorities regarding this defense budget, and bases such as Malmstrom could be lost in the shuffle.

Mr. President, with a great deal of concern that I ask my colleagues to look closely at our defense policy and where our priorities lie for the Defense Department and the U.S. Armed Forces in this coming fiscal year.

Yes, we sit here and debate a balanced budget amendment and we have heard all of the-sky-is-falling fears that has come out of this debate. It will still make us set our priorities and reevaluate the mission of government and what the role of government really should be, especially at the Federal level.

I happen to believe the protection of our shores and a strong national defense is very important to the security of this country and, yes, those children of the future

Mr. President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Wyoming.

Under the previous order, the Senator from Wyoming [Mr. SIMPSON] is recognized to speak for up to 20 minutes.

Mr. SIMPSON. I thank the Chair.

THE IMMIGRANT CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1995

Mr. SIMPSON. Mr. President, I return here to a familiar refrain, a theme revisited, not, as has my good friend from Montana, with regard to the balanced budget amendment or base closing. Those are critical issues we will face in these next weeks. But there is one that we will face that is rather awesome in nature, too, and that is the issue of illegal immigration.

Mr. President, on January 24 I introduced S. 269, the Immigrant Control and Financial Responsibility Act of 1995. At that time I presented to my colleagues and to the American people a rather general overview of the bill.

Today I wish to describe in greater detail one particular part of this legislation—the requirement for a new system to verify eligibility to work in the United States and to receive benefits under certain government-funded programs of public assistance.

Let me speak first about the urgent need for effective enforcement of the current law against knowingly employing aliens in U.S. jobs for which they are not authorized, and about the simple fact that such law cannot ever effectively be enforced without a more reliable system to verify work authorization. After explaining clearly why a new system is needed, I will describe to you the provisions of S. 269 which will require—no, demand—the implementation of such a system.

NEED FOR EMPLOYER SANCTIONS

Mr. President, it has been recognized for so many years—I would hunch for as long as there has been interest in the issue, and that is quite a time—that the primary magnet for most illegal immigrants is the availability of jobs that pay so much better than what is available in their home countries. It is also widely recognized that satisfactory prevention of illegal border entry is most unlikely to be achieved solely by patrolling the very long U.S. border. That border of the United States is over 7,000 miles on land and 12,000 miles along what is technically called ''coastline.'' Furthermore—and heed this or hear it—the real sea border consists of over 80,000 miles of what the experts at the Nautical Charting Division of the National Ocean Service call ''shoreline,'' including the shoreline of the outer coast, offshore islands, sounds, bays, and other major inlets. And patrol of the border is, of course, totally inadequate to deal with foreign nationals who enter the United States legally—for example, as tourists or students—and then choose openly, blatantly to violate the terms of their visa, by not leaving when their visa expires or by working at jobs for which they are not authorized.

Therefore, every authoritative study I have seen has recommended a provision such as that in the 1986 immigration reform law, making it unlawful to employ illegal aliens—those who entered the United States illegally and those violating the terms of their visa. These studies include that of the Select Commission on Immigration and Refugee Policy, on which I served over 10 years ago, and the Commission on Immigration Reform, now doing such fine and consistent work. They are doing beautiful work under the able chairman, former Congresswoman Barbara Jordan.

Such studies also recognize that an employer sanctions law cannot possibly be effective without a reliable and easy-to-use methods for employers to verify work authorization.

Accordingly, the 1986 law instituted an interim verification system. This system was designed to use documents which were then available, even though most of them were not resistant to tampering or counterfeiting. Not only that, but it is surprisingly easy and totally simple to obtain genuine documents, including a birth certificate. Thus, we believed then that the system would most likely need to be significantly improved. In fact, the law called for ''studies'' of telephone verification systems and counterfeit-resistant Social Security cards.

Unfortunately, the interim system is still in place today, over 8 years later. This is true even though—as many of us feared and which certainly came to pass—there is widespread fraud in its use.

As a result, the employer sanctions law has not been as effective in deterring illegal immigration as it could be—and should be. In the fiscal year that ended about a month before the 1986 law passed, apprehensions of illegal aliens had reached the highest level ever—1.8 million. After the law passed, there was a decline for 3 years to just over 900,000. But then the level began to rise again. The latest figure available is for the fiscal year that ended in September—1.3 million.

It is most assuredly disgraceful that, over 8 years after a law was enacted making it unlawful to knowingly employ illegal aliens, so many are still able to find work, thus still having that powerful incentive to violate America's immigration laws in doing so.

We must do better. An improved system to verify eligibility to work in this country must be implemented—in order that the enforcement tool with the greatest potential to deter illegal entry and visa abuse can produce the benefit that is required.

Mr. President, as I said in my introductory statement on the 24th, ''We must be able to assure the American people that whatever other goals our immigration policy may pursue, its overriding goal is to serve the long-term interest of the majority of our citizens.'' It is our paramount duty as legislators to serve that singular interest, and that is precisely what the goal of our immigration laws should be.

Yet no matter how successful we might be in crafting a set of immigration laws that would—in theory, at least—lead to the most long-term benefit to a majority of U.S. citizens and their descendants, such benefit will not actually occur if those laws cannot be enforced.

Effective enforcement requires effective employer sanctions, and effective employer sanctions requires an effective verification system. It is just that simple. Nothing more. And S. 269 is intended above all else to lead to a verification system that has the needed degree of effectiveness.

S. 269 would require the President to implement a new verification system—the word is ''implement''—not merely talk about it; not merely establish scores of studies to talk about it and read about it, to do it. And it imposes an 8-year deadline for the implementation.

The bill does not require that any particular form of verification be used, only that it satisfy certain criteria of effectiveness and protection for privacy and civil liberties.

It also authorizes separate 3-year demonstration projects in five or more States, so that the design of the final, nationwide system would be based not only on theory, but on what has actually been found to work in practice.

The system must reliably verify first, that the person who the applicant claims to be is authorized for the work, and second, that the applicant actually is this person.

If the system requires that a card or other document be presented it must be in a form that is resistant to tampering and counterfeiting.

Most importantly, very importantly, the bill explicitly states that no such card or other document may be required by any Government entity as a ''national ID card,'' and I have been through all that.

It is not to be required to be carried on a person. It is not to be presented except at the time to verify eligibility to work or to receive benefits under Government-funded programs of public assistance. There is a tremendous fraud in the receipt of Government-funded public assistance. We will hold hearings on the issue of SSI fraud, disability insurance fraud.

With regard to the Social Security system, people bring their relatives from another country and say they are disabled, they do not speak English, they need the help of our Government, and we, as Americans, generously respond. But that system needs careful attention. We found recently one of the applications for that particular benefit had been filed overseas, so they have figured that one out. They are beginning even to file for assistance from a foreign country, come here, take them to the agency, and say: Here is this person; they require assistance; they do not speak English; they are not well. And then they are placed in our social support system, our safety nets, the ones for our U.S. citizens. This is not what the safety net is about.

This was part of the reaction of proposition 187 in California. The document will be used only to enforce certain criminal statutes related to fraudulent statements or fraudulent manufacturer or use of documents.

Let me just share this most fascinating picture ID. I did this several weeks ago, but it is so dazzling that I thought I would do it again. Several months ago, a member of my staff was contacted by a person in California who said, ''Look, just send me SIMPSON biostatistics, and we will go from there.'' So he just went down—this is a dazzling picture of one of the most certainly attractive Members—oh, no, excuse me. This gentleman here is a very astute, wise-looking fellow. This is my California identification card, which expires on my birthday, September 2, in the year 1998. ALAN KOOI SIMPSON. My address, I have never heard of. I have never been to Turlock, CA, but the mayor has contacted me and made me an honorary citizen. I appreciated that, and I enjoyed the lovely letter. There is an address here of 4850 Royal, Turlock, CA, and included are the correct vital statistics. This is not my signature.

All right, that was obtained on a street corner in Los Angeles, at night, with $100 bill. It was illegal, of course, but someone else did it. My father always taught me, in the practice of law, ''If anyone goes to jail, be sure it is your client.'' Now, it is my Social Security card. I did block out two of the numbers, but here it actually is. This is not my number. This is a counterfeit-resistant so-called card. It has the same material in it, and so I am now in the Social Security system with somebody else's number. I do not know whose number this is. I am not sharing with you the entire number.

Now, that is just a $100 bucker, an overnighter. This document would enable me to seek public assistance in California. I could go into any public assistance agency. There is a holographic card, and this is the correct one. But if you were not careful and you were not looking carefully, you would not notice the holograph in the true card.

So this little card which is reproduced here would enable me to get social support. It would likely even enable me to vote in certain jurisdictions of California. It would certainly get me a driver's license, and it would get me into the money stream. Now, that is what is happening in your country.

It is endemic. Within 500 yards of this building, we can pick up not only these—these are minor documents, they will get a person anything—but a person can pick up passports, pick up birth certificates. So we have a cottage industry of fake documents. The documents then lead into things like Social Security and workmen's compensation, and drain away the systems of the country.

So this is what we are up to. We are going to do something with documentation. We are going to do something to people who provide these documents. We are going to see that we might use the driver's license system, the holographic system in the State of California. But we are going to see that these documents are not easily forged, and those who do forge them and produce fraudulent documents will serve big time in the big place.

Now, these are the only uses to which any form of the system might be utilized, including one not even relying on the presentation of documents—for example, a telephone call-in system. We might look into that. That is part of the recommendation. The bill also provides that the privacy and security of any personal information obtained for or utilized by the system must be carefully protected. It must be treated as highly confidential information, and not made available to any person except as is necessary to the lawful operation of the system.

Furthermore, a verification of eligibility to any person may not be withheld or revoked for any reason other than that the person is ineligible under the applicable law or regulation. The bill explicitly provides all of those protections.

So, Mr. President, in concluding, I feel so very strongly that the greatest contribution this current Congress could make toward the enforcement of

our U.S. immigration laws would be to improve the effectiveness of the current law against the knowing employment of aliens not authorized to work or even to be present in this country. The passing of a bill such as S. 269 would be a monumental step toward making that contribution.

In the coming weeks, I will make additional statements to this body, describing other provisions of S. 269 and exactly why those provisions are important. Hearings will begin at the end of that period in the Senate Subcommittee on Immigration, which I chair. And a fine group of Members are on that subcommittee, Democrat and Republican alike. I look forward to working with my ranking member, Senator KENNEDY. He and I have worked together on immigration issues for 17 years.

Hearings will be held. We will consider all other immigration reform legislation from all of my colleagues, comprehensive, bipartisan, as well as specific proposals such as this one for the accuracy of a more fraud-resistant system for issuing these documents. We have to look into the one for issuing of birth certificates and matching records. Can Senators believe we do not even match birth and death records?

I sincerely look forward to hearing the ideas of my fine colleagues on these issues. Then we will be able to avoid things that are bringing down the system, things that give rise to the power of the force of proposition 187.

It reminded me of the story of the child who was at the graveyard in a jurisdiction noted for rather shabby election processes. Pick your own State, as you might imagine. The child was crying, and the person came up and said, ''Son, why are you crying?'' And he said, ''I just learned that my dad came back to vote, and I never even saw him.''

So we do want to try to avoid that in the future, because people use these cards to vote, to vote themselves largess from the Treasury, to then draw on our resources that we taxpayers—legal taxpayers—provide. That must stop. There is a way to stop it. We propose that. I would enjoy working and will enjoy, as I always have, working with all of my colleagues on this most serious issue. We are very dedicated to this process. I intend to spend a great deal of time and effort in these next months in doing responsible immigration reform—not only illegal immigration, but legal immigration.

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. AKAKA. 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. AKAKA. Mr. President, I ask unanimous consent that I may use time from that under Senator DASCHLE's control.

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

HEALTH CARE REFORM

Mr. AKAKA. Mr. President, last year, Congress spent an enormous amount of time considering health care reform. After the debate came to a close, after all the posturing, speeches, and amendments, we failed to produce a health care bill. The greatest disappointment of the 103d Congress was our failure to enact health care reform. Millions of Americans are without health care, millions more are underinsured, and countless others are only a paycheck away from losing health care coverage. The crisis in our health care system will simply not go away.

Thirty-nine million Americans are uninsured. Last year, an additional 1 million Americans lost health insurance. If we don't enact legislation this Congress, the number of uninsured will continue to rise. I commend the Demcratic leader, Senator DASCHLE for recognizing this dire need and for leading the U.S. Senate into the crafting of some form of health insurance for the people of America.

In Hawaii, we have solved the problems of affordability and access. Hawaii has achieved the American health care dream—near-universal health care coverage for its citizens at a cost that is 25–30 percent below the national average. For 20 years, Hawaii has maintained a model health care system. We have one of the healthiest populations in the Nation. A study by the Journal of the American Medical Association found that Hawaii has one of the lowest infant mortality rates. Deaths from chronic health problems such as cancer, heart disease, and lung disease are also among the lowest in the Nation.

Nearly everyone in Hawaii has some form of health insurance, so these life threatening conditions are detected earlier, which reduces premature death and shortens hospital visits. Because our population has ready access to a primary care physician, we use hospital emergency rooms only half as often as other States.

There is no reason why the rest of the Nation should settle for anything less than what Hawaii enjoys. Americans do not want a Band-Aid approach to health care reform. They do not want a medisave program or a savings account approach to health care. They want real, tangible health care that gives coverage when they need it. By developing a bipartisan consensus, we can take major steps to contain costs, expand choice, and increase access to care.

Hawaii has enjoyed its health care program, and we hope that we can extend this to the rest of the Nation.

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. LAUTENBERG. 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 New Jersey.

DEFENSE SUPPLEMENTAL APPROPRIATIONS

Mr. LAUTENBERG. Mr. President, I want to take a few minutes this morning to review and comment on action taken this week by the House of Representatives during consideration of the defense supplemental.

I am deeply concerned by the legislation that the House is sending us. It is, in my view, deficient in at least three respects.

First, it spends too much money. The administration asked for a $2.6 billion in emergency defense spending to pay for operations already undertaken in the past in Somalia, Rwanda, Bosnia, Southwest Asia, Haiti, and Cuba. The House approved that, but it also added an extra $680 million that neither the administration nor the Pentagon requested.

Even Defense Secretary Perry has said the Pentagon, and I quote him, ''has higher priority bills that should be funded first,'' and that the Pentagon would seek to reallocate money from existing defense funds in the spring to pay some of the $680 million worth of bills that the House wants to fund immediately. Since there is no urgent need for these unrequested funds, I see no reason to provide them in a supplemental.

My first point then, Mr. President, is simply the additional $680 million should be stricken out when the Appropriations Committee considers this legislation.

Second, I am not yet persuaded—and I sit on the Defense Subcommittee of the Appropriations Committee—that all of the $2.6 billion that the administration did ask for ought to be funded necessarily in the supplemental. A supplemental request is supposed to be reserved for unexpected and unanticipated exigencies. However, at least some of the administration's request appears to be for normal or routine or expected expenses, like the no-fly zone over Bosnia and Iraq, which has been underway for years. If we are to really reform the budget process, we have to prevent agencies from low-balling their initial requests because they believe they can always come back and ask for more later in a supplemental. It is kind of a habit that we have gotten into, and I do not think it is a particularly good one. We need to insist that the military, like every other agency, submit budget requests sufficient to cover predictable expenses.

And third, I am concerned about the offsets the House used to pay for this supplemental. Now, I agree that we should offset expenditures whenever

possible. Even though this request can be treated as an emergency, which would allow the spending to be added to the deficit, it makes sense to offset as much as we can. It makes sense to cancel or cut programs that are wasteful or lack merit, but I strongly object to some of the cuts that the House made.

To begin with, the House of Representatives got about half of its offsets from nondefense programs at a time when it is already moving to make deep cuts in domestic programs. We read about them every day now. The House intends to rescind about $17 billion from nondefense spending in the next few weeks. The domestic side of the budget is getting slaughtered, and I cannot justify taking money from already depleted domestic accounts to pay for defense spending when the defense budget is the only one being protected.

We ought not cut domestic programs to provide funding for defense especially when we have not examined carefully every Pentagon program. We ought to, to the extent we can, fund this internally, find the offsets within the Pentagon's own budget.

Mr. President, for many years, the defense budget was protected by a wall that prevented the Congress from raiding defense to pay for underfunded domestic programs, and some of the strongest defenders of the so-called budget wall when it protected defense now want to rip it down rather than allow it to protect domestic programs. Members of Congress who supported such a wall must recognize that it works both ways. Just as it kept money from going out of defense to the domestic budget, it should keep funds from being transferred out of domestic and into the defense budget.

So I am profoundly bothered by the notion of paying for any of this defense supplemental with cuts in nondefense spending. If offsets are necessary, the Senate ought to examine the Pentagon's budget, make tough decisions and cut funding for lower priority defense programs.

Now, I think there are plenty of low-priority programs that exist there, but if the Pentagon does not agree then the threat of internal cuts might give it an incentive to explore other alternatives, and I will give you an example. One is to have our allies pay their fair share of our costs of being represented in those countries where we help provide a defense mechanism for them as well as for the world at large.

The bill already contains over $300 million in such contributions. We can and we should get more. That is what happened in the Persian Gulf conflict, and that is what ought to happen here now as well.

But, Mr. President, if in the end we cannot find enough outside contributions or internal defense cuts to fully pay for this supplemental, then we ought to declare the remainder an emergency as the law allows.

Under the rules of the budget process and common sense, we can, if we must, say that emergency spending should be added to the deficit, and that is what the American public does when they face an emergency in their own lives; when a family member gets sick, they do not deny themselves medical care just because it has to go on a credit card. The same reasoning ought to apply to the Federal Government. And I see no reason to insist on fiscal purity in dealing with this supplemental especially when it is already mathematically unbalanced.

As Congressman OBEY, the ranking member on the House Appropriations Committee, pointed out, the supplemental the House passed is balanced only in terms of budget authority. Now, the distinguished occupant of the chair sits on the Budget Committee with me, and we clearly know the difference between outlays and budget authority.

In terms of outlays—the actual money that we spend—this supplemental adds $282 million to the deficit this year and $644 million to the deficit each year over 5 years. In terms of fiscal purity, this bill is already sullied, so that no ideological argument can be properly raised against overtly declaring some of this bill an emergency.

Mr. President, as the Senate considers the House-passed supplemental, I hope we are going to modify it in ways that I have suggested. I think it is important that the public be aware of what happens when we rely on domestic programs to fund some of the Defense Department's needs—not that each should not get its fair consideration. But too often the term ''domestic programs'' obscures the real mission that we undertake. When we see these days that child nutrition programs are being either cut or withdrawn, when we see programs for education in our country, a vital part of our development, our competitive opportunities in the future and to stabilize our society, are being cut, in many ways, Mr. President, I think the domestic programs offer us as much by way of defense of what we care about in our country as does the military budget.

So as we review this, I do not believe the argument that says we are going to weaken our defenses, we are going to reduce our strength applies. We need to build our strength in our domestic programs as well as our military programs.

Mr. President, I hope we will be able to look at this, modify our view on whether or not the House of Representatives supplemental as it is being offered is something that we should accept as is. We ought to make the changes we feel are necessary to provide for both major parts of our budget.

I thank the Chair and yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to speak on leaders' time.

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

HEALTH CARE REFORM

Mr. KERREY. Mr. President, my comments on health care begin with a thank you to the Democratic leader, Senator DASCHLE, for insisting that health care reform top our legislative agenda in 1995. It would have been easy for Senator DASCHLE to ignore an issue that has obviously gone from very hot to very cold in the wink of a political eye.

In fact, Mr. President, as I was thinking about what it was I was going to say in response to Senator DASCHLE's invitation to come here this morning, I thought of a tune that I learned in my childhood. I was, unfortunately, unable to locate the junior Senator from New York, who I am sure would have come here and sung it for me here on the floor, so I will have to resort to reading it instead of singing it. But the song goes:

Where or where has my little dog gone
Oh where oh where can he be
With his tail cut short and his ears down long
Oh where oh where can he be?

Where has the health care issue gone? Did all those uninsured Americans get coverage while I was out campaigning for reelection? Did the horror stories cure themselves? Did the market fix the whole darn thing? Or did we just grow weary of having to educate the American people on a subject too attractive for even the amateur demagogue to resist?

Last year, as we struggled against the odds, to hold together a group of Republican and Democratic Senators who saw health care reform as moral and economic imperative I said:

> In our hearts, where we are able to understand the need for health care security, and in our heads, where the numbers are calculated, we know the status quo is not acceptable.

What was true last year is even more true this year. There are still tens of millions of Americans who work but who cannot afford to bury health insurance. There is still forecast a staggering and unaffordable increase in Federal health care spending over the next 10 years. The impressive and unprecedented change in the marketplace while giving us hope that costs can be controlled has not altered the need for reform. And, the horror of job lock, lack of portability, and fear of uninsurability are still tormenting millions of our citizens.

Unfortunately for these Americans they do not represent a majority, or even a powerful enough minority. The majority are comfortably and temporarily able bodied, fully insured, and employed. And, the majority has been led incorrectly to believe that the status quo is just fine.

However, the status quo is, in fact, unacceptable, and I am encouraged that Senator DASCHLE, Senator DOLE, and other Republican and Democratic Senators continue to work for change. We must not give up this fight.

I hope we will have the courage this year to consider more than just a little change. I am encouraged by many of the things that I have heard, again from both Republicans and Democrats, about how we can alter our current Federal and our private sector programs. I hope, for example, we will consider changing the way eligibility occurs. Rather than proving that you are poor enough or proving that you are old enough or disabled enough or that you work for just the right boss, it would be better in my judgment, more efficient and simpler and fairer to simply say that if you can prove that you are an American or a legal resident, that is how you become eligible for our system.

Once eligibility occurs, however, we must make it clear that all Americans have to contribute, both financially and in a personal way to cost controls. Otherwise the system will not work.

I hope we will consider changing the rules so that health rather than health care is the goal of our system. Incentives should be present to providers and patients to become healthier and not sicker. This is particularly true for families with babies. The responsibility for care should not end after 1 day normal delivery.

I hope we reform insurance practices so that everyone can purchase health insurance regardless of health or job status, so that we make it more likely that in the long run we can achieve a system where all Americans are eligible for coverage.

I hope we reform the Government health programs, not simply by cutting payments to providers but by studying ways to provide more options to beneficiaries and allowing market forces to reduce costs, so that we make it more likely that we can achieve a system where all Americans are eligible for health coverage.

I hope we reform the Tax Code so that the self-employed have the same incentives as larger companies to purchase health insurance, so that we make it more likely that we can achieve a system where all Americans are eligible for health care.

I do hope we reform our tort system as well, so the fear of being sued does not dominate the relationship between the provider and the patient. But above all, I hope we do not forget the stories we all told last year about Americans and businesses who needed a changed system in order to have the freedom to pursue their dream without the fear of financial ruin. I intend to work and support reform that improves the current health care situation and makes it more likely that we can achieve a system where all Americans are eligible for health care. I am confident that if we continue working on this issue as a priority issue we can pass reform legislation this year that improves the short term situation and that makes it more likely that we can achieve, in the long term, a solution to the problem of access to and the high cost of health care for all Americans.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak in morning business for not to exceed 15 minutes.

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

A REGULATORY MORATORIUM

Mr. NICKLES. Mr. President, I think it is vitally important, when we are engaged in debates that we have the facts on legislative issues that come before this body. I am concerned about a statement that was made by President Clinton on Tuesday, February 21, dealing with the issue of a regulatory moratorium, a moratorium which is cosponsored by 35 or 36 Senators.

The President stated—and I will quote, ''The House will be voting on an across-the-board freeze on all Federal regulations.'' Mr. President, that is not correct. Neither the House bill nor the companion bill in the Senate freeze all Federal regulations. Our bills contain a lot of exemptions, so the President's statement is factually incorrect.

He said, ''For example, it would stop the Government from allocating rights to commercial fishermen.'' That is not true.

He said, ''It would stop the Government from authorizing burials at Arlington Cemetery.'' That is not true. It was not true in the House bill, and it is not true in the Senate bill.

Mr. President, both bills have exceptions for routine administrative action. Certainly burials at Arlington Cemetery are routine administrative actions, as well as the Government allocating rights to commercial fishermen. These are routine Government actions. Actually, we have given the President eight exceptions to the regulatory moratorium. The President's statement says that it would stop good regulations, bad regulations, and in-between regulations—all regulations. Again, that is totally, completely factually misleading and inaccurate. I am bothered by that.

I think it is fine to be engaged in the debate, and the President has the option to veto this legislation if he chooses, but when he speaks against it he has the obligation to the American people and to the Congress to give the facts. Clearly, his statements are not accurate. The President even said our moratorium would cancel the duck hunting season. Clearly, again that is not the case. It will not cancel duck hunting season. The establishment of a duck hunting season is clearly a routine administrative action.

I ask unanimous consent that a list of all the exceptions that we have in the moratorium legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 5. EXCEPTIONS.

(a) Section 3(a) or 4(a), or both, shall not apply to a significant regulatory action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the President, and a copy thereof to the appropriate committees of each house of the Congress;

(2) the President finds, in writing, the action is—

(A) necessary because of an imminent threat to human health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) related to a regulation that has as its principal effect fostering economic growth, repealing, narrowing, or streamlining a rule, regulation, administrative process, or otherwise reducing regulatory burdens;

(D) issued with respect to matters relating to military or foreign affairs or international trade agreements;

(E) principally related to agency organization, management, or personnel;

(F) a routine administrative action, or principally related to public property, loans, grants, benefits, or contracts;

(G) requested by an agency that supervises and regulates insured depository institutions, affiliates of such institutions, credit unions, or government sponsored housing enterprises; or

(H) limited to interpreting, implementing, or administering the internal revenue laws of the United States; and

(3) the Federal agency head publishes the finding and waiver in the Federal Register.

Mr. NICKLES. Mr. President, maybe somebody from the administration will read those exceptions and realize that we have given the President a great deal of flexibility and opportunity to exempt those regulations that he deems are important or necessary to protect public health and safety.

I hope he will reconsider his opposition to this moratorium. I hope my colleagues will support it because I think we have gone to great lengths to try to make sure that we would give flexibility where needed but also to stop unnecessary and expensive regulations and give us a chance to pass real regulatory reform with cost-benefit analysis to make sure benefits exceed costs.

I mention my concerns about the President's statements on the regulatory moratorium because he has also made misleading statements in regard to the budget and budget items.

The President of the United States a couple of days ago mentioned in an article that he had trimmed the Federal bureaucracy by 100,000 workers, and cut the deficit by $600 billion in his first 2 years in office.

I see similar claims by administration officials reported every day in the Washington Post and elsewhere. The public assumes these claims are correct.

Again, I think it is vitally important that we know the facts. I would like to point out to the President and our colleagues what the facts are. These numbers are also pointed out in a recent Wall Street Journal editorial because they check up on the President too. Have we reduced Federal employment by 100,000 since the President came into office? No. Since 1993 we have reduced FTE employment by 86,100. It is only if you use the baseline going back to the previous year that you can claim to have reduced it 102,500.

However, more importantly, what the President did not say is 63,500 of those 86,100 job cuts are in defense.

By 1996, projections are that we will reduce FTE employment by 156,900. Eighty-four percent of those cuts are reductions in defense. Six percent are in the Resolution Trust Corporation and FDIC because they have worked through the savings and loan mess. Therefore, 90 percent of the President's claims of Federal job cuts comes from Defense and RTC. That means we are only cutting about 15,000 in nondefense Government agencies.

So is the President really cutting the size of the Government? No. Has he cut the size of defense? Yes.

I ask unanimous consent to have printed in the RECORD an editorial by the Wall Street Journal entitled ''Numbers Game.''

There being no objection the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

NUMBERS GAME

It's the season to cut government, or at least to claim to, so we perked up when we heard President Clinton declare in his State of the Union address that he had cut ''more than 100,000 positions from the federal bureaucracy in the last two years alone.''

As they say in detective work, interesting—if true. So we decided to pull out the new federal budget to check. What we discovered is that Mr. Clinton isn't lying, but he isn't telling the whole truth either. His speeches need an asterisk.

From 1993 to Fiscal Year 1996, the Clinton Administration will in fact have cut the federal government by 157,000 full-time positions. But there's a catch: 131,000 of those positions are civilian Defense jobs. Those cuts reflect the inevitable post-Cold War decline in military spending, not some brave retrenchment in the overall size of government.

There's another catch: Of the 26,000 positions to be cut from the non-Defense side of Leviathan, 9,500 come from the Resolution Trust Corp. and Federal Deposit Insurance Corp. Those two banking agencies grew like Topsy to manage the savings and loan debacle, but are now cutting back as the bailout ends. The RTC is even supposed to go out of business this year. The bottom line is that over the course of the Clinton presidency, the non-Defense, non-S&L part of the government will cut a measly 16,500 full-time positions out of some 1.2 million. In essence the domestic government is conducting business as usual.

Mr. Clinton also says he's making the federal establishment ''the smallest it has been since John Kennedy was President.'' But again, excluding Defense, total executive branch employment will be 1,181,000 in 1996. Back in 1963, when JFK was President, total non-Defense employment was a mere 861,000. Maybe that should be the 1996 goal for Republican budget-cutters; they could say they got the idea from the President.

Mr. NICKLES. One final comment, the President's statement also claims that he cut the deficit by $600 billion in his first 2 years in office. That sounds very nice. It reminds me of another quote of the President during the State of the Union where he said:

We cut over a quarter-trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions in Federal bureaucracies in the last 2 years alone.

Have we cut $1 trillion in spending? That bothers me because I do not think we have seen spending decline.

The President's statement said that we cut spending over a quarter-trillion dollars. He said that in the State of the Union Address.

I would like to share with my colleagues the facts. In 1992, the last year of the Bush administration, we spent $1.380 trillion. In 1993, we spent $1.4 trillion. In 1994, we spent $1.46 trillion. Spending went up every year.

I think we too often get into this discussion of baselines, and people get lost and their eyes fog over. Spending has gone up every year. The President says he cut spending from a baseline which is projected to be higher. Did he actually cut spending? Did the President cut spending in his first 2 years? Will he cut spending in his first 4 years? Have we seen any spending cuts?

The answer according to CBO is no. The President's statement was that he reduced the deficit by $600 billion in his first 2 years of office. Where did that come from?

I will show you where it came from. CBO projected in 1993, just when President Clinton was elected—what they thought deficits would be for the next 6 years. If you add these years together, it totals $1.848 trillion.

Two years later, January 1995, CBO projected deficits of $1.287 trillion. You subtract the two and you get a little less than $600 billion. That is why the President said he reduced the deficit by $600 billion.

So we know the deficit is less than previously projected, but where did the reduction come from? Did it come from $250 billion in spending cuts? No. According to CBO—and these are not DON NICKLES' figures, they are CBO figures—if you add up all the tax and fee increases they total $262 billion. The President deserves credit for that—he did enact the largest tax increase in history. Spending reductions total $88 billion, and $213 billion in deficit reduction comes from technical reestimates, economic reestimates, and debt services.

With regard to spending reductions, in 1993 we had no spending reductions, we actually spent more than the baseline. In 1994, we had no spending reductions, we actually spent $9 billion more than the baseline. In 1995, we are going to have no spending reductions, we actually will spend $3 billion more than the baseline. In 1996, 1997, 1998, it is projected that we are going to go have some spending cuts, primarily from an extension of the freeze on discretionary spending.

So the President ends up with a total of $88 billion in spending cuts, primarily from the last two years by extending the discretionary freeze. My guess is he probably will not be President for these last 2 years, so that is an easy thing to do—that is, putting the spending cuts off until the last 2 years.

If you add the first 4 years together, you see more spending increases than you see in spending cuts in his Presidential term. We have spending increases of $9 billion and $4 billion and $3 billion, for a total $16 billion in spending increases, and we are projected next year to have spending cuts of $15 billion.

So spending actually went up under President Clinton's first term, if we give him credit for everything in his budget. He has presided over no spending cuts whatsoever—not a dime of spending cuts. This is according to CBO.

What about the balance of this $600 billion? Well, it is made up of technical, economic, and other assumptions. These are reestimates caused by lower than expected inflation or unemployment. If you add those things together—and the RTC spending less money than anticipated because we do not have as many bank failures—the technical number is $213 billion.

In the first 4 years, we have all tax increases and technical changes. That is all the deficit reduction. I am glad that we have it. I am glad that the deficit is not as bad as it was projected to be in 1993, but it is not because we cut a quarter of a trillion dollars in spending, as stated in the President's State of the Union.

We have to be factual in these debates. These numbers are taken directly from the CBO budget books. Why did they have a different baseline in 1993 and 1995? Here is the difference. I will submit this table for the RECORD so my colleagues can look at it. I do not mean to get too technical, but it is important to be factual. When you hear people talk about spending cuts we really need to be factual and give the American people the facts. I know my colleague from New Jersey said we are not cutting defense so much and that we need to keep more money in social programs. I respect that position, I just do not agree with it. I will include the chart to show what we have done in defense in the last 3 years. We cut defense in 1992 by 5 percent; in 1993 by 3 percent; in 1994 by 4 percent; in 1995 by 4 percent. So we have cut defense spending.

Mr. President, we have not cut domestic spending. Domestic spending

has increased every single year. For the last 3 years, domestic spending has gone up. In 1991, it was 7 percent; in 1992, 10 percent; in 1993, 7 percent; in 1994, 5 percent; in 1995, 5 percent. We have mandatory programs exploding in cost. The only spending category that has gone down every year is defense. Programs like the earned income tax credit have been exploding in cost. In 1991, it cost $5 billion; in 1994, it cost $11 billion; in 1997, it is supposed to cost $23 billion—almost 5 times what it cost a few years ago.

We read in the papers where the IRS is not processing tax returns because they found that the EITC is just ripe for abuse. People are filing fraudulent claims. The growth rate on the earned income tax credit, for example, was 11 percent in 1991; 55 percent in 1992; 18 percent in 1993; 22 percent in 1994; 55 percent in 1995; 18 percent is the projection for 1996. It is just exploding in cost.

I ask unanimous consent for an additional 2 minutes.

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

Mr. NICKLES. Medicaid. People are concerned about Medicaid. Look at the growth rates. In 1990, Medicaid's total cost to the Federal Government was $41 billion. In 1994, it was $82 billion; it doubled. Between 1990 and 1994, the cost of Medicaid doubled to the Federal Government, with growth rates of 19 percent, 28 percent, 29 percent, 12 percent. It has been exploding in cost.

Some people want to keep those costs climbing. That is not acceptable. We cannot afford it and the States cannot afford it. So we need to change it. When we reduce that growth rate, I am sure that we are going to have people saying that we cannot afford it. We cannot afford not to slow the growth rate of a program like that. Food stamps in 1990 cost $15 billion, and in 1994 they cost $25 billion. The growth rate since 1990 in food stamps went up 17 percent, 25 percent, 21 percent, 11 percent. That is not sustainable.

I ask unanimous consent to have printed in the RECORD all of these tables on spending.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CIVILIAN FTE CUTS UNDER CLINTON COMPARED TO ''BASE YEAR'' LEVELS

The Federal Workforce Restructuring Act of 1994 established a ''base'' level of civilian employment from which the Act's 272,900 FTE reduction is to be measured.

61% of the workforce cuts through 1994 have come from defense, and by 1996 defense will account for 75% of all workforce cuts. Plus, an undetermined but probably large part of these workforce ''cuts'' are gained by contracting federal work at the same or higher cost.

Through the end of FY94, employment has been reduced from the ''base'' level by 102,500 as follows:

Agency	Jobs cut	Percent of total
Defense	63,000	61
Treasury	8,800	9
Agriculture	5,800	6
All other	24,900	24
Total	102,500	100

By the end of FY96, employment will have been reduced from the base level by 173,300 as follows:

Agency	Jobs cut	Percent of total
Defense	130,800	75
FDIC/RTC	9,300	5
Agriculture	7,600	4
All other	25,600	16
Total	173,300	100

COMPARED TO ACTUAL 1993 LEVELS

74% of the workforce cuts through 1994 have come from defense, and by 1996 defense will account for 84% of all workforce cuts. Plus, an undetermined but probably large part of these workforce ''cuts'' are gained by contracting federal work at the same or higher cost.

Through the end of FY96, employment has been reduced from the 1993 actual level by 86,100 as follows:

Agency	Jobs cut	Percent of total
Defense	63,500	74
Agriculture	4,600	5
Treasury	3,800	4
All other	14,200	17
Total	86,100	100

By the end of FY96, employment will have been reduced from the 1993 actual level by 156,900 as follows:

Agency	Jobs cut	Percent of total
Defense	131,200	84
FDIC/RTC	9,600	6
Agriculture	6,300	4
All other	9,800	6
Total	156,900	100

EXECUTIVE BRANCH EMPLOYMENT

[Changes from ''Base'' Levels—Numbers are in thousands, except percentages]

	Base*	1993	1994	1995	1996
FTE Employment					
Defense	931.3	931.8	868.3	834.1	800.6
Veterans Affairs	227.0	229.1	227.7	224.4	224.4
Treasury	166.1	161.1	157.3	161.4	162.2
Agriculture	115.6	114.4	109.8	108.9	108.1
Interior	79.3	78.1	76.3	76.3	76.2
Transportation	70.3	69.1	66.4	65.2	64.4
Health and Human Services	64.5	65.6	62.9	62.3	61.4
NASA	25.7	24.9	23.9	23.3	23.2
Tennessee Valley Authority	19.1	17.3	18.6	16.6	16.4
GSA	20.6	20.2	19.5	16.9	15.5
FDIC/RTC	21.6	21.9	20.0	16.3	12.3
All other	414.1	405.3	402.0	412.1	417.2
Total executive branch	2,155.2	2,138.8	2,052.7	2,017.8	1,981.9
Cumulative Change From Base					
Defense		0.5	(63.0)	(97.2)	(130.8)
Veterans Affairs		2.1	0.7	(2.6)	(2.7)
Treasury		(5.0)	(8.8)	(4.7)	(3.9)
Agriculture		(1.2)	(5.8)	(6.7)	(7.6)
Interior		(1.2)	(3.0)	(3.0)	(3.2)
Transportation		(1.2)	(3.9)	(5.1)	(5.9)
Health and Human Services		1.1	(1.6)	(2.2)	(3.1)
NASA		(0.8)	(1.8)	(2.4)	(2.5)
Tennessee Valley Authority		(1.8)	(0.5)	(2.5)	(2.7)
GSA		(0.4)	(1.1)	(3.7)	(5.1)
FDIC/RTC		0.3	(1.6)	(5.3)	(9.3)
All other		(8.8)	(12.1)	(2.0)	3.1

EXECUTIVE BRANCH EMPLOYMENT—Continued

[Changes from ''Base'' Levels—Numbers are in thousands, except percentages]

	Base*	1993	1994	1995	1996
Total executive branch		(16.4)	(102.5)	(137.5)	(173.3)
Agency Cuts as a Percent of Total Cuts					
Defense (in percent)		−3	61	71	75
Veterans Affairs (in percent)		−13	−1	2	2
Treasury (in percent)		30	9	3	2
Agriculture (in percent)		7	6	5	4
Interior (in percent)		7	3	2	2
Transportation (in percent)		7	4	4	3
Health and Human Services (in percent)		−7	2	2	2
NASA (in percent)		5	2	2	1
Tennessee Valley Authority (in percent)		11	0	2	2
GSA (in percent)		2	1	3	3
FDIC/RTC (in percent)		−2	2	4	5
All other (in percent)		54	12	1	−2
Total executive branch (in percent)		100	100	100	100

*The Federal Workforce Restructuring Act of 1994 established a ''base'' level of civilian employment from which the Act's 272,900 FTE reduction is measured.

EXECUTIVE BRANCH EMPLOYMENT

[Changes from 1993 Actual Levels—Numbers are in thousands, except percentages]

	1993	1994	1995	1996
FTE Employment				
Defense	931.8	868.3	834.1	800.6
Veterans Affairs	229.1	227.7	224.4	224.4
Treasury	161.1	157.3	161.4	162.2
Agriculture	114.4	109.8	108.9	108.1
Interior	78.1	76.3	76.3	76.2
Transportation	69.1	66.4	65.2	64.4
Health and Human Services	65.6	62.9	62.3	61.4
NASA	24.9	23.9	23.3	23.2
Tennessee Valley Authority	17.3	18.6	16.6	16.4
GSA	20.2	19.5	16.9	15.5
FDIC/RTC	21.9	20.0	16.3	12.3
All other	405.3	402.0	412.1	417.2
Total executive branch	2,138.8	2,052.7	2,017.8	1,981.9
Cumulative Change From 1993				
Defense		(63.5)	(97.7)	(131.2)
Veterans Affairs		(1.4)	(4.7)	(4.7)
Treasury		(3.8)	(0.3)	(1.1)
Agriculture		(4.6)	(5.5)	(6.3)
Interior		(1.8)	(1.8)	(1.9)
Transportation		(2.7)	(3.9)	(4.7)
Health and Human Services		(2.7)	(3.3)	(4.2)
NASA		(1.0)	(1.6)	(1.7)
Tennessee Valley Authority		1.3	(0.7)	(0.9)
GSA		(0.7)	(3.3)	(4.7)
FDIC/RTC		(1.9)	(5.6)	(9.6)
All other		(3.3)	6.8	11.9
Total executive branch		(86.1)	(121.0)	(156.9)
Agency Cuts as A Percent of Total Cuts				
Defense (in percent)		74	81	84
Veterans Affairs (in percent)		2	4	3
Treasury (in percent)		4	−0	−1
Agriculture (in percent)		5	5	4
Interior (in percent)		2	1	1
Transportation (in percent)		3	3	3
Health and Human Services (in percent)		3	3	3
NASA (in percent)		1	1	1
Tennessee Valley Authority (in percent)		−2	1	1
GSA (in percent)		1	3	3
FDIC/RTC (in percent)		2	5	6
All other (in percent)		4	−6	−8
Total executive branch (in percent)		100	100	100

EXECUTIVE BRANCH EMPLOYMENT

[Changes from 1993 Actual Levels—Numbers are in thousands, except percentages]

	1993	1994	1995	1996
FTE Employment				
Defense	931.8	868.3	834.1	800.6
Veterans Affairs	229.1	227.7	224.4	224.4
Treasury	161.1	157.3	161.4	162.2
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Transportation	69.1	66.4	65.2	64.4
Health and Human Services	65.6	62.9	62.3	61.4
NASA	24.9	23.9	23.3	23.2
Tennessee Valley Authority	17.3	18.6	16.6	16.4
GSA	20.2	19.5	16.9	15.5
FDIC/RTC	21.9	20.0	16.3	12.3
All other	405.3	402.0	412.1	417.2
Total executive branch	2,138.8	2,052.7	2,017.8	1,981.9
Cumulative Change From 1993				
Defense	(63.5)	(97.7)	(131.2)	
Veterans Affairs	(1.4)	(4.7)	(4.7)	
Treasury	.....	(3.8)	(0.3)	(1.1)
Agriculture	(4.6)	(5.5)	(6.3)	
Interior	.....	(1.8)	(1.8)	(1.9)
Transportation	(2.7)	(3.9)	(4.7)	
Health and Human Services	.....	(2.7)	(3.3)	(4.2)
NASA	.....	(1.0)	(1.6)	(1.7)
Tennessee Valley Authority	.....	1.3	(0.7)	(0.9)
GSA	.....	(0.7)	(3.3)	(4.7)
FDIC/RTC	.....	(1.9)	(5.6)	(9.6)
All other	.....	(3.3)	6.8	11.9
Total executive branch	.....	(86.1)	(121.0)	(156.9)
Agency Cuts as A Percent of Total Cuts				
Defense (in percent)	.....	74	81	84
Veterans Affairs (in percent)	.....	2	4	3
Treasury (in percent)	.....	4	−0	−1
Agriculture (in percent)	.....	5	5	4
Interior (in percent)	.....	2	1	1
Transportation (in percent)	.....	3	3	3
Health and Human Services (in percent)	.....	3	3	3
NASA (in percent)	.....	1	1	1
Tennessee Valley Authority (in percent)	.....	−2	1	1
GSA (in percent)	.....	1	3	3
FDIC/RTC (in percent)	.....	2	5	6
All other (in percent)	.....	4	−6	−8
Total executive branch (in percent)	.....	100	100	100

SOURCE OF DEFICIT DECLINE, SINCE PRESIDENT CLINTON TOOK OFFICE

[Details may not add due to rounding. Amounts which reduce the deficit are shown in (parenthesis)]

	Clinton term						Out years—105th Congress	Total
	103d Congress	104th Congress						
	1993	1994	1995	1996	1997	1998		
CBO deficit baseline (Jan. 1993)	310	291	284	287	319	357		1,848
Tax and fee increases	0	(28)	(46)	(56)	(66)	(66)		(262)
Spending increases/(cuts)	4	9	3	(15)	(36)	(53)		(88)
Technical, economic, and debt service*	(59)	(70)	(65)	(9)	5	(15)		(213)
CBO deficit baseline (Jan. 1995)	255	203	176	207	224	222		1,287

*=Includes technical re-estimates, economic changes, and debt service savings.

Sources: CBO Reports (March 1993, September 1993, January 1994, April 1994, August 1994, January 1995)—Prepared by the Office of U.S. Senator Don Nickles.

FEDERAL SPENDING CATEGORIES

[In billions of nominal dollars—Source: CBO]

Year	Outlays	Dollar growth	Percent growth	Percent of GDP
Mandatory				
1980	292	.....	.....	11
1981	341	49	17	11
1982	373	32	9	12
1983	412	39	10	12
1984	406	(5)	−1	11
1985	450	44	11	11
1986	460	10	2	11
1987	470	11	2	10
1988	494	24	5	10
1989	526	32	6	10
1990	567	41	8	10
1991	634	67	12	11
1992	712	78	12	12
1993	762	50	7	12
1994	789	27	4	12
1995	845	56	7	12

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars—Source: CBO]

Year	Outlays	Dollar growth	Percent growth	Percent of GDP
1996	899	54	6	12
1997	962	63	7	12
1998	1,026	64	7	12
1999	1,097	71	7	13
2000	1,173	76	7	13
Domestic				
1980	129	.....	.....	5
1981	137	7	6	5
1982	127	(9)	−7	4
1983	130	3	2	4
1984	135	5	4	4
1985	146	10	8	4
1986	148	2	1	3
1987	147	(0)	−0	3
1988	158	11	8	3
1989	169	11	7	3
1990	183	14	8	3
1991	195	13	7	3
1992	214	19	10	4
1993	229	15	7	4
1994	242	13	5	4
1995	253	11	5	4
1996	262	9	4	4
1997	274	12	5	3
1998	284	10	4	3
1999	295	11	4	3
2000	304	9	3	3
International				
1980	13	.....	.....	0
1981	14	1	6	0
1982	13	(1)	−5	0
1983	14	1	5	0
1984	16	3	20	0
1985	17	1	7	0
1986	18	0	2	0
1987	15	(3)	−14	0
1988	16	1	3	0
1989	17	1	6	0
1990	19	3	15	0
1991	20	1	3	0
1992	19	(1)	−3	0
1993	22	2	12	0
1994	20	(2)	−7	0
1995	21	1	5	0
1996	22	1	5	0
1997	22	0	0	0
1998	22	0	0	0
1999	23	1	3	0
2000	24	1	6	0
Defense				
1980	135	.....	.....	5
1981	158	23	17	5
1982	186	28	18	6
1983	210	24	13	6
1984	228	18	9	6
1985	253	25	11	6
1986	274	21	8	6
1987	283	9	3	6
1988	291	8	3	6
1989	304	13	5	6
1990	300	(4)	−1	5
1991	320	20	7	6
1992	303	(17)	−5	5
1993	293	(10)	−3	5
1994	282	(11)	−4	4
1995	270	(12)	−4	4
1996	270	0	0	4
1997	278	8	3	4
1998	285	7	3	3
1999	295	10	4	3
2000	304	9	3	3
Social Security				
1980	117	.....	.....	4
1981	138	21	18	5
1982	154	16	12	5
1983	169	15	9	5
1984	176	8	5	5
1985	186	10	6	5
1986	197	10	5	5
1987	205	9	4	5
1988	217	12	6	4
1989	230	14	6	4
1990	247	16	7	4
1991	267	20	8	5
1992	285	18	7	5
1993	302	17	6	5
1994	317	15	5	5
1995	334	17	5	5
1996	352	18	5	5
1997	371	19	5	5
1998	390	19	5	5
1999	411	21	5	5
2000	433	22	5	5
Net interest				
1980	53	.....	.....	2
1981	69	16	31	2
1982	85	16	24	3
1983	90	5	6	3
1984	111	21	24	3
1985	130	18	17	3
1986	136	7	5	3
1987	139	3	2	3
1988	152	13	9	3
1989	169	18	12	3

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars—Source: CBO]

Year	Outlays	Dollar growth	Percent growth	Percent of GDP
1990	184	15	9	3
1991	195	10	6	3
1992	199	5	3	3
1993	199	(1)	−0	3
1994	203	4	2	3
1995	235	32	16	3
1996	260	25	11	3
1997	270	10	4	3
1998	279	9	3	3
1999	294	15	5	3
2000	310	16	5	3
Earned Income Tax Credit				
1980	1	.....	.....	0
1981	1	0	0	0
1982	1	(0)	−8	0
1983	1	0	0	0
1984	1	0	0	0
1985	1	(0)	−8	0
1986	1	0	27	0
1987	1	0	0	0
1988	3	1	93	0
1989	4	1	48	0
1990	4	0	10	0
1991	5	1	11	0
1992	8	3	55	0
1993	9	1	18	0
1994	11	2	22	0
1995	17	6	55	0
1996	20	3	18	0
1997	23	3	15	0
1998	24	1	4	0
1999	25	1	4	0
2000	26	1	4	0
Medicaid				
1980	14	.....	.....	1
1981	17	3	20	1
1982	17	1	4	1
1983	19	2	9	1
1984	20	1	6	1
1985	23	3	13	1
1986	25	2	10	1
1987	27	2	10	1
1988	31	3	11	1
1989	35	4	13	1
1990	41	7	19	1
1991	53	11	28	1
1992	68	15	29	1
1993	76	8	12	1
1994	82	6	8	1
1995	90	8	10	1
1996	100	10	11	1
1997	111	11	11	1
1998	123	12	11	1
1999	136	13	11	2
2000	149	13	10	2
Unemployment				
1980	17	.....	.....	1
1981	18	1	8	1
1982	22	4	21	1
1983	30	8	34	1
1984	17	(13)	−43	0
1985	16	(1)	−7	0
1986	16	0	2	0
1987	16	(1)	−4	0
1988	14	(2)	−12	0
1989	14	0	2	0
1990	18	4	26	0
1991	25	8	43	0
1992	37	12	47	1
1993	35	(2)	−4	1
1994	26	(9)	−27	0
1995	22	(4)	−15	0
1996	23	1	5	0
1997	24	1	4	0
1998	26	2	8	0
1999	27	1	4	0
2000	28	1	4	0
Food Stamps				
1980	9	.....	.....	0
1981	11	2	24	0
1982	11	(0)	−3	0
1983	12	1	7	0
1984	12	(0)	−2	0
1985	12	0	1	0
1986	12	(0)	−1	0
1987	12	0	0	0
1988	12	1	6	0
1989	13	1	4	0
1990	15	2	17	0
1991	19	4	25	0
1992	23	4	21	0
1993	25	2	11	0
1994	25	0	0	0
1995	26	1	4	0
1996	27	1	4	0
1997	29	2	7	0
1998	30	1	3	0
1999	32	2	7	0
2000	32	0	0	0
Medicare				
1980	34	.....	.....	1
1981	41	7	21	1
1982	49	8	19	2

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars—Source: CBO]

Year	Outlays	Dollar growth	Percent growth	Percent of GDP
1983	56	6	13	2
1984	61	6	10	2
1985	70	9	14	2
1986	74	5	6	2
1987	80	6	8	2
1988	86	6	7	2
1989	94	9	10	2
1990	107	13	14	2
1991	114	7	6	2
1992	129	15	13	2
1993	143	14	11	2
1994	160	17	12	2
1995	176	16	10	2
1996	196	20	11	3
1997	217	21	11	3
1998	238	21	10	3
1999	262	24	10	3
2000	286	24	9	3
AFDC				
1980	7	.....	.....	0
1981	8	1	12	0
1982	8	(0)	−2	0
1983	8	0	5	0
1984	9	1	6	0
1985	9	0	3	0
1986	10	1	8	0
1987	11	1	6	0
1988	11	0	3	0
1989	11	0	4	0
1990	12	1	9	0
1991	14	1	11	0
1992	16	2	16	0
1993	16	0	3	0
1994	17	1	6	0
1995	18	1	6	0
1996	18	0	0	0
1997	19	1	6	0
1998	19	0	0	0
1999	20	1	5	0
2000	20	0	0	0
Farm Price Supports				
1980	3	.....	.....	0
1981	4	1	43	0
1982	12	8	193	0
1983	19	7	62	1
1984	7	(12)	−61	0
1985	18	10	142	0
1986	26	8	46	1
1987	22	(3)	−13	0
1988	12	(10)	−46	0
1989	11	(2)	−13	0
1990	7	(4)	−39	0
1991	10	4	55	0
1992	9	(1)	−8	0
1993	16	6	68	0
1994	10	(6)	−36	0
1995	10	0	0	0
1996	9	(1)	−10	0
1997	9	0	0	0
1998	8	(1)	−11	0
1999	8	0	0	0
2000	8	0	0	0
Veterans Benefits & Services				
1980	14	.....	.....	1
1981	15	1	10	1
1982	16	0	3	1
1983	16	0	1	0
1984	16	0	1	0
1985	16	(0)	−1	0
1986	16	(0)	−1	0
1987	16	0	0	0
1988	18	2	12	0
1989	18	0	1	0
1990	16	(2)	−10	0
1991	17	1	9	0
1992	20	2	13	0
1993	21	1	7	0
1994	18	(3)	−14	0
1995	17	(1)	−6	0
1996	17	0	0	0
1997	18	1	6	0
1998	19	1	6	0
1999	20	1	5	0
2000	21	1	5	0
Fed. Retirement and Disability				
1980	32	.....	.....	1
1981	37	5	17	1
1982	41	3	9	1
1983	43	3	6	1
1984	45	2	3	1
1985	46	1	2	1
1986	48	2	4	1
1987	51	3	7	1
1988	54	3	7	1
1989	57	3	6	1
1990	60	3	5	1
1991	64	5	8	1
1992	67	2	3	1
1993	69	2	3	1
1994	72	3	5	1
1995	75	3	4	1
1996	77	2	3	1
1997	81	4	5	1
1998	85	4	5	1
1999	90	5	6	1

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars—Source: CBO]

Year	Outlays	Dollar growth	Percent growth	Percent of GDP
2000	96	6	7	1
Other Mandatory				
1980	160	.....	.....	6
1981	187	27	17	6
1982	196	9	5	6
1983	208	13	6	6
1984	219	10	5	6
1985	241	22	10	6
1986	233	(8)	−3	5
1987	235	2	1	5
1988	255	20	8	5
1989	270	15	6	5
1990	288	18	7	5
1991	314	26	9	5
1992	336	23	7	6
1993	352	16	5	6
1994	368	16	4	5
1995	394	26	7	6
1996	412	18	5	6
1997	431	19	5	5
1998	454	23	5	5
1999	477	23	5	5
2000	507	30	6	6

Mr. NICKLES. Mr. President, these are just facts. These are not altered, these are not gamed in any way to try and make any particular point, except to show that spending has been exploding. We cannot continue to increase spending. That is why I believe we have to pass a constitutional amendment to balance the budget. I hope my colleagues will vote for it. I hope my colleagues will pass it. I know it is going to force us to make difficult decisions. And if we do not, Congress will unfortunately continue to find excuses not to make the tough decisions, and we will see the deficits continue to climb. I hope we will take the responsible action on Tuesday and pass a constitutional amendment to make us balance the budget.

I yield the floor, and I thank my friend from Arkansas.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business on Thursday, February 23, the Federal debt stood at $4,837,336,500,173.73 meaning that on a per capita basis, every man, woman, and child in America owes $18,362.61 as his or her share of that debt.

FINANCIAL AID TO MEXICO

Mr. DOLE. Mr. President, when President Clinton announced a financial package to aid Mexico in its current economic crisis, Speaker GINGRICH and I announced our support. Mexico was, and is, of vital importance to the United States. In my view, we could not stand by and watch Mexico financially melt down if there were any realistic chance to help.

Earlier this week, an agreement was signed between the United States and Mexico, and its full details were released to the public. I have analyzed it, with the help of staff, outside advisers, and other Senators. I find it somewhat surprising and, at its core, disappointing. My message should not be misinterpreted—I do want United States efforts to assist Mexico to work. I hope we can help Mexico achieve the financial stability that they so desperately need. However, I must reluctantly point out the shortcomings of the agreement reached this week.

In my view, the basic mistake Mexico made last year was allowing events to get to the point where the only apparent choice was to devalue the peso. Perhaps the Government believed that a little devaluation would be a good thing.

Common sense should have recognized that Mexico's decision to break its promise to the Mexican people to keep the peso stable against the dollar would precipitate a breech of trust—a stampede to get out of pesos and into dollars.

The Treasury Department needs to be very careful in the use of funds from the exchange stabilization fund. For example, I am not convinced that thrusting the United States into the middle of a Mexican banking crisis is prudent or necessary.

The primary focus of the stabilization plan is not aimed at reversing the fundamental mistake of devaluation—not now and not over time. The measures described in the agreement to firm up the price of the peso seem almost an afterthought. They do not address the problem of extinguishing the excess pesos that have been coming off the Mexican printing presses, even as recently as last week. The heart of the problem is restoring confidence in Mexican pledges by moving toward restoring the value of Mexico's currency, and I hope it is not too late. I hope that administration officials will still focus on the main target: extinguishing pesos and restoring confidence in the Mexican currency. This should be the first priority, not raising interest rates.

It appears my concerns are shared by the markets. When it was first announced that the United States would help Mexico, the Mexican stock market went up and the peso strengthened. Yet when the exact terms of the deal were made public, the peso weakened and the stock market resumed its slide.

In the coming days and weeks, Congress will examine many issues in the Mexico situation—what advice the administration gave, when officials knew about the devaluation, allegations of conflict of interest, and other issues. I am also working with the administration to send a group of Senators to Mexico in the near future to get a first-hand assessment of the situation. A central part of that assessment will be looking at whether the administration's proposed medicine will cure the disease.

RESPONSE TO ADMINISTRATION'S OIL IMPORT STUDY

Mr. DOLE. Mr. President, I rise today to express my concern for a lack of response by President Clinton to a recent report by the Department of Commerce. This report indicates our

dependence on oil imports poses a threat to national security.

This is not a new report; we have heard this before. What is new is the lack of action that has been taken by this administration. In response to this report, President Clinton has decided not to respond; he has chosen to continue on with the same energy policies that have put us at risk.

Last year, our country imported more oil than it ever has before. Domestic production has fallen and American oil and gas workers are losing jobs. The administration should not ignore this plight.

The Commerce Department study has little to say about stripper wells. That troubles me. Nationwide, there are more than 478,000 stripper wells. These stripper wells produce more than 1.4 million barrels a day. When foreign oil floods this country, the price of oil falls below the cost of operating most stripper wells. That's what has happened in the last quarter of 1993 and the first quarter of 1994.

The Commerce Department concedes this saying, ''The impact of low prices has been especially severe on small producers operating stripper wells'' yet fails to provide a solution. Stripper wells serve an important role in this country and without them our dependency on foreign oil only increases.

This administration has ignored the plight of the industry for some time now. Various proposals have been discussed with the President, but no action was taken. The failure to recognize the implications to national security as well as to the economy is unacceptable.

There is a need to identify opportunities for assistance to the domestic oil and gas industry. For this reason, I have cosponsored legislation with Senator NICKLES and Senator INHOFE which will address the needs of this industry. The bill proposes support for production and addresses numerous issues that pose unnecessary burdens to the industry.

I believe this legislation is necessary to begin the discussion on the status of the domestic oil and gas industry and in light of the recent lack of action by the administration, a review of our Nation's energy policies and approaches.

NATIONAL ENGINEERS WEEK

Mr. PRESSLER. Mr. President, this week our Nation celebrates National Engineers Week. This week is sponsored by a coalition of 64 engineering societies, corporations, and government agencies. This year the event is being chaired by the American Institute of Chemical Engineers [AIChE] and Fluor Corp. As chairman of the Senate Commerce, Science, and Transportation Committee, I would like to take a moment to recognize the contributions the 1.8 million engineers in our country make to improve the quality of our lives.

Mr. President, try to imagine what our lives would be like without the engineering achievements of the 20th century. Imagine a world with no television, no airplanes, no computers, no cordless telephones, no miracle drugs, no interstate highway system, no central heating and air conditioning, or no communication satellites.

Each of these items began only as an idea. Each needed engineers to transform the idea into reality. Engineers are the men and women who plan, design, and direct the manufacturing or construction of nearly every human-made element of the world. The very word ''engineer'' comes from the Latin word ''ingeniare'', which means ''to devise.'' For centuries, engineers have devised things to solve problems.

From clothes to communications, medicines to microwave ovens, television to transportation, potato chips to microchips, the work of engineers touches every aspect of our lives. Engineers turn ideas into reality through technology. In the process, engineers make our lives easier, healthier, more efficient, and more fun.

Mr. President, I am sure several of my colleagues already are aware of the significant role engineers play in our society. That is because they are engineers themselves. The Senator from Virginia, Senator WARNER, and the senator from Ohio, Senator GLENN, were both trained as engineers. They each made significant contributions to the national security and leadership of our Nation before serving their country in this body. Both bring technical expertise and a much needed perspective to our public policy debates.

During National Engineers Week, we should not only look back at the achievement of engineers, but also look forward. If we are to maintain the standard of living and leadership role in the world we currently enjoy, we must assure a strong emphasis on mathematics and science in education. The quality of our future lies in our ability to attract the best and the brightest young minds to study and pursue careers in engineering.

Mr. President, I commend the engineers of the Nation, past and present, for their contributions to the well-being of our Nation. I join them in celebrating National Engineers Week.

THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD

Mr. DOLE. Mr. President, on February 16, Ambassador Madeleine Albright signed the U.N. Convention on the Rights of the Child. The United States joined 175 other countries that have signed and/or ratified the Convention. The next step would be for the administration to send the Convention—and a statement of any reservations and understandings—to the Senate for our advice and consent.

Mr. President, in the past several days, I have received thousands of calls from all over the country in opposition to this Convention. My office has not received one call for it. These contacts have raised many serious problems that need to be examined. They have raised questions about Articles 13, 14, and 15, which grant children the freedom of speech, thought, conscience, religion, association, and assembly. Could these articles be interpreted to limit the ability of parents to decide for themselves how best to raise their children? Should U.S. citizens be subject to some sort of international committee that enforces compliance with Article 28(2) which states: ''State Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention''?

Under Article VI of the Constitution, Senate ratification of this treaty would make it the supreme law of the land. Would the Convention then supersede Federal and State laws? What would the effect of the Convention be on the tenth amendment? Is the Convention merely a symbolic exercise, or will it actually require the United States to take actions? These are sincere questions from sincere people. They deserve answers.

Mr. President, I realize the original intent of the Convention was to protect children from such abuses as forced labor and to improve the situation for those children in many parts of the world. No doubt about it, many children around the world face unbearable and unacceptable conditions every day. And for these children, a properly crafted document could provide some much needed relief.

However, I also believe we in the United States have made significant progress in protecting the rights of the child through Federal, State, and local laws. These laws are better equipped to deal with the varying challenges posed by the issue of child rights. If there is one thing this election taught us, it is the need to get excessive government out of people's lives. This applies to the Federal government, and it certainly applies to the multilateral, quasi-government that is the U.N.

I don't know the administration's timeable for sending the Convention to the Senate for advice and consent. When submitted, it will be referred to the Senate Committee on Foreign Relations—where I am certain it will receive the careful review it deserves. However, until all the questions that thousands of Americans have about the Convention are satisfactorily answered, I will not support ratification of this Convention.

NATIONAL ENGINEERS WEEK

Mr. SIMON. Mr. President, February 19–25, 1995 marks National Engineers Week, a time when America honors the 1.8 million men and women who make up our Nation's second largest profession.

I commend our Nation's engineers for their contributions to technology in the private and public sectors. The technological breakthroughs achieved by engineers have enabled people around the world to live healthier, more efficient, and more fulfilling lives. In my home State of Illinois, engineers have provided people with valuable scientific innovations in areas such as communications, medicine, and agriculture.

I would also like to recognize the work of three junior high students from Central School in Glencoe, IL: Stephanie Richart, Alexandra Wong, and Denise Arbruster. These three students were the Chicago-area winners of the National Engineers Week Future City Competition. This competition asked students to envision a 21st century city, and then express their ideas through computer printouts, scale models, and oral presentations. Many local engineers graciously volunteered their time to advise students on their projects. I salute everyone who participated, and I wish the Central School team well in the national competition here in Washington.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A 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:

(1) Feinstein amendment No. 274, in the nature of a substitute.

(2) Feingold amendment No. 291, to provide that receipts and outlays of the Tennessee Valley Authority shall not be counted as receipts or outlays for purposes of this article.

(3) Graham amendment No. 259, to strike the limitation on debt held by the public.

(4) Graham amendment No. 298, to clarify the application of the public debt limit with respect to redemptions from the Social Security Trust Funds.

(5) Kennedy amendment No. 267, to provide that the balanced budget constitutional amendment does not authorize the President to impound lawfully appropriated funds or impose taxes, duties, or fees.

(6) Bumpers modified motion to refer H.J. Res. 1 to the Committee on the Budget with instructions.

(7) Nunn amendment No. 299, to permit waiver of the amendment during an economic emergency.

(8) Nunn amendment No. 300, to limit judicial review.

Mr. BUMPERS. Mr. President, I would like to ask the Senator from Oklahoma a question. He mentioned food stamps. The Senator will recall that last year on the Agriculture appropriations bill, we debated the issue of allowing the States to experiment with giving food stamp-eligible recipients cash instead of food stamps. I have taken strong exception to that, and I do not mean to demean people who are on food stamps. But let us assume that a parent with three children is getting a couple hundred dollars a month in cash like an SSI check, or Social Security check, or anything else, and assume they get that check on the first day of the month and the television repairman, or the television cable company man shows up and says, ''I am here to disconnect the cable; you are behind 2 months and our rule is we have to disconnect. You owe us $50.'' I have this deep seated suspicion that the cable television guy is going to get the $50 and the children are going to get what is left.

While that passed last year, I am going to do everything I can this year to undo that. It is still a pilot program. Some of the Governors like it because, as you know, if you go to the grocery store and spend a voucher, you have to pay sales tax on it. If you go to the grocery store and use a food stamp, you do not pay sales tax. So this is worth millions of dollars to States, which are always looking for new revenues—painless revenues, especially.

My state has a 5-percent sales tax which also applies to groceries. There are not too many States which still tax food, but mine does. That means that Arkansans who are getting food stamps will see a 5-percent reduction in the amount of food they can provide for their children, even if they are careful about spending that money only for food.

I was wondering if the Senator had any thoughts about that.

Mr. NICKLES. One, I want to say that maybe I should have given the numbers for the projected cost of food stamps. Food stamps grew at zero percent in 1994 and will grow at 4 percent for the next couple of years. Maybe some of the reforms the Senator is talking about have been successful. I share his concern, though.

I think if you want to covert a commodity program to cash it is going to be open for abuse. There was an excellent program on one of the television networks recently about people selling their food stamps for cash so they can use it for various other things, including alcohol and drugs. So I think we need to reform the program. I mentioned that the earned income tax credit has really been abused. People are going into poor areas and trying to get citizens to file a fraudulent return. They will get a persons social security number and say, ''I can use this to get a $1,500 or $2,000 earned income tax credit, I will give you $500 now and let me take your credit.'' That is one of the reasons why the IRS is trying to crack down.

I think maybe some pilot programs are in order, because there is bound to be a better way.

But I am concerned, when we start turning it into cash, that you may be increasing the incentives for abuse instead of decreasing the incentives.

Mr. BUMPERS. I appreciate the Senator's comment.

As the Senator knows, we are experimenting with a credit card type food stamp program—I am hoping that will be successful—where a grocery store just takes your credit card and they can tell you exactly how much you have left for the month. It can also kick out any ineligible commodities or groceries you have picked up so that you are not paying for something like cigarettes or toiletries, for examples.

The other thing the Senator makes a very good point on is the earned income tax credit. I happen to be a strong proponent of the earned income tax credit. I think it is a very good tool to keep people working, because you have to be working and you have to be a parent before you qualify for it.

But the IRS was in my office just recently telling me that I could expect quite a few calls from constituents about the delay in getting their tax refunds. And, of course, the papers are now full of that.

But one of the reasons it is late is because they are trying to audit two or three things. One is to make sure people report all the income that they received on 1099 forms. If the Senator, for example, gets a gas royalty at the end of the year, the gas company would send you a 1099 saying we paid you $1,800 this year. So they want to check those against what you reported. That is very legitimate.

But the other thing, which is more time-consuming but in my opinion probably is more rife with fraud, and that is the earned income tax credit. I did not realize until recently that some people really are ripping the system off.

Mr. NICKLES. If the Senator will yield for one other comment. Congress has now expanded the EITC to people without kids. Eligibility has increased dramatically to where 40-some percent will be eligible in the District of Columbia. I believe the State of Mississippi had 50 percent of the persons eligible for earned income tax credits. A lot of people did not know they were eligible, so they are getting help from income tax filers. And it is rampant with abuse.

I think we are going to have to make some changes in eligibility to tighten up the program, because, a few years ago it cost $5 billion and they project in a couple of years it is going to cost $25 billion. So that is the fastest growing entitlement type program that we have. I think we are going to have to curtail it. I think we are going to have to curtail a lot of them. I look forward to working with my friend from Arkansas.

MOTION TO REFER, AS MODIFIED

Mr. BUMPERS. I thank the Senator from Oklahoma.

Mr. President, I appreciate the indulgence of the Chair in allowing us to talk about something other than the pending motion, to which I will now return.

Let me, for the benefit of my colleagues, once again describe my proposed amendment. As I said last evening, I consider it to be an absolutely ingenious idea. When I first began to think about it, I wasn't sure that a legislative fix could cure the problems associated with the balanced budget amendment.

Everybody knows that I have consistently been a leader in the Senate on constitutional amendments. When it comes to people who willy-nilly throw these constitutional amendments around, I belong to the wait-just-a-minute club. I revere that document as I revere no other document, other than the Holy Bible. And the Constitution is our legal bible. It is the legal guide that provides people in this country with individual liberties, provides for the general health and welfare of the people of this country and for the common defense. We should not put ''willy-nilly'' economic policy or social policy—particularly social policy that is incapable of being enforced—into this magnificent document known as the U.S. Constitution.

People in this country literally put their hands over there hearts when they hear the Constitution mentioned, almost as though the flag is going by. And yet the people of this Nation have been led to believe that if we would just put a few words in the Constitution, this nagging budget deficit somehow will be made to disappear. It is deceptive in the extreme.

Everybody here who has read the constitutional amendment knows that this amendment does nothing to balance the budget; does very little more than we are doing right now. But there is this reverence for the Constitution and the people, subconsciously or consciously, think if we put language in the Constitution we are going to get a balanced budget out of it.

But during this entire debate, not one person has told you how. We invited those who believe in the Contract With America that the Republican House Members all strongly favor to tell us.

''How are you going to balance the budget?''

''I don't know.''

''Who has standing to sue under this amendment?''

''I don't know.''

''When will a lawsuit ripen?''

''I don't know.''

''Would I, as a Senator, have standing to sue the Congress if they did not balance the budget?''

''I don't know.''

''Could the courts raise taxes in a lawsuit? Could the Supreme Court entertain a lawsuit saying, yes, indeed, Congress is out of compliance with this amendment. It is not in balance. Therefore, we are going to give the Congress 60 days to balance the budget unless 60 percent of the Members of each House vote otherwise.'' Sixty percent is not a majority. It literally defies democracy. But if the Court says, ''60 percent of you have to vote to unbalance the budget or we are going to take over the legislative affairs of Congress and raise taxes and cut spending ourselves.''

What if 60 days have gone by and Congress has done nothing. And the Court says, ''OK, we gave you 60 days. You are still sitting on your duff. Therefore, we are going to raise all income taxes by 3 percent and we are going to cut spending across the board, including defense, by 3 percent. And, according to our calculations, that will balance the budget.''

As Lincoln told Chief Justice Taney when Lincoln suspended the right of habeas corpus in the State of Maryland, ''He's made his ruling. Let him enforce it.''

So under this scenario, assume the Congress says to the Supreme Court, ''We have three branches of Government. You are only one. We are not going to waive the balanced budget requirement with 60 votes because we can't. We have 41 obstreperous people over there who will not let us unbalance it. In addition, we are not going to raise taxes and we are not going to cut spending.''

And so the Supreme Court Chief Justice calls the President and says, ''Mr. President, you are charged with the responsibility of enforcing the laws of this country. Now do it.''

And the President says, ''Look, how am I going to enforce the laws of the country? If they refuse to act under the Constitution, I can't make Congress do anything. I am on bended knee to the Congress all the time anyway trying to get them to pass my bills.''

The Court is asking me to alienate 100 Senators by removing them from office or taking some other action against them.'' I do not know what the President would do. What you then have is an unsolvable constitutional crisis that would threaten this Nation as nothing since the Civil War has threatened the country.

Sometimes people say to me, ''You do not care what your constituents think; this is very popular.'' I care deeply about what my constituents think. But do you know what I want my constituents to think more than anything else? I want them to think they have a Senator up here who is thinking, who understands the Constitution, has studied it all of his life, who reads the Federalist Papers and knows what the Framers of the Constitution have said on every issue, and who has some idea about what will work in the Constitution and what trivializes the Constitution.

A Senator told me 2 days ago, ''I'm going to support the constitutional amendment because I want the courts involved.'' If anyone wants the courts involved they should go down to Kansas City and talk to the people down there, where a judge did not literally raise taxes, but he said, ''Here is what you are going to do to achieve integration.'' And in order to do that, the Kansas City school district had no choice but to raise taxes. That decision was affirmed by the eighth circuit and affirmed by the U.S. Supreme Court, and is getting ready to be reargued next week.

Nobody here should suffer under the delusion that the Supreme Court will, as it does in certain cases involving Congress say, ''That is a political matter and this Court does not resolve political matters; you people get back over there and do your duty.'' It is just as likely that the Court wouldn't say that, as it would.

Is it not interesting, the contradictions we have seen in this Chamber since we started debating the constitutional amendment? The distinguished Senator from Louisiana, BENNETT JOHNSTON, offered an amendment which would prohibit the courts from enforcing the balanced budget amendment. When that was defeated he considered offering another amendment saying the courts must enforce the constitutional amendment. And I promise, Mr. President, that, too, would have been defeated.

The Senator who said he wanted the courts involved in enforcing the amendment probably should not say that back home. The people in my State have a very healthy apprehension about people who are not elected to office, such as judges, determining their lives. How many times have you heard, ''I want the Supreme Court to enforce the law, not to make laws.''

So what we have is this contradiction here. On the one hand, we have some Senators saying, ''I want the courts to enforce this because we won't,'' and you have a whole chorus of Republicans and Democrats who say, ''I don't want the courts involved in this at all.''

I have never heard, in my 20 years in the U.S. Senate, as many questions answered with ''I don't know.'' Cumulatively, I have heard more ''I don't knows'' since this debate started than in the other 20 years combined. Do you know what Norm Ornstein calls these constitutional amendments? The fix of last resort. What he should have said is the fig leaf of last resort, something to hide behind.

Senators say privately, ''Well, we can't do it politically because we will lose all these interest groups. It would be disastrous if we did what we have to do. So let's put it in the Constitution, and we can hide behind that.'' You can put it in the Constitution, but you cannot hide.

I understand that there is probably only one Republican who will vote against the balanced budget amendment. While my Republican colleagues

in the Senate did not sign the Contract With America, they are pushing House Joint Resolution 1, which passed the House and was included in the contract. If I had signed the contract, I would be praying that the Democrats could muster enough votes to kill this, because it is totally, wholly impossible to enforce.

One look at the contract would demonstrate that the Republicans in the House are not serious about balancing the budget. The Contract With America and Speaker GINGRICH have proposed substantial increases in defense spending and tax cuts for the middle class, defined as people who make as much as $200,000 a year. That is hardly middle class. I do not consider myself middle class. And I do not make that much money. But if I did, I certainly would not consider myself middle class. In addition, the Republicans want to cut the capital gains tax, which mostly benefits the wealthiest 5 percent of the people in the country. When we add it all up the contract would cost an additional $471 billion over the next 7 years and more than $700 billion over 10 years.

If we were to start right now trying to balance the budget between now and the year 2002—do not increase defense, do not cut taxes, just leave the trend line as it is—if we set out right now in the next 7 years to balance the budget, we would have to raise taxes, cut spending, or a combination of the two, to the tune of a little more than $1 trillion. If we were to exclude Social Security it would be approximately $1.6 trillion.

Do you know what that means? That means that we would have to cut almost $250 billion a year for the next 7 years.

Senator, you will not get a check for your salary, because it will be abolished. The FBI will be abolished; the Justice Department will be abolished; judges will be abolished; student loans will be abolished; highways will be abolished; the FAA will be abolished; housing will be abolished. It is unfathomable to me that people can look at you with a straight face and say we will balance the budget by the year 2002, not by cutting $1 trillion between now and then, but after we add a half trillion dollars in tax cuts and increased defense spending.

Do you want to know something else? I went home and told my constituents that I would like to cut taxes, but I am not going to vote for a middle-class tax cut. I am not going to vote for the President's middle-class tax cut, and I am not going to vote for the Contract With America's middle-class tax cut. Because I can go home and talk sense to the people in my State, and I have never hesitated to do it.

Not to make too fine a self-serving point, but this is the fourth time I have voted against the constitutional amendment to balance the budget, and I do not think I have gotten less than 60 percent of the vote any time I have run since then. Do you know why? When I say I have a lot of faith in the American people, I mean it.

I told people all over Arkansas that I do not favor term limits. I do not favor the balanced budget amendment, and I do not favor a middle-class tax cut that can only do one thing, and that is exacerbate the very problem we pretend to be dealing with here. If we can find $100 billion in cuts in this budget, for God's sake, we should put it on the deficit. People do not expect miracles.

But under my proposed alternative amendment, people say, ''Well, the deficit problem is not subject to a legislative fix.'' They are wrong. It is subject to a legislative fix. Do you know the beauty of this amendment? Look at those charts. The constitutional amendment calls for a balanced budget by the year 2002, but leaves this body the discretion of not doing anything until the year 2002. My amendment says it requires a balanced budget by the year 2002. And when do we start—now. Not 2002—now.

I do not like the supermajorities. I do not even like filibusters. I have participated in a few, but I really do not like them. And I do not like the requirement of 60 votes for this and 60 votes for that.

If my amendment is adopted and then subsequently the Budget Committee comes back to this floor in April or May with a resolution on the budget that does not reduce the deficit in 1996 from what it is in 1995, I will raise a point of order, and it is going to require 60 votes in this body to overcome that point of order. Now, if that is not a fair deal, I never heard of one. My proposal is enforceable; the constitutional amendment is not.

The 60-vote requirement, which is included in both the constitutional amendment and my proposal, is not without problems. Franklin Roosevelt was detested by a lot of fairly wealthy people when he first became President because he started spending money that the Government had to borrow. But do you know what he was borrowing it for? To keep this country out of the hands of communism, which was a threat. Why? Because people were hungry.

I am just barely old enough to remember, but I am a depression child. My mother had saved a $1,000—hen and egg and cream money—and lost every dime of it because the Bank of Charleston went broke, and by the time the receivers got through with it, she did not get one nickel. My mother never got over that.

We lived in a house which did not have natural gas. We burned coal to stay warm. My father was making $75 a month when almost everybody else in town was making $21 a month, plus getting a little cheese and beans at the courthouse on Saturday afternoon. By today's standards, people cannot understand that kind of unspeakable poverty—food lines, food lines all over the country—25 to 30 percent of the people in this country out of work.

So what did Roosevelt do? He started building public buildings. The gymnasium in which I played high school basketball was built by the WPA to create jobs. He built roads. We had nothing but dirt roads, except the main highway that went through town 18 feet wide. Everything else was dirt and mud.

We lived a block north of Main Street, and when it rained, you could not get home without getting stuck in the mud. In the summer, every time a car went down the street, the dust was insufferable. It choked us to death. The Federal Government loaned us and gave us enough money to pave our streets, to give us healthy water where people had died all summer long of typhoid fever before.

We eventually got indoor plumbing. My brother and I started taking five baths a day when we had indoor bathrooms. We just did not know people lived like that.

We built roads, we built public buildings, we got rural electrification. It saved my father's business. He could sell radios and electric ranges and refrigerators to country people because the Government was spending money; yes, going into debt to try to give people a fighting chance to work their way out of that Depression. There were a few New York bankers who thought it was terrible, but I can tell you, there was not one soul in Charleston, AR, who thought it was terrible. That is the reason Roosevelt carried 46 States in 1936.

We are not likely to have a depression of that magnitude in this country again, but let me ask my colleagues, what do you intend to do if we have a 10- to 20-percent unemployment rate?

Let us assume further that the deficit is beginning to climb because people are out of work, they are not paying taxes and we are having to pay unemployment insurance and more welfare payments. Our costs are going up and our revenues are going down.

But let us assume we have 41 New York banker types in the U.S. Senate who say, ''I promised my people I will never vote to unbalance that budget.'' That will be an issue. If we pass this constitutional amendment, I promise you everybody in this country will be running on the proposition, ''You'll never catch me being a part of those 60 votes to unbalance the budget.''

So you have 41 people here who are insensitive enough not to care what happens. What do you do then? You have a country on your hands that is a basket case, that has turned its back on everything we really believe and that has made this country great. It is a dicey thing we are voting on.

Let me say to my colleagues—some on this side—those of you who say, ''Well, the Republicans will just beat us up in 1996. If I vote against this thing and I am up for reelection next year, I can just see it now. There will

be millions of dollars spent to defeat me,'' and if we only get 34 votes, then all 34 of them will be accused of being the deciding vote.

I am with Harry Truman, if you cannot take the heat, get out of the kitchen. Do not mess with the Constitution because you are up for reelection in 1996. The people did not send you here to play games. They sent you here to preserve and protect and defend the Constitution. When you walked down to the well of the Senate on January 3 and held up your hand, you said: ''I hereby swear that I will defend and uphold and protect and preserve the Constitution of the United States.'' You did not say, ''I am going to vote for every trivial cockamamie idea anybody can come up with because it is popular.

You think of it, Mr. President, since 1789 when this country adopted the Constitution, Members of Congress have tried over 11,000 times to change the Constitution. You think of it: 11,000.

Take the Bill of Rights out, which is the first 10 amendments. They were adopted the same time the Constitution was. Remove those, and in 205 years, do you know how many times we have tinkered with the Constitution? Eighteen times. That speaks well for both Congress and the people.

Prohibition was the one time that we slipped up. I was from a devout Methodist family and my mother considered liquor as big a demon as we ever had. As far as I know, neither my mother nor my father ever had a drink in their lives. They hated it.

In 1919, I guess it was, the Congress submitted a resolution to the people and said, ''Let's make the 18th amendment a prohibition against drinking.'' I am sure my mother and father supported that. Is it not ironic that they were killed by a drunken driver? But that is not the point.

The point is, we were trying to put a kind of social and religious policy about drinking in the Constitution, and people were going to drink. You can put a constitutional amendment outlawing marijuana and cocaine, and people will still use marijuana and cocaine. And so it was with prohibition. So by the time Al Capone had turned this country into an absolute bloody, bullet-ridden country, we decided we made a mistake and we repealed it. If you don't consider the two amendments dealing with prohibition, actually the people have tinkered with the Constitution 16 times, though we have had 11,000 opportunities.

Mr. President, I have a tendency to get a little too personal sometimes during these debates, but I want to be as dramatic as I can be in sounding the alarm about what we are about to do.

In 1993, the President of the United States said, ''I committed myself to the people of this country to reduce the deficit,'' and so he, along with the leaders of the Congress, came up with a dramatic proposal to cut $500 billion off the deficit over the next 5 years. We adopted that proposal. We said we are going to cut a dollar of spending for every dollar in taxes we increase. And so what did we do? We raised the income tax rate on the wealthiest 1.2 percent of the people and raised the gasoline tax by less than 5 cents per gallon and cut spending by approximately $250 billion.

I consider myself a friend of virtually everybody in this body, including the people who sit on the other side of the aisle, but we stood on this floor for days on end pleading with the people on that side of the aisle to help us get the deficit under control. We had to bring the Vice President over here to break the tie, and we passed it 51 to 50. And so the deficit in 1993 was about $40 billion less than it was projected to be. The deficit in 1994 was $100 billion less than it had been projected to be. This year, the deficit will be down again, and it ought to come down more.

The people do not expect miracles, as I said, but if we reduce the deficit by $10 billion from now until the year 2002, I promise you Wall Street, the bond brokers, and the people in Charleston, AR, will be rhapsodic.

But, in 1993 we had to reduce the deficit with nothing but Democratic votes. Not one single Republican voted for it. They said, ''Why, you are raising taxes.'' We did, on the wealthiest 1.2 percent of the people, and we cut a lot of spending that I did not want to vote for. And so what happened then? We lost a lot of Members on November 8, 1994, who had voted for it, and whose opponents said, ''He is a tax and spender. He is a liberal tax and spender.''

But we passed the deficit reduction bill and the deficit is down dramatically because we did it. And what happened after that? They said, ''Well, that's not good enough. Let's put some words in the Constitution.''

I say stiffen your spines, colleagues. Let us deal with it. Under my amendment, if the Budget Committee comes out here with a resolution that does not cut the deficit, I will make a point of order and it will take 60 votes for them to pull that off. If they cannot recruit 60 votes, they have to go back to the drawing board and get the deficit down below what it was the preceding year.

I have never seen anything that makes better common sense, more imminent common sense than this proposal. Not to coin a phrase but to emulate our friend from Texas, it is just that simple.

So, colleagues, I plead with you. This could very well be the most important vote ever cast. I have cast some really important votes in the Senate. In the past, we have always had enough votes to defeat this thing. It is going to be close. It may pass. And when the year 2002 comes and the deficit is soaring out of sight, which it certainly is going to do if this Contract With America is passed, I do not know if we will get the blame for it, but I am sure somehow or other we will.

I am willing to accept the blame if my amendment is adopted. But when it comes to the Constitution, I ask my colleagues to remember what they said when they held up their right hand with their left hand on the Bible. They took a solemn oath to defend this sacred document, and not trivialize it with something that is only going to do what Alexander Hamilton said will be the most degrading, deteriorating thing to democracy he could imagine, and that is to raise people's expectations beyond any hope of fulfillment, and make them that much more in the dark about what needs to be done.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The gallery is advised that there will be no showing of approval or disapproval of actions taken in the Chamber.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, let us just be honest about it. We can talk about statutorily saying we are going to balance the budget, as we have the last dozen times here on the floor of the Senate and House. The fact is every one of those statutes that passed that people were so enthusiastic about and said we are going to balance the budget has been ignored by subsequently passed legislation.

Now, look. There has not been one balanced budget in the last 26 years. In fact, there has only been one in the last 36 years. So all of the ranting and raving that we do around here as Members of the Senate and beating our breasts about how we should do it now and balance the budget, that is all just so much guff, and we all know it. There have only been seven balanced budgets in the last 60 years—seven.

I remember when my colleague—I just ran into him the other day; I was coming back to Washington and ran into my good friend, Harry Byrd, who brought up the Byrd amendment back in, I believe it was, 1978 or 1979, that required us to balance the budget by 1980 —required us. We all voted for it. It passed overwhelmingly. Boy, we were going to do something about it. It was almost overturned overnight by a simple majority vote.

We all beat ourselves on the breasts saying we are going to balance the budget, we are going to do something about this horrendous spending of the U.S. Congress, and then we turned right around and continued this process of the last 26 years where we failed to balance the budget, only we have gone even worse and now we have the President's budget where the President

has punted the football. I do not think even the President realized what his budgetary people were doing. But that budget does absolutely nothing, nothing about deficits for the next 12 years. That budget assumes we are going to have $190-billion-plus deficits for each of the next 12 years. Under his budget, we will reach $6 trillion in debt in the next 5 years: Business as usual.

I know Senators are very sincere when they come on this floor and say, ''We should do it now. We have the power to balance the budget now.'' How many times have I heard that over the 19 years that I have been here? And we have not balanced the budget once in those 19 years, because any simple statute that follows, by majority vote—we could have 26 vote for it and 25 against it—could overrule the balanced budget requisites that others are talking about.

The national debt is now over $4.8 trillion. That is more than $18,500 that we owe for every man, woman, and child. And our children who are being born today come into this world $18,500 in debt because of what Members of Congress have been doing for the last 60 years during which time we have only balanced the budget seven times, as I mentioned.

The gross annual interest on the debt exceeds $300 billion. If we did not have to pay that interest—if we did not have to pay that interest—my goodness gracious, we would have enough to balance the budget plus a surplus. That interest payment is right down the drain, and we keep talking about how we should do it now. Let me tell my colleagues, once again we are faced with a measure which tries to balance the budget on a mere legislative rule.

My friend from Arkansas—and he knows he is my friend and I care for him—I know he is sincere in wanting to do that. His motion which seeks to amend the Budget Act to provide for additional grounds for a point of order. There would be an objection to resolutions, until the year 2002, which are not on a glidepath to a balanced budget and, starting in the year 2001, for any budget with a deficit. In short, his amendment seeks to do by legislation what the balanced budget amendment would do constitutionally.

If a statutory fix—and I acknowledge he is sincere, I acknowledge that he wants to do this; and I believe he would try to do his best to do this—but if a statutory fix would be enough to balance the budget, I would be overjoyed. I am the last person in the world who would want to amend the Constitution if it was not absolutely necessary. But history has shown us repeatedly that statutory attempts to balance the budget just do not work.

Look at these, from 1921 right up to 1987. We have had the Budget and Accounting Act, a statute that said it was going to balance the budget. It did not work. Look at how the debt just kept going up.

The Revenue Act of 1964 just did not work. Any subsequent spending proposal that could pass by a majority vote overruled that.

The Revenue Act of 1978 just did not work. Any subsequent majority vote overruled it.

The Humphrey-Hawkins Act of 1978 demanded that we balance the budget. My gosh, it was overturned by a simple majority vote.

The Byrd amendment, which I referred to, back in 1978 to balance the budget was overturned by a simple majority vote.

The debt limit increase, 1979 was overturned.

The Bretton Woods amendment, again overturned.

Codification of title 31, overturned.

Gramm-Rudman-Hollings; we all knew it was going to work, did we not? It was a bipartisan amendment, it passed both Houses of Congress. It did not work. It worked for a while—there were a few good things about it—but ultimately we just, by a majority vote, overturned it.

Then we went to Gramm-Rudman-Hollings II, because we could not meet the goals of Gramm-Rudman-Hollings I. So by a simple majority vote we overturned it.

History has shown us that statutory attempts, as well-intentioned as the statutory attempt of the distinguished Senator from Arkansas is, just do not work. It does not take Congress very long to avail itself of the opportunity to create exceptions and loopholes and then finally to repeal the law altogether. I see no reason why things would be any different with the proposal before us now.

Gramm-Rudman-Hollings required points of order. Gramm-Rudman-Hollings required special votes. The sad history of legislative attempts to balance the budget show the need for a constitutional amendment even more. A constitutional amendment forces us to work for a balanced budget. A statutory approach, no matter how cleverly it is written, is ultimately going to be overruled because these people want to spend. They want to tax more. They get more credit for spending than they do for conserving around here. They can go home and beat their breasts and say how much they have done for the local folks when in fact everybody in the country is doing the same thing.

Despite our best statutory efforts in the most recent deficit reduction plan, a constitutional amendment is required for at least the following reasons:

Statutes do not purport to correct the structural bias in favor of deficit spending that would be offset by a constitutional amendment. They just do not do it.

Statutes are only intended to deal with a temporary crisis, whereas the constitutional amendment will correct the bias that has caused deficits in 55 of the last 63 budget years or budget cycles.

The deficit spending bias is not a problem that has lasted, or will last, only 5 years. It has been going on for 63 years, and it demands a permanent constitutional solution. Ultimately, no Congress can bind a succeeding Congress by a simple statute. It is just that simple. Any balanced budget statute can be repealed in whole or in part by the simple expedient of adopting another statute, which is what happened in every one of those cases that I showed you on the chart that I had up before.

Statutory limitations remain effective only as long as no majority coalition forms to overcome such statutory constraints. The virtue of a constitutional amendment is that it can invoke a stronger rule to overcome this spending bias in the Congress of the United States.

Our recent history suggests how much we need the strong rule of a constitutional amendment. Gramm-Rudman was to balance the budget by 1990. It was undone by a series of statutory amendments, not unlike what my friend and colleague would like to do here. The 1990 budget agreement led to record-setting deficits. And that was the year we were supposed to balance the budget. But it led to record-setting deficits.

Under the current budget law, the so-called deficit reduction package, we continue high deficits and increasing deficits after a momentary trough. That is after we increased the taxes the most in history. Sure, the deficit is going to go down, but it is still almost $200 billion. It is bound to go down when you increase taxes like that. They also spent more, too.

The CBO puts the 1994 deficit at $203 billion. It projects the fiscal year 2004 deficit will be a record $383 billion, in spite of this so-called deficit reduction package that the President claims and most of my colleagues on the other side claim that they courageously voted for $383 billion. Even the latest proposals, as I have mentioned, even the latest budget from President Clinton seems satisfied with a minimum of $200 billion in deficit spending—$200 billion in deficit spending as far as the eye can see, every year from here on in. The status quo is just plain unacceptable. That is what this battle is all about.

Even aside from the inherent weakness of statutory fixes, I have some concerns about the proposal's substance. Section 1 of the motion requires that future budget resolutions be on a glidepath to a balanced budget with ''appropriate'' levels of revenues, outlays, public debt, et cetera. But it does not say what appropriate levels really are.

What in the world is an appropriate level? If the deficit is a penny less than the year before, is that appropriate? I am sure my colleague would say no. But how about a dollar? How about $100? How about $10,000? How about $1 billion? The motion does not say. Or

how about $200 billion, which is what the President's budget deficit will be? Is that appropriate?

Even if ''appropriate'' was defined, we could not bind future Congresses to lowering the deficit by a certain amount each year. The future Members of Congress would be able to decide for themselves how much reduction there should be each year, and where that reduction would come from. If the 106th Congress, for example, does not like what we in 1995 project for the year 2000, they could just change it. That is their right. It may be their duty as leaders of the country. But it would be irresponsible to try to set those levels now, since we have no idea what the national needs or priorities will be in the future.

Mr. President, statutory attempts to balance the budget just do not work. We have a long history of them not working. We need the real thing, a constitutional amendment to fix the problem once and for all.

Let us go over it one more time: Not one balanced budget in the last 26 years, only seven in the last 63 years. Our national debt is almost $5 trillion. In fact, we are now in the 26th day of this debate from the date that we started. Starting on day 1 our deficit then was around $4.8 trillion, this bottom red line. It has now increased until on day 26 our deficit is now going to be $21,565,440,000. While we have been debating this the country is burning. It is burning up with debt. We are fiddling while our country is going down the drain and while our children's and grandchildren's future is being bartered away and thrown away by profligate Congress after profligate Congress.

The fact of the matter is just in those 26 days our national debt has gone up almost $22 billion. We still have the 27th, the 28th, the 29th, and the 30th to go yet. So you can figure that by the time we get through here we are going to be probably $26 billion or more in debt than we were when we started the debate. All the statutes in the world are not going to help us get over that.

The national debt has increased $3.6 trillion since the Senate last passed basically the same balanced budget amendment back in 1982; $3.6 trillion. We have had two Gramm–Rudman-Hollings statutes, that were tougher than the distinguished Senator's statute here, both of which bit the dust. In that time we went up $3.6 trillion since we passed the balanced budget amendment in this body in 1982 with 69-votes, two more than we needed. We need 67 this time. I will settle for 67. If we can get 67 votes, we are on the verge of helping to save this country. We are on the verge of helping to save this country from going right straight into bankruptcy, or to put in simpler terms, where we monetize the debt by printing more money to pay off the debt with cheap money or money that is worthless but nevertheless capable of paying off the debt; where we break the whole financial standing of the country in the world. That is what is going to happen if we do not do something about it.

Since 1982, now 13 years, when we passed a balanced budget amendment in the Senate, we had 60 percent in the House but not two-thirds. So ''Tip'' O'Neill and those who governed the House at that time beat us. But here we have the reverse now. We have the House of Representatives for the first time in history has passed this amendment, their bipartisan Democrat-Republican consensus amendment, and now it is here in the Senate where we can do something about it.

This year, 1994, we spent an average of $11.807 million each day on gross interest alone. That is $564,000 each hour $564,000 of every day. That is why we had statutory fixes like this one in place.

Just the 26 days since we started this debate has cost us in deficit spending almost $22 billion. Where is it going to go? I do not think anybody can make a good case that statutes alone are going to solve those problems. All the shouting in the world, all the arguing in the world, all the ingenuity in the world is not going to change that fact. But a simple statute that can be amended by another simple statute anytime anybody else wants to spend more and any subsequent Congress that wants to spend more—frankly, the American people are catching on.

I think that is why there was a sea change in November of this last year. This sea change where they took people in and elected these 11 new Republican Senators here, every one of whom has participated in this debate and every one of whom will vote for the balanced budget amendment—they elected them because they now know that there is no hope to get spending under control unless we pass this balanced budget amendment. And another statute that is well thought out, as the Senator's may be, another statute, and as well-intentioned as it may be that statute is not going to cut any mustard. It will not fare any better than the statutes that have been passed in the past which were ingenious. I supported them. I tried my best to do what I could about getting spending under control. But they failed because subsequent Congresses overruled them when the going got tough.

With the balanced budget amendment, if the going gets tough, we are going to have the tough get going and we are going to have to stand up and do something about this deficit spending for the first time in the last 63 years. That is what is involved here. We all know it.

Next Tuesday we will have an opportunity to vote one way or the other. I am hoping that my colleagues will support us. It is a bipartisan effort. We only need 15 Democrats. We have 52 Republicans out of the 53. We only need 15 Democrats out of their 47. If we get them, we will be on our way to getting this country's fiscal house in order. If we do not get them, regardless of how many statutes we pass it is going to be Katy bar the door, the same thing that we have had for the last 63 years, a lot of empty promises; or, even if they were not empty, a lot of promises that really were not lived up to. I want to see us get out of that system and get into a system where we have to do something about deficit spending and do it now.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I want to thank the distinguished Senator from Utah for not yet moving to table. I have a few remarks I want to make and then I understand he will move to table.

There is not anyone in the Senate for whom I have a higher regard or a better personal relationship—off the floor—than the Senator from Utah. He is unfailingly delightful, courteous, accommodating, and I appreciate it very much.

Let me start off by saying what I said last evening when I first laid this motion down; that is, I am offended by the fact that there are 100 Senators in the U.S. Senate but House Joint Resolution 1, the pending constitutional amendment, was adopted by the House and sent to the Senate, and they said do not uncross one ''t'' or undot one ''i''. Otherwise, do not send it back to us.

Think of the arrogance of debating for almost 4 weeks now an amendment to the Constitution of the United States, where we are told by the majority party, ''We will not accept one single change of one word.'' James Madison went to Philadelphia knowing precisely what he wanted to do, but he had to contend with the likes of John Adams, Alexander Hamilton, John Jay, and George Washington. Can you imagine them in Philadelphia saying that? Let us assume that Washington and Madison got together and said: Here it is, boys, put your seal of approval on it and let us go home. Why, they fought like saber-toothed tigers over every word for 119 days. We are told, in 30 days, that we may not make one single change. And indeed we have voted about 20 times, and every single amendment that has been offered has been offered on this side and summarily shelved, tabled, with not even an up-or-down vote.

I suppose there have been times when my party was in the majority that maybe we have been that insensitive—but not on the Constitution.

The Senator from Utah was not here when I described my amendment earlier. So I will try to state it again, because some of the assumptions the Senator was making are in error. But before doing that, let me say to the Senator that, before he arrived, I pointed out that in 1993 we voted in the U.S.

Congress to cut the deficit by $500 billion over the next 5 years—half taxes, half spending cuts. Because the economy is better than we anticipated, there will actually be closer to $600 billion in deficit reduction. Tragically, while the American people want us to be bipartisan and they want us to work together—you can be a Democrat and you can be a Republican, but when the chips are down, you ought to collaborate, you ought to cooperate, just like when you declare war.

The chart the Senator from Utah has used over the last 26 days points out that the deficit has risen $23 billion since Congress began debate on the constitutional amendment. The Senator fails to make two points though. First, the constitutional amendment requires no action until 2002. Even if the amendment had passed the Congress and been ratified by the States on the first day of the debate, the deficit figures on the Senator's chart would be no different. In addition, the figures on the chart would be closer to $30 billion had it not been for the 1993 deficit reduction package voted for only by Democrats, many of whom lost their seats—particularly in the House—because they voted for it and were accused of being tax-and-spend liberals when they went home. If it had not been for the courage of 50 Democrats and the Vice President's tie breaking vote in the Senate, the Senator's chart would have to be much taller. I have never cast a vote that I was prouder of.

The Senator from Utah made a statement that we have tried legislative remedies before and that is the reason we are here debating the Constitution. Let me make a couple of points. First, as far as I know, we have never tried a legislative remedy requiring 60 votes to repeal. If 60 votes to eliminate the constitutional balanced budget requirement is enough assurance, no one could argue in good faith that the very same 60 vote requirement to eliminate my proposed statutory requirement is insufficient.

Second, the constitutional amendment calls for a balanced budget by the year 2002 but does not require Congress to do one blessed thing for the next 7 years. The Speaker's Contract With America in the House says we will do it all in 2002. They say if the Congress will just adopt this and send it to the States and 38 States approve it, we will do it in the year 2002.

The thing that makes my amendment so much more preferable is that I say let us not wait until 2002. Start now. Cut the deficit this year below what it was last year. If Congress had done nothing in 1993, the deficit would be approaching $400 billion. However, we have caused the deficit to decline below $200 billion. Even the President's budget, with which I disagree, calls for $190 billion to $200 billion a year between now and the turn of the century.

My amendment says that the Budget Committee must come out here with a budget resolution that contains a glide path towards a balanced budget. If they do not do that, I will raise a point of order and it will take 60 votes to overrule the point of order. That is exactly what the constitutional amendment calls for, 60 votes, not a simple majority, Senator.

The Senator says one of the flaws of my proposed amendment is that it does not say how much we would have to cut the deficit next year. That is true. But my amendment says the same thing the constitutional amendment says—that they not only must cut the deficit below what it was last year, they have to submit a budget that shows we are going to have it balanced by the year 2002—not wait until 38 States ratify this crazy constitutional amendment. Do it now and it will require 60 votes, just like the constitutional amendment. It is absolutely a more enforceable amendment than the constitutional amendment because it requires us to do it now. It requires us to start reducing the deficit now, not in 2002.

I will tell you what I think. I may have said this earlier. I think I did, but I will say it again. If we reduce the deficit $10 billion or $15 billion next year, below what it is this year, the American people will be happy. They know that you cannot cut a trillion dollars in spending all at once. If we were to reduce the deficit under my amendment by $10 billion to $15 billion a year for the next 7 years, that would be half the battle won, and you would not have thrown the economy into a tailspin. Can you believe that we are going to wait?

I have never seen a constitutional amendment that people were willing to vote for, with a serious look on their face, that says we are not going to do anything until the year 2002, or at least we are not obligated to do anything. The beauty of my amendment is that it tracks the constitutional amendment. It says a three-fifths vote will be required if we do not reduce the deficit every year and balance it by the year 2002. It does not undercut the Constitution, it protects Social Security, and mandates that we start now. My proposed amendment ought to get 100 votes in the U.S. Senate, but it will not. People will walk up to the door and up to the manager and say, ''What is our vote on this?'' Well, they will not have to ask, they know what their vote is. They know there has been a motion to table every single amendment. What kind of democracy is that?

What kind of thinking is that?

Well, we ought to have the ability in our offices to just push a button ''no'' or ''yes.'' You do not have to listen to the debate. You do not have to think. Just ask, ''What's our vote?'' What a travesty. What a trivialization of that sacred document we call the Constitution.

I have been sitting in that seat for a long time. I can remember walking up and down this aisle in 1981 during the debate on the Reagan economic proposal to cut taxes and increase spending. President Reagan told the American people that those two, in combination, would balance the budget.

I stood right here, as I am standing right now, and I said, ''You pass this budget, you pass this tax cut and this increase in defense, and you are going to create deficits big enough to choke a mule.''

And only 11 Senators—11—said no, 89 Senators voted yes.

The Senator alluded to what happened over the last several years in our efforts to balance the budget. I am telling you that my vote on the 1993 Deficit Reduction Act was one of the most unpopular votes I ever cast. Think how easy it is to vote for tax cuts. If you are looking for approval ratings back home, you just put your finger to the wind and whatever is popular that day, vote for it. Eleven Senators said this is palpable nonsense. And do you know what it turned out to be? Just $3.6 trillion of palpable nonsense.

Did you know that if we had defeated that proposal in 1981, the budget would be much closer to being balanced today? If you exclude the interest payments on the debt accumulated during the Reagan and Bush administrations the deficit today would be just $800,000. Think of that.

And there was not any one of those 11 Senators that did not know what was popular. Sure, I knew what was popular. I always know what is popular. But I can tell you, what is popular today may be patently unpopular tomorrow.

You pass this constitutional amendment and say, ''Well, we will do it all in the year 2002.'' There is not one soul in this body that does not know that that is absolutely impossible. As Alexander Hamilton said, ''It raises the cynicism level of the people in this country who think that Congress cannot do anything right. And usually it is because Congress has not done anything right.''

Again, I plead with my colleagues to support a legislative amendment that has more power and effect than the constitutional amendment and does not tinker with the Constitution.

To repeat a statement I made last night, Robert Goldman, of the conservative American Enterprise Institute, said something I could not agree with more. ''True conservatives do not muck with the Constitution.''

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as always, I enjoyed listening to my distinguished colleague from Arkansas. I know he is sincere and I know he believes this would be a better way to go. I know he is not a supporter of the balanced budget amendment for reasons that he claims to be significant. I think he is wrong.

There is no use kidding. This is no different, in real terms, from other simple statutes that have been passed.

The difference between his solution and mine is his could be easily amended. Let us say he gets 60 votes to amend it. Once it is amended, it is gone.

The balanced budget amendment is not gone. It is going to be there to maintain that three-fifths requisite if you want to increase spending. It is going to be there to require that constitutional majority if you want to increase taxes. A constitutional amendment is a stronger rule, there is no question about it, than a mere statute.

The amendment of the Senator from Arkansas certainly is a good step toward implementing the balanced budget amendment. And I will be interested in working with him on implementing legislation afterwards, and that may be the type of implementing legislation we may want to do. But it is no substitute for the balanced budget amendment. I do not think anybody could argue that, because it can be amended by another statute. It is another well-intentioned but easily avoided, weak statutory rule like all the failed attempts of the past. I do not think there is any question about it.

As a matter of fact, his point three, that the constitutional amendment may or may not be enforceable, everybody knows a constitutional amendment is enforceable at the ballot box. Everybody knows that we are sworn to uphold the Constitution. If this constitutional amendment to balance the budget becomes law, there will be tremendous force by the public at large to enforce that amendment. It certainly does not trivialize and politicize the Constitution, not at all. It was carefully put together, carefully crafted. It was done by Democrats and Republicans over a period of at least 15 years—really 38 years if you really want to start talking about when this started. And it hardly trivializes and politicizes the Constitution.

It says, ''The game's over. No longer are you going to be able to just do business as usual, the old way of doing things. You are going to have to live up to some new ways of doing things.''

And that is, within the Constitution, you are going to have to balance the budget by the year 2002 or give a very good reason why not—or face the voters at the ballot box. That is hardly trivialization.

It raids the Social Security trust fund. I suggest to you that is blatantly in error because we are raiding the Social Security trust fund as we sit here every day. There is a $70 billion surplus this year, every nickel of which is being borrowed in exchange for a Treasury bill.

If we keep going into bankruptcy the way we are going, our seniors will be the most hurt of all because their dollars that they get on Social Security are not going to be worth anything. It does not require much of a knowledge of economics to understand that simple principle. If you spend into bankruptcy, that bankrupt company is not able to do much good from that point on. Well, in this case, it is going to be the bankrupt Government. And if it does pay its debts, it will pay it with worthless money that they print over and over.

If we want to save Social Security and we want to protect Social Security and stop the raid, then let us pass the balanced budget amendment that gets our fiscal house in order so that money is worth something for those seniors when they come along. Let us stop the raid of the Social Security trust fund that is going on right now as we substitute a piece of paper for $70 billion this year that we are spending on deficit spending. Because we are going to be over $200 billion in debt this year, additional debt.

These are just the days of debt since we started the debate, just to highlight how much every day we are going in debt as we fiddle about the balanced budget amendment.

I made the point that if we had passed it back in 1982, we would probably be at a balanced budget today or well on our way to it. But, instead, we spent $3.6 trillion more in debt since 1982 in those 13 years.

We did pass it in the Senate. It was the House that killed it then. The House has passed it this year and I hope to high heaven that the Senate does not kill it this time. It would just be a tragedy if we killed this balanced budget amendment.

It says no requirement for action until the year 2002 at the earliest. Give me a break. If we pass this next Tuesday, I think we go into action on implementing legislation right off the bat. It may take a year but the game is over.

Even the President is going to have the leverage for the first time since I have been here, to lead the fight to get to a balanced budget within 7 years. The President will have to, or he will not stand a chance of being reelected in 1996. And we will have to, or we will not stand a chance of being reelected.

I cannot disagree with the Senator's hypothetical, if we do not ratify this in the next 7 years, if we assume that. But let me say something. If this vote gets 67 votes next Tuesday evening, Iowa will ratify it within a minute after it is voted up. Utah and Idaho almost within the hour. I talked to Doug Wilder, former Democratic Governor of Virginia on his radio show today. He is for it. He said Virginia would ratify within a matter of days.

Mr. BUMPERS. Mr. President, would the Senator yield for a question?

Mr. HATCH. Mr. President, I yield.

Mr. BUMPERS. Does the Senator favor the Contract With America?

Mr. HATCH. I do not know what is in the Contract With America.

Mr. BUMPERS. Let me name three elements.

Mr. HATCH. I do not favor all elements.

Mr. BUMPERS. The Contract With America calls for increased defense spending, for a middle-class tax cut, and a capital gains tax cut. In all, those three elements would cost, over the next 7 years, $471 billion. If we do nothing and adopt the Contract With America the deficit goes up $471 billion over 7 years and more than $700 billion over 10 years.

The Senator says he wants to start on this deficit the minute we finish debate on the constitutional amendment, and I want to help him. That is the purpose of my proposed amendment. But how on earth can the Senator say to the American people we are going to deal with this thing while we are spending $471 billion more than we are spending now?

I must say, Senator, increased spending on defense and cutting taxes and balancing the budget—I heard that $3.5 trillion and 14 years ago.

Mr. HATCH. Mr. President, I think the Senator makes a good point, another point in favor of the balanced budget amendment, because if the economics as the Senator stated are true and correct, the minute this passes I think everybody will have to revamp. Everybody will have to look at what we can do to reach that glidepath in the year 2002. The game is over.

But the fact of the matter is that game will continue to be played, whether by Democrats or Republicans, until this amendment passes. Say this amendment does not pass, and the Senator was successful in passing his statute, I guarantee this game will continue the way it always has.

Mr. BUMPERS. May I ask one more question, and then I will leave the floor. I know the Senator wants to move to table my amendment.

Let me ask the Senator this question: Is there one thing in the constitutional amendment, one thing, that requires the Senate to do anything between now and the year 2002, dealing with the deficit?

Mr. HATCH. Of course, there are a number of things, but two I can think of right off the bat. It requires Members to vote if we are going to increase the deficit, or if we are going to increase taxes, as soon as this amendment is ratified.

Mr. BUMPERS. Mine requires a 60-vote majority.

Mr. HATCH. This constitutional amendment requires a 60-vote majority in order to increase the deficit, and the constitutional majority to increase taxes.

Let me make this point: The average constitutional amendment has been ratified within 21 months. This one is not the average amendment. I think it will be ratified within 1 year, and probably 9 months. And maybe shorter than that. Regardless of whether it takes 9 months or 21 months—and I believe it will be ratified—we will have to go to work.

And with the Contract With America, as the distinguished Senator said, I think everybody here is going to have to revamp.

Do I support everything in it? I would like to support much of what is in there. I will not be supportive of running the United States more into deficit spending. It is that simple.

Let me say another thing that I think is important because of what my colleague, my friend said. These motions to table may have been made by me or by Senator DOLE, but they have been bipartisan motions to table. This amendment is bipartisan. It is a Democratic-Republican consensus amendment. There has not been one motion to table that has not been supported by Democrats. I admit, very few, but nevertheless by Democrats.

All we are asking on this amendment, we are not asking 47 Democrats to vote with us. We are just asking for 15 out of 47. We are asking less than one-third of the Democrats. We are getting almost 100 percent of the Republicans voting for this.

Look, there are some Republicans that share some concerns, and I do too, about how well this will work. But we have all concluded this is the only thing that we have left to do if we are going to get this country's spending practices under control and help save the country. It is that simple.

I do not think anybody fails to understand the serious import of this. I do not mean to keep my friend any longer. I appreciate that he is trying to do something good here. I think this is more appropriate for the implementing legislation, and I will be interested in working closely with him if the constitutional amendment passes to get good implementing legislation that will help us get to that glidepath and that balanced budget by the year 2002. Some of his ideas are excellent with regard to the implementing legislation. It is no substitute for the balanced budget amendment. I do not think any person would conclude that it is.

It may be some of these ideas may be very beneficial once we pass the balanced budget amendment, and the game is over, and we start trying to implement it by getting to that glidepath vote, that glidepath balanced budget in the year 2002.

Mr. President, if the Senator does not mind, I would like to move to table this 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. No rollcall votes will be called until Tuesday. This rollcall vote will be Tuesday.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, first of all I want to say, before the Senator from Arkansas leaves, that I always thought the U.S. Senate ought to be about great Senators debating the great issues of the day. I think that is exactly what we have here today. It is an education and a privilege to be a part of such a debate with such distinguished Senators, the Senator from Utah, and the Senator from my neighboring State of Arkansas who I have admired for so long. He is not only, probably, the most eloquent Member of the Senate but one of the most eloquent people in the country. I think it probably has something to do with the Senator having been a country lawyer at one time. I appreciate him and his observations.

I respectfully disagree with his conclusions. I, like the Senator from Utah, believe that if we were amenable to solving this problem with legislation it would have been done some time ago. Some Members do have concerns about the way we approach these matters. Most Members do not tread easily into these constitutional waters. This is a very serious matter.

The Framers set the Congress up in a situation where we could, from time to time, revisit our basic document. Thomas Jefferson, who is quoted a lot in these proceedings himself, said that he thought every 20 years or so we ought to perhaps get together and reinvent ourselves.

We are not trying to do that, but we are about serious business. And we are doing it by means of a constitutional amendment because we have tried everything else and failed. We are struggling for a solution. We are struggling for a solution to an impending economic crisis in this country. That is what it is about.

After all of the statements have been made and all the concerns and objections have been raised, that is what it gets down to. Surely, although we disagree on the solutions, we can all agree on what we are faced with. The assumption, the moral commitment to the next generation, was in force in this country for a couple of centuries. That is changed now. That is changed.

The situation is apparent. The need for firm action is clear. I believe a constitutional amendment is the only thing, and perhaps the last clear chance we have, in this generation of doing something to avert the pending economic catastrophe that all people of good faith must conclude that we are headed toward in this country.

What is the problem? The Federal Government has run deficits in 33 of the last 34 years. It has run a deficit every single year for the past 25 years—for an entire generation, Mr. President. It took our Nation over 205 years, from 1776 to 1981, to reach a $1 trillion national debt. It took only 11 years to reach $4 trillion, and on the last day of 1994, the total Federal debt stood at $4.8 trillion.

Deficit financing is clearly harmful and unfair to future generations. Each year that we endure another $200 billion deficit, it will cost the average child just over $5,000 in extra taxes over his working lifetime just to pay the interest costs.

The fiscal year 1995 interest payments on the national debt are expected to be in excess of $300 billion—$310.9 billion. These interest payments are the second largest item in the budget, 20 percent of all Federal spending; they represent 92 percent of Social Security payments, 52 percent of all individual income tax revenues—interest on the debt.

The national debt has now topped $4.7 trillion. The Federal Government has run deficits in 56 of the last 64 years, and 33, as I said, of the last 34.

During the 1960's, deficits averaged $6 billion per year. During the 1990's, deficits averaged $248 billion per year. The President just submitted another budget. It looks like a $200 billion deficit—as they used to say, as far as the eye can see.

Everyone who has taken an objective look at the situation that is facing us and the situation that is facing children yet unborn in this country, basically all reach the same conclusion. We can argue over the extent or the exact year when the catastrophe is going to hit. But I do not reasonably see how we can disagree over the basic conclusion.

The Bipartisan Commission on Entitlement and Tax Reform submitted a report last August. As you know, Mr. President, this was headed up by two distinguished Senators, one Republican and one Democrat. Senator Danforth is no longer serving, but Senator KERREY still is. These are two very well-respected, thoughtful men in this area.

Their report conclusion was very simple, very startling. They have certain recommendations, and we can agree or disagree with various items in their recommendations, as I am sure we will, but they state the following:

> America is at a fiscal crossroads.

They state:

> If we fail to act, we threaten the financial future of our children and of our Nation.
>
> If this country does not respond, Americans 10, 15, and 20 years from now will ask why we had so little foresight.

They go on to point out that in the year 2012, unless appropriate policy changes are made in the interim, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the Federal Government. Projected outlays for entitlements and interest alone—those two items alone—will consume all the tax revenues that we have in this country. That is in 2012. We talk about the next generation; that is not even the next generation. That is practically upon us.

The Concord Coalition. Many people in this body are familiar with the work of the Concord Coalition. It is headed up by two former distinguished Senators, Senator Rudman of New Hampshire, and Senator Tsongas of Massachusetts; another Democrat, another Republican, bipartisan. And again, they have a way to balance the budget that will result in a zero deficit by the year 2000.

There has been a lot of talk in this body about what are the details of your plan; let us see your budget, let us see

the details. There are enough plans and details and suggestions as to how to balance the budget to fill this room. We are not lacking for plans and details; we are lacking for the willpower. Here is what they say will happen if we do nothing:

> If we ignore our mounting debt, if we just wish it would go away and do nothing about it, it will grow and grow like a cancer that will eventually overwhelm our economy and our society. The interest we owe on the debt will skyrocket. We will continue our vicious cycle of having to raise taxes and cut spending and borrow more and more to pay interest upon interest. Our productivity growth will remain stagnant, more of our workers will have to settle for low-paying jobs, and our economy will continue its anemic growth. America will decline as a world power.

Mr. President, how much more stark can the picture be made? How much clearer can the impending crisis that we face in this country be made?

This is the reason many, I believe, in this body ran for the U.S. Senate and wanted to become a Member of this body. I am among 11 new Members of this body, and I think to a person that we will say that this is one of the reasons we wanted to be here, because as we were coming in, we heard, like Senator Danforth, who I mentioned awhile ago—I read something very startling in the middle of the campaign when he was talking about his leaving. He said he left with a certain amount of sadness because he thought there was really an underlying feeling that the entire body, that the Senate as a body and that the Congress as an institution, was really doing something shameful to the next generation. He regretted the fact, despite all his efforts, he could not do more to alleviate that.

That is a feeling many of us have had over the years, those who have not been involved in elected office before. But as we watch this, as our grandchildren start coming along, as we see these statistics, as we see these bipartisan commissions and these committees and all of the objective economists who analyze this problem—Pete Peterson wrote a recent book, ''Facing Up,'' a former distinguished Secretary of Commerce, some years ago. He has his own plan, his own proposal. But the most important part was the analysis of the problem and the impending disaster; that if we did not change our way of doing business in this country, if we did not face up to what was happening, if we did not get away from momentary political considerations about how this is going to play back home, or is some favorite constituent going to get trimmed a little bit if we have to cut his program back, and how is that going to work in the next election cycle, if we do not get away from that kind of thinking that has dominated this town and this body for so long, we are never going to solve the problem.

There have been many distinguished Members of the U.S. Congress, on both sides of the aisles, in both bodies, who have worked hard to try to do something about this. But it has not been enough. Everyone I hear speak on the subject talks about how they have stood tall, how they have fought against the other party. It is always the other party's fault. The President of one party, Congress of another party, each side wants to say it is the other one's fault.

The President does not appropriate the money, but he is the leader, and Congress is not the President, but they spend the money. Regardless of all that, regardless of whose fault it is, everyone says that they stood tall, they did the right thing. I do not know where the problem lies, because there obviously have not been enough people over a period of time who have been willing to do the right thing and do the obvious thing.

This is not just a matter of balancing a budget. We could balance the budget next year and we would still have a tremendous problem, because the underlying factors which cause us to continually want to have our cake and eat it, too, would be there, and without a constitutional amendment, it would still get us in the end. We are going to have to do so much for so long in this country to get back on the straight and narrow. We cannot do it overnight; we cannot do it with one Congress; we cannot do it with one Senate. Before we solve this problem, probably most of the people in this body will not be here any longer.

We are going to have to do it with some structural changes that will take care of the changes that we have in terms of faces and personalities that walk these Halls around here, because we are going to have to do a lot of good over a fairly long period of time and we have a structural situation that will force us to do the right thing as we go on out. This is not a one-time problem. We talk in terms of balancing the budget, and we could balance it right quick, but if those motivations were wrong and the short-term political considerations took over once again, we would be right back into the problem in short order.

We have debated this amendment for many days. It has been debated before. I have not had the benefit as a Member of that debate. Some of the Members who oppose the constitutional amendment say that we are going too fast; this is supposed to be a deliberative body and that we are going too fast.

I for one think we ought to take our time when we are dealing with issues like this. Frankly, I do not understand why it takes so long to pass a bill dealing with congressional accountability. I do not understand why it takes so long to pass a bill dealing with lifting unfunded mandates and things of that nature, things, once we get down to a vote, that pass in overwhelming numbers. I do not understand why it needs to take that long.

However, we are dealing with maybe the most important issue that will face some of us in our career here in this body and here in this town, and I for one would join my colleagues on the other side who say we ought to take our time on this. I think we have taken our time and we have debated the issue. But it is not just this time. It is not just these last 20-some-odd days we have been considering this amendment. The records indicate that the Senate Committees on the Judiciary have conducted hearings on the balanced budget amendment on at least 22 days extending back to the 84th Congress as well as reporting seven different joint resolutions between the 97th and the 103d Congresses.

So it is not like we just took this up and we are dealing with it lightly. This has been debated fully, fully, this session of Congress, and it has been debated in committee and in the Chamber on many occasions before. So, no, I do not think we are moving too fast.

Others raise the point that they do not want the courts overly involved in this process. They are concerned that the courts might wind up requiring us to balance the budget if we ignore the Constitution. There has been a lot of debate as to what the courts will likely do or not do and is there a possibility what the courts might do.

Mr. President, nobody in this body has any idea what the Court is going to do. I do not think anybody can predict. And I think that everybody would have to acknowledge a very wide range of possibilities as to what the Court could do. I think you can talk in terms of what the Court is likely to do, when you look at the dicta of Court decisions that have come down regarding State laws, when you look at the history involving the branches of Government and the reluctance of the Supreme Court to overly involve itself in the details of Congress, or overly involve itself in the details of the Presidency for that matter.

I remember as a young staff member on the Watergate Committee, as minority counsel in the Watergate Committee back in the 1970's when we had United States versus Nixon and the President had to finally turn over his tapes, something that probably all of us remember.

People remember that the Court required him to turn over the tapes, but people do not often remember the high degree of proof that was taken, or the very unusual circumstances that were present in that situation before the Court would reach that conclusion. The Court was very reluctant to tell the President of the United States that he had to turn over his tapes, and it only did so because some direct witnesses had come forward with direct testimony concerning alleged criminal activity.

The Court went out of its way, strained to point out that the bar was very high for anyone who wanted to come in and require the Supreme Court to go into the Oval Office of the President and require the President to turn

over documents in his office, or in that case tapes.

(Mr. THOMAS assumed the chair.)

Mr. THOMPSON. Certainly, that is not directly analogous, but I think it is significant. And looking at the history of the Court and their reluctance to get into the detailed workings of the other branches of Government, I personally do not think it is very likely the Supreme Court of the United States would want to be establishing a budget for the U.S. Congress.

Is it possible? It might be. But I submit, Mr. President, that as we get down into the details of these things, it must be argued and thrashed out to make sure we are not overlooking something obvious that we keep in mind what we are about here. Are we willing to risk maybe a court doing something that we would rather it not do, which we could rectify again and come back and address again if that was ever the case, in light of the fact that we are facing the impending bankruptcy of the next generation? Should we be arguing about how many angels can dance on the head of a pin? Should we be fiddling while Rome and the rest of the Nation is burning simply because the flames are not high enough for us to fully see yet? I do not think so.

So, yes, let us debate what the courts might do with this amendment sometime down in the future, but let us not get caught up and that to be determinative when we are facing an economic disaster somewhere down the road not very long if we do not change our way of doing business in this particular town and in this country.

The Senator from West Virginia the other day was talking about section 5 of the constitutional amendment. He was concerned that in times of a declaration of war the amendment requires a constitutional majority of 51 Senators. He thought that hurdle was too high because normally without the amendment on most votes around here it is a majority of those present with the Vice President casting a tie-breaking vote if called upon.

As I listened to that debate, it is very interesting, the possibilities are intriguing from an intellectual standpoint. Sitting and listening to Senator BYRD of West Virginia is like sitting in a good class of constitutional law. I enjoy it. If we did not have a Senator BYRD, we would need to invent one because he brings issues to the floor and to the table that need to be discussed. But again, does this not assume that 50 Senators plus the Vice President would do the right thing? He is concerned that we might not get that vote.

Here we are, we need to declare war and we might not get the 51 votes. So he assumes, I suppose, that 50 Senators plus the Vice President would do the right thing and we would get the 51 votes that way but under this amendment that 51 Senators would not do the right thing.

Now, is that not slicing it a little thin in light of what we are dealing with here? Is that not belaboring the point? It needs to be discussed. But is that what this is going to turn on, whether or not we have 50 Senators plus a Vice President on the one hand or 51 Senators on the other?

I must say, Mr. President, it is my opinion that there are enough good people in this Chamber that if we have the kind of situation that requires a declaration of war, we would do the right thing, that we would do the right thing when the circumstances arose.

I have listened to arguments, very eloquent arguments by the Senator from New York [Mr. MOYNIHAN]. And again it is like sitting in a very good classroom to listen to him and his sense of history and the various parts of history that he has had a part of. He makes some very good points. He points out that the balanced budget amendment deprives the Government of some flexibility.

Well, indeed, it does. That is what it is about. It deprives the U.S. Congress of some flexibility. It deprives the President of the United States of some flexibility. It says in effect no longer business as usual. We are going to do things a little bit differently, and it is going to be kind of painful and maybe we are going to have put a straitjacket on you, but it is the right thing.

That is what it is about. But he makes the further point that it deprives us of the ability to, as I would interpret, fine tune the economy; that, in slow economic times, under good Keynesian theory we need to stimulate the economy and stimulate spending and offset that and thereby bring us back into recovery.

It occurs to me that proposition and that concern is based upon certain assumptions. No, 1, it assumes that the U.S. Congress or the President has the ability to foresee far enough in advance what the economic situation is going to be and that they have the ability to adopt measures far enough in advance to take effect and to meet those emerging conditions somewhere down the road so that they would have the proper effect. In fact, that is the second assumption—that these policies, this foresight, would result in not only policies but policies that would have the desired effect.

In other words, we are able to pretty much fine tune the economy. We can see what is going to happen and we can basically spend the money necessary—that is what we are talking about—in order to offset it. It further assumes that this all has to do with fiscal policy and not monetary policy. We all know that the Federal Reserve has the ability to raise and lower interest rates, and we all know, certainly, that has its effects on the economy. But as I understand the argument, we put that aside, really, and concentrate on the fiscal side, on how much the Government can spend.

Lastly, it assumes that even if we are able to foresee these impending economic conditions, and even if we are able to adopt policies that will address those conditions and that we can have the ability to, in effect, turn things around and that it would turn things around because it had to do with how much the Government spent and not what the interest rates were, even though all those situations were present, you could not get the three-fifths vote required by this constitutional amendment that would be necessary to waive the provisions of this amendment.

I think it is obvious from my comments I do not adopt those assumptions. I am certainly not an economist. I respect those who raise these questions and make these points. But in reading my history and in listening to other economists on the other side of the issue—and we have no one-handed economists, you know; it is on the one hand this and on the other hand that—in reading the other side, many of them point out we have not been very successful in times past in fine tuning the economy.

In fact, James Bennett, an economist at George Mason University, stated recently, ''If anything, I think the Government has made economic cycles worse.'' Bennett and 253 other economists recently signed a letter supporting a balanced budget amendment.

So, again, are these valid points to be made? Are we restricting the flexibility of the Government somewhat? Yes, we are. Do we know exactly what the effect of that is going to be? No, we do not.

But, on the other hand, do we know exactly how to fine tune the economy, if we had all the flexibility in the world, to make sure we do not have recessions or any downturns in the economy? There is nothing that I can see to indicate that we have that kind of ability.

Others raise the issue of Social Security and say, let us take this off the table, let us take that off the table—let us take Social Security off the table. That is the one that gets a lot of people's attention because we are all interested in and committed to protecting Social Security. What we are really talking about is what protects Social Security and what does not and what really exposes it. The amendment, as I understand it, that would take Social Security out of the mix does not protect Social Security. I think we need to understand that.

If that amendment were adopted, you could still raise taxes. If that amendment were adopted, you could still cut benefits of Social Security. It could simply, then, be off budget, and the present Social Security surplus would not be included to make the deficit situation look a little bit better. That would be the effect of it.

But, again, I think it is an indication and evidence of short-term thinking.

While that would be the short-term result from a bookkeeping standpoint, it would be a bad longer term result even from a bookkeeping standpoint because the Social Security trust fund is going into the red in a few years, and the greatest danger that Social Security faces is not passing a balanced budget amendment.

If we continue on the same trend we are on, if we continue to pile debt upon debt, interest upon interest, where interest is now going to be the second largest expenditure that we have and gaining on the first, at a time when the demographics are going to catch up on us—again, we are living in a good year situation now. The baby boomers are working. In a few years the baby boomers are going to start retiring and we are going to have a shrinking working population supporting a growing elderly population.

As we know, those Social Security payments come from the workers, current workers' pockets. If we have a deficit, debt, slow economy/high interest rate situation that is surely facing us in addition to the burden of fewer supporting a greater number, that is the true danger to Social Security. Because these young folks, these young working folks, these young kids, they do not want to pay 70 or 80 percent of their income in taxes. They do not feel like that is right. That debt was run up, in many cases, before they were even born.

The balanced budget amendment, I think, is the only sure way to protect Social Security. Consider a few of these numbers. Interest payments on the debt are currently $235 billion. They are expected to rise to about $5 trillion by the year 2030. We will start to go into the general trust fund to meet current Social Security liabilities by the year 2010. We will need an additional $850 billion, in the year 2030 alone, over anticipated Social Security receipts to meet current liabilities. So, by the year 2030, we will have Social Security needing about an additional $850 billion at the same time that the interest payments on the debt are exceeding 75 percent of the general revenues. The sum of interest payments and Social Security equals just under $6 trillion; general revenues are expected to be just over $6 trillion. Clearly, there is a problem on what we are able to fund as that situation plays out.

And what are the options under that scenario, if we continue down the current path? Certainly cutting Social Security dramatically would be an option that these young people at that point might choose. Another would be raising taxes, including Social Security taxes. Another would be keep raising the deficit. Another would be not to fund anything else, such as national defense, infrastructure, Medicare, schools, or anything else.

We do not have to go down that road. We do not have to go down that road. I respectfully submit that a way to avoid that road is the balanced budget amendment.

I have heard it said during this debate, time and time again, that people do not realize what we are asking of them here, people do not realize the effects of a balanced budget amendment. Once people understand what is happening, they will be against a balanced budget amendment. We see charts and details that it will cost this State some money and it will cost that State some money and we might have to take money out of this program and another program and all of that.

I submit the people out in the country have a pretty good idea what is going on. I submit maybe the folks of this body sometimes are the last to find out. I do not think the large majority of people in this country feel that we can pass a balanced budget amendment or even have a balanced budget without making some incremental differences in some of the things that they have been used to. I do not think that at all. I have never in my life met a person I had a conversation with remotely concerning this subject who would not be willing to make some incremental adjustments in some program they might benefit from. Not drastic, because it does not have to be drastic now. It will have to be drastic if this scenario plays out. If we continue on the same road, it will be slash and burn and cut and rip apart.

But not now. It does not have to be that way. I have never met anyone who would not be willing to make some incremental adjustment to their life if they thought it benefited their kids or if they thought it benefited their grandkids. They do not think that now. People stand up and get defensive, and they do not want anything done, not because they are not willing to do that. It is because they think it is not going to benefit their kids. First of all, they do not trust the messenger who is delivering that message to them. That is us. The U.S. Congress continues to get comeuppance a little bit now and then.

About the change in the election, I am not going to claim credit for that because the Republican Party took over. It will be back down again, regardless. This is a temporary situation, probably unfortunately. Public opinion traditionally keeps the U.S. Congress down to the lowest part of the totem pole in terms of institutions in this country. So we come to them now, and under the present circumstances tell them some of these things. They do not trust us. They do not believe us. They do not believe we will do what we say we will do with the money. They know that for every dollar raised in taxes, we increase spending that much more; things of that nature.

But I think that, if we did some things to help restore our faith—and I think the Congressional Accountability Act was a good start on that—we are going to have an opportunity to do a few more things. We will have an opportunity to vote on a term limits resolution that the Presiding Officer is so vitally involved with, and a few other things. I think this balanced budget amendment falls in that same category. If we begin to do some of those things to show we are serious, maybe we will develop credibility so we will have people believe us, and so that they will say yes. Yes, I will be willing to make some incremental adjustment. I am not stupid. I do not think we can have our cake forever and eat it forever, as some Members of this body apparently think people believe out in the country.

So, I believe, if we are honest with the American people, if we begin to clean up our own act and we begin to take some of the tough measures and we are willing to put a little bit of restraint on ourselves so that we cannot continue this taxing and spending our way into oblivion—it might help in our reelection campaigns, but it is driving the country to a disaster—then I think the people will respond to this. It is not the message that they are concerned with, I think, as much as it is or has been the messenger.

So what if we do not? So many of these points that have been be made in this debate over the last several days are not only interesting, but some of the points are valid. There are questions that are not totally answerable as we sit here and have this debate. We must acknowledge that. But the perfect should not be the enemy of the good.

This is our last clear chance because we always have to go back to the other side of the ledger. No, we do not know exactly what a court would do. Theoretically, a court might make us do what we said we were going to do anyway under a constitutional amendment, and that is balance the budget. That is the worst-case scenario, I guess. Yes, we might have an irresponsible Congress which, even though our country was in imminent danger, would refuse to give 51 votes to declare war. I guess that is theoretically possible. On and on.

Mr. President, I submit we have to keep our eye on what we are about—the other side of the ledger. What if the balanced budget amendment does not pass? What if we do not start exercising some spending restraint and begin to get our fiscal house in order? Can there be any doubt that this interest on the debt is going to eat us alive? Can there be any doubt? Is there anyone who says that it is not a disaster waiting to happen? It is going to drive out all the other revenues that would go for savings; it is going to have an effect on our savings rate, which now I think is the lowest in the industrialized world; it is going to have an effect on our investment rate, which is becoming one of the lowest investment rates in the industrialized world. That will have an effect on our growth rate. That goes up and down.

So if you look long term and compare us with some of the other developing

countries around the world, our long-term growth rate projections are not a pretty picture. We are coming along pretty good right now. But historically, if you look at growth rates coming out of a recession, it has been about twice what ours is now. There are some indicators on the horizon that do not look good—housing starts, of course; the balance of payments, and things of that nature. But leave that aside. Those things change. But the long-term picture remains the same: The increasing reliance on Federal financing for our debt; the increasing ownership of United States assets in foreign hands, a reliance on foreign individuals for our debt. In 1993, it was $41 billion, or more than twice of all of our other foreign aid payments that we have in this country. There is more and more reliance upon that.

We have seen what happened to our friends south of the border recently, when those who were putting the money into the country decided to take the money out of the country. If that happens, the dollar falls and interest rates go up. We are not guaranteed that financing, that foreign financing, is going to continue to be there. We have seen it over the last 20 years.

Real family income in this country has stagnated. People talk about that a lot. There is no real growth there. What people do not talk about so much, getting back to the young people again, is that for younger families, real income has dropped since 1973.

So what are the alternatives? I think we have an insight as to some of the things that we could look for if we continue down the current road. Last October, according to a memorandum by the OMB Director, Alice Rivlin, dated October 3, 1994, in order to pay for the administration's priorities, Rivlin suggested certain tax-related options, including the following options: Limiting mortgage deductions for second homes; include capital gains on the last income tax returns of the deceased; 2.5 percent value-added tax; eliminate the deduction of State and local taxes.

These are the options the administration is talking about or was talking about forcing upon the American people while adamantly fighting a balanced budget amendment.

On Social Security, the administration confirmed what we have been saying about Social Security, in reality. According to the memo, the Social Security trust fund surplus will be exhausted in 2029. Social Security will face a cash deficit in 2013, unless taxes are raised or benefits reduced.

Possible solutions to save Social Security as presented by the Rivlin memo: Increase normal retirement age to 70 by 2023; tax 85 percent of income and benefits of $25,000 for individuals and $32,000 for couples; include children's Social Security benefits in parents' taxable income; increase payroll taxes by 0.32 percent starting in 5 years.

These are some of the options that were being considered by the administration—this one individual, anyway, who holds a responsible position was considering—if we are going down the same old path and continuing the same old economic policies that we have. These are not the directions the American people want to go in. This is the road that we are going on. Can we do it otherwise? The Senator from Arkansas suggested a statutory solution. I respectfully suggest that that has been tried and failed. It is not exactly like we are running in here at the last minute and coming up with a solution that has not been well thought out.

Mr. KERRY. Will the Senator yield for a question?

Mr. THOMPSON. Yes.

Mr. KERRY. Mr. President, I would ask the Senator, first of all, if he has any idea as to how long he might be as a matter of process?

Mr. THOMPSON. I see two or three of my colleagues now on the floor. In light of that, I will be delighted to wrap up here in just a minute or so.

Mr. KERRY. I thank the Senator for his answer and for his courtesy.

I would like to ask one quick question, if I may. I would assume the Senator would agree with me that if one accepts all of the urgency he has cited with respect to the budget, which I accept, and that since there are more than 60 Senators who have already declared they are going to go vote for this, there is nothing to stop those 60 Senators from simply agreeing that they will not have a filibuster, that they will come to the floor now, today, and that they will propose a balanced budget with 51 votes and deciding up or down any portion of that budget, is there?

Mr. THOMPSON. No, there is nothing that would prevent that.

Mr. KERRY. So these Senators can make a decision now to resolve this issue of the balanced budget amendment without really going out to the States and taking the time. This could happen today if those same 60 Senators wanted to put their action where their vote is?

Mr. THOMPSON. Theoretically, they could do that; you are absolutely right—or we could do that, I might add.

Mr. KERRY. I thank the Senator.

Mr. THOMPSON. I also add, however, that I think the prospects of that happening are very small. In the first place, when you get down to the details of working out a solution—as the Senator knows, in times past, it has not been an easy situation. The devil indeed is in the details. It is a complex document. There has been no constraint and no requirement that they come to a balanced budget.

Under the Senator's scenario, there would still be no requirement, no constraint requiring them to ultimately balance the budget. They have given it a good try, but walking away from the table has happened before. The Senator's scenario is one that I would prefer. My concern is that I have been watching this process from Tennessee for a few years, and the Senator has been here for a few years and has seen it closer than I have. But I have not observed anything that would cause me to believe that that scenario could play out.

The Budget Act of 1921 required the President to recommend a balanced budget. The Revenue Act of 1964 basically said it is the sense of the Congress that we must balance the budget and balance it soon. The Revenue Act of 1978 said it is a matter of national policy that we balance the budget. The Humphrey-Hawkins Act of 1978 prioritized a balanced Federal budget. The Byrd amendment in 1978 made it law and said that by fiscal year 1981 receipts must balance with outlays. But in that very year there was a $79 billion deficit.

As the Members here know much better than I, the Budget Act of 1974 was passed, laying the foundation for the process that we have today. I believe the thinking was that it required an annual budget resolution and people would be afraid to vote for large deficits. That did not work. The very next year, the deficit started skyrocketing. Then there was Gramm–Rudman-Hollings, and you know the history there; the 1990 budget deal, the deficit increased; the 1993 budget deal where the debt increased by $3 trillion.

The President submitted another budget that projects $200 billion deficits for as far as the eye can see. I know a lot of Members have been trying mighty hard over a large number of years. I do not presume to challenge that proposition. But as an institution, for whatever reason, there is no indication that we have any possibility of really getting a handle on this thing absent a balanced budget amendment. With that, unless the Senator has something else for me, I will yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas, [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I want to compliment our new colleague from Tennessee. I think our new colleague from Tennessee has made a very wise and thoughtful presentation today. I must say I do not agree with his ultimate conclusion and the outcome that he says is going to be the answer to our budget crisis or dilemma that we find ourselves in. I do not find myself in agreement with that conclusion. But I compliment him.

I watched his campaign, Mr. President. I watched that campaign from across the Mississippi River. He is our good neighbor. He has been our good neighbor for a number of years. On many occasions, I can remember, Mr. President, flying from Washington to Nashville, or from Nashville to Washington when he was a private citizen. He and I happened to join on the same

airplanes together, and I recall very good conversations that we have had. We established, I hope, the beginnings of a bond of friendship during that period of time. I welcome him to this body, and I thank him for his thoughtful presentation.

Mr. President, there are a couple of items that the Senator from Tennessee addressed that, in fact, I would like to ask him about, if I might. One is the issue of the term ''incremental adjustments.'' He says the States and the governments might have to make some ''incremental adjustments.'' I pose a question to my distinguished colleague on arriving at a definition of what incremental adjustments might be.

For example, the Department of the Treasury, on the 12th of January, sent information to all of the State Governors on what would occur in their respective States should the balanced budget amendment pass and should the budget have to be balanced by the year 2002.

For example, our neighboring State, the State of Tennessee—and the distinguished Senator from Tennessee represents it well—says the Treasury Department, would have to increase State taxes by 19.5 percent across the board to make up for the loss in grants. I am wondering whether this is an incremental adjustment. I am wondering if the loss of $1.9 billion to Tennessee in Medicare benefits would be an incremental adjustment; or $989 million per year in lost funding in Medicaid; or $78 million in lost highway trust funds are incremental. I ask my friend from Tennessee, are those incremental adjustments?

Mr. THOMPSON. I assume the Senator from Arkansas does not believe those are incremental.

Mr. PRYOR. I do not believe they are. They are not in Arkansas. They may be across the river in Tennessee.

Mr. THOMPSON. I believe when I used that term, I was referring to individuals. I may not have. I think my main point—the main basis was that we are talking about some increases in levels of expenditures that represent cuts in the rates of growth as opposed to actually cutting into the substance of the program. I call that basically incremental; in other words, not draconian cuts, but the beginning of some reductions in the rate of increase in some programs.

With regard to what the Senator is talking about there, in the first place, with all due respect, I cannot accept the figures from the Department of the Treasury, who I think would be a little less than objective in this debate we are having and would be very much opposed to the balanced budget amendment. But, be that as it may, I do not have any idea. I think that Tennessee would lose some revenues. That is my own opinion. How much, I do not know. I doubt if the Department of the Treasury knows, because you are assuming the same rates of growth. You are assuming that the State would not make some other choices and things of that nature. I do not think we can assume that.

But I get back to this: We are not talking about a good-news versus a bad-news situation. We are not talking about a good choice over a bad choice. We are talking about choosing between two tough choices. I would like to see everybody have everything they want in Tennessee and in Arkansas. My concern is what is the effect on Tennesseans, the effect on my grandkids living in Tennessee when they get to be working age if we do not do something about this runaway fiscal situation that we have in this country.

Mr. PRYOR. Mr. President, I applaud my colleague from Tennessee for his answer, because, to some extent, the Senator from Tennessee, in his answer, is making an argument for the amendment that I am about to call up.

That amendment, basically, says that the States have a right to tell Congress how to balance the Federal budget. This is a States rights amendment. This is an amendment that I am sure my colleague who traveled around Tennessee in that red pickup truck, through those hills and hollows of Tennessee that I love to drive through between here and Arkansas, would have agreed with when he heard those people in Tennessee say that they wanted just the facts. They wanted the right to know. They wanted the right to tell the Congress their point of view.

Well, I have an amendment that is going to do exactly that. This amendment says that the State legislatures, before voting on whether or not to ratify this constitutional amendment—this presupposes or presumes that this amendment will get 67 votes, it might not get 67, and it may not be sent out to the States—but if it does, that the State legislature will have the right to tell Congress how the pain is going to be shared.

They are going to have the right to petition Congress, so to speak, and to tell the Congress of the United States where they want these cuts to come from.

Of course, the right-to-know amendment went down. Every Republican Senator, to the best of my knowledge, with all due respect, voted against telling people in advance of our vote here as to what is going to happen in each respective State. So we are going to try now to give the States the opportunity to tell us, if this amendment passes, how those cuts should be made.

I just think that there is a feeling, Mr. President, out there in the country, that there is some kind of magical plan here in Washington. The Congress is going to wave some secret magic wand and is going to pass a balanced budget amendment and 38 States are going to ratify that amendment and all of our problems are going to be over.

Well, Mr. President, that is not going to be the case.

I just think that we still have an opportunity out in the States to show that, one, we are for States rights; and, two, that we will listen to the State legislatures tell us how they want this pain to be allocated out in the States.

I notice, I say to the distinguished occupant of the Chair, the State of Missouri would have to raise taxes, according to the Treasury Department, across the board by 15.5 percent. This balanced budget amendment would mean, for Missouri, a $2.4 billion loss in Medicare, $3 billion in grants to local Governments and veterans benefits and student loans and all down the line.

I think the States have a right, Mr. President, to let us know in Congress how they prefer that pain to be allocated. This would be before the vote would occur as to whether the particular State wanted to ratify or not.

Mr. THOMPSON. Will the Senator yield for a question?

Mr. PRYOR. I am proud to yield to my friend.

Mr. THOMPSON. Does the Senator from Arkansas accept the premise that we are in a dire situation here as far as the next generation or, prior to that, the next century, that the Social Security trust fund is going into the red in a few years and the interest on the debt escalating?

I think the Senator from Massachusetts acknowledges that. I assume we all basically agree we have a real tough situation on our hands.

Mr. PRYOR. Mr. President, I would answer my friend from Tennessee, I know he was not here then, but in 1982 I supported a balanced budget amendment. That was after I had voted for President Reagan's program to decrease taxes and increase defense spending. This was a mistake on my part. Only 11 Members of the U.S. Senate stood up at a time of great national passion and opposed President Reagan. I supported President Reagan.

In 1982, I voted for the balanced budget amendment. It was worded differently. In 1986, this Senator voted again for the balanced budget amendment. It was worded a little bit differently. On two occasions, I have voted in the 1980's to freeze spending, once for 2 years and once for 1 year. I always will think, had we passed these spending freezes during that period, I say to my friend, that we would not be in the dire consequences that we are in today.

In 1990, I voted a hard vote on the deficit reduction package. In August of 1993, this Senator voted to decrease the deficit by $500 billion. And I can tell my friend from Tennessee, that was a hard, hard, mean vote.

And right there, in the middle of that aisle, in my opinion in August of 1993, was where we saw the difference between commitment and just talking. On our side, we voted the hard choice.

And this is the only way I think we are going to be able, as we might say in Tennessee and Arkansas, to bring that horse back into the barn. Because in the mid-1980's, we let that horse out of the barn. Now how do we bring him

back? Do we do it by a constitutional amendment to balance the budget?

The problem is not in the Constitution. The problem is us. And this is why I maintain that we have to continue making tough choices here in the legislative branch and not simply pass a balanced budget amendment that is suddenly going to magically trigger in the year 2002, if it is ratified.

Mr. THOMPSON. I agree with my friend's analogy about the horse being out of the barn. My concern is that the horse is not going to have a barn to come back to before very long.

Mr. PRYOR. I would say that we are not going to have a horse if we do not do something. And we are willing to do something and we have demonstrated that we have been willing to do something. We are pleading with our colleagues on the other side of the aisle that we have to do something.

Mr. THOMPSON. May I make a couple of points?

With all due respect, I was not here during that vote, but I am very much aware of it. I am also very much aware that there were two different bodies of thought during that vote. One has been expressed eloquently by the Senator. The other was that the way we take care of our fiscal problems in this country is to cut spending and not to raise taxes. And a lot of people looked at the President's approach at that time, the one you voted for, as basically a major cut in defense spending and the largest tax increase in the history of the country.

So the thought on this side of the aisle, as I read my newspapers during all of that, was that that was not the way to go about it and that it would stifle growth in this country in the long run. My personal opinion is I think it has yet to be played out. Just so we have both theories on the record.

I am very much aware of the Senator's point.

I guess, however, my main question would be, in light of the Senator's good efforts and tireless efforts along these lines and the failure to see those efforts come to fruition, regardless of whatever reason—and it is all fun to talk about Democrats and Republicans and the President versus Congress and this administration and that—the fact of the matter is we are continuing down the same road through both Democrats and Republicans. So my question is: why is it now, in light, for whatever reason, of the continued failure to balance the budget that now causes my friend from Arkansas to think that we can do it without the constraint of a constitutional amendment?

Mr. PRYOR. First, Mr. President, I would say to my friend the problem is not in the Constitution. The problem is in Congress, and it is our commitment and our will. We can balance the budget. We can cure the deficit. We can do it in a number of years if we will make that commitment. We are pleading right now with our colleagues on the other side of the aisle to join us in that commitment that we helped to make in 1993.

Let me say when the Senator said we are not going to cut spending, we are just going to raise taxes, I know had the Senator been here in August 1993 when that vote was counted and when the roll, as they say, was called. I know the Senator from Tennessee then would have realized that the budget reconciliation bill contained $250 billion in new taxes, but also an equal amount, $250 billion, in spending cuts.

We made that hard decision. We made that hard decision stick, I am sorry to say, without our colleagues on the other side.

Mr. THOMPSON. Spending cuts promised in the future that have not come to fruition.

Mr. PRYOR. Those spending cuts are beginning to come into fruition. I think what we have seen in the tremendous creation of jobs in the private sector is the result of the confidence we helped provide in the economy. We basically laid the groundwork in August 1993.

I would like to say this, Mr. President: I am going to, in a moment, call up an amendment. But before I do that, I will yield just for 60 seconds.

I would like to say one thing about the statement of the Senator from Tennessee. He made a statement that was so correct that I agree 100 percent. The Senator from Tennessee earlier in his remarks made the statement, I am not sure I can quote him exactly, I believe the Senator said, "This vote on the balanced budget amendment is the most important vote that we will cast during this term."

I certainly agreed with him as he said it. I agree with him now. I think future generations are going to look back and say that this was an important, critical vote in this session of Congress.

Mr. President, I ask unanimous consent to yield such time as the Senator from Michigan desires.

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

AMENDMENTS NOS. 273, 310, AND 311, EN BLOC

Mr. LEVIN. Mr. President, I ask unanimous consent at this time that I be allowed to call up three amendments en bloc for the purpose of complying with the 3 o'clock unanimous consent deadline and ask that the three amendments be temporarily laid aside.

I hope to come back later this afternoon or Monday and debate my three amendments at that time.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes amendments numbered 273, 310, and 311, en bloc.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 273

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 and submitted to the States for ratification upon the enactment of legislation specifying the means for implementing and enforcing the Provisions of the amendment, which amendment".

AMENDMENT NO. 310

On page 2, line 17, after "roll call vote", insert "except that if the whole number of the Senate is equally divided, the Vice President shall have a vote".

On page 2, line 25, after "of each House", insert ", except that if the whole number of the Senate is equally divided, the Vice President shall have a vote".

AMENDMENT NO. 311

On page 2, line 17, after "roll call vote", insert "except that if the whole number of the Senate is equally divided, the Vice President shall have no vote".

On page 2, line 25, after "of each House", insert ", except that if the whole number of the Senate is equally divided, the Vice President shall have no vote,".

Mr. LEVIN. Mr. President, I thank my friend from Arkansas and the managers of the bill.

Mr. PRYOR. Mr. President, am I correct in understanding that the Senator from Arkansas does have the floor? I will not keep the floor long. I know the Senator from Utah is back on the floor. My distinguished friend from Massachusetts is on the floor seeking recognition.

AMENDMENT NO. 307

Mr. PRYOR. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 307.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, between lines 8 and 9, insert the following:

"SEC. 8. It is the intent of Congress that each State should, as a part of its ratification process, submit to Congress recommendations for reductions in direct and indirect Federal funds provided to the State and its residents (based on the State's allocation of Federal funds) necessary to balance the State's share of the Federal deficit."

Mr. PRYOR. Mr. President, I will not give this entire speech, much to the glee of my comrades in arms here this Friday afternoon, but I will summarize, basically, what this amendment is all about.

Next Tuesday, February 28, this body, if it provides 67 votes needed to pass this constitutional amendment,

the pending balanced budget amendment will go to be ratified or rejected by our 50 States.

This is not just an event or happening that takes place every day or every week around this body. Fortunately, it is very rare. Fortunately, we are putting a high priority on this particular debate, focusing on this particular issue.

The Senator from Tennessee eloquently a few moments ago stated what a good debate this has been. And truly, that is the nature, that is the soul of the U.S. Senate, to have debates like this on issues of great national interest such as the balanced budget amendment.

Accompanying this amendment when it leaves this body—there will not be with it a budget plan, there will not be a report, there will be no study that accompanies this amendment, there will be no options for the States, there will be no notion, no inkling, of information that a State can use to judge the impact that the balanced budget amendment would have on the people of their respective States.

Down there in the Tennessee State Legislature, they will call up this balanced budget amendment, as they will across the river in Arkansas, and they are going to be voting on this amendment, Mr. President. And they are not going to have anything to go by as to how it is going to affect the State programs or the Federal programs whereby we send money to the States for the States to use to provide services.

There is going to be nothing. They are going to be voting in the dark. Already we have killed the people's right to know how this budget amendment will impact the people of our country.

So my amendment is going to take a different route. My amendment at least is going to create, hopefully, a moral obligation that the people of the States, the people of Tennessee, the people of Arkansas, Missouri, Utah, and Massachusetts, can go to their State legislature and say, ''Send to the Congress the message of how this pain is going to be allocated. Send to the Congress the message of how this is going to occur whereby we get so many fewer dollars.''

I think, Mr. President, what we need today more than anything else accompanying this amendment, especially out in the States, are the facts. Right now, what they are going to be looking at are a few speeches made on the floor of the House of Representatives, a very short debate I might add, and then several days of speeches made in the U.S. Senate. Then, based upon those speeches and those statements and desires from constituents and phone calls and letters, then the legislators from the respective States are going to be voting yes or no.

The first Republican House majority leader in 40 years was recently quoted as saying, ''We have the serious business of passing a balanced budget amendment, and I am profoundly convinced that putting the details out there would make that virtually impossible.'' He went on to say, ''If the American people understood what this means, it would make their knees buckle.''

Mr. President, I suspect the Republican House majority leader is perfectly accurate in this assessment. But I am sure that this is not the way to conduct the business of this country, because I truly believe that the people of our respective States have the right and should be encouraged to tell Members how they want this pain to be shared and how they want these Federal allocations to be made.

My amendment is very simple. As part of the ratification process, each State legislature would be expected—not required, no mandate—but expected to submit to the Congress recommendations on how to cut Federal funds in that particular State. Various committees of the State legislature could hold hearings on the priority they place on Federal programs. Legislatures could deliberate, they could debate the impact of cutting these programs on their constituents.

We feel that this is a solid amendment, Mr. President. We feel that this particular amendment is one that should be approved and adopted by this body. Some will say, well, wait a minute, would this not have to go back to the House of Representatives? Would this not slow the process down?

Once again, Mr. President, we feel that an amendment like this would merely accelerate the States' knowledge of what was going to happen to them should their State ratify or reject the constitutional amendment to balance the budget before their State.

So, Mr. President, I am not going to belabor this issue any longer.

The point is that State governments have a huge stake in how we reach a balanced budget in Washington. And they have a right to tell Congress how to do it.

I believe such an exercise would be helpful to each State in preparing for the impact of a balanced Federal budget. They will invest their time and energy into this process. And, their ideas on ways to cut spending would be invaluable to Congress.

Mr. President, we are in a partnership with the States on this issue, and quite frankly, we need their help in our eventual task of reducing the deficit—whether or not this amendment ultimately passes.

Now, it is curious to me how anyone would vote for legislation when he or she has no idea how it would affect his or her constituents?

The answer to this question is, of course, that it is an extremely popular and painless way to make people happy while not cutting spending one dime. It is popular because it carries a simple and empty answer to all of our deficit problems.

Mr. President, Mark Twain once said that ''for every problem there's a simple solution—and it's wrong.'' Mr. President, the balanced budget amendment is a simple answer—and it is wrong.

While I was home this weekend, Mr. President, I spoke with a trusted friend and long-time State legislator from my State. He told me ''once the people of this country understand what this amendment means, they'll drop it like a hot potato.''

Mr. President. I suspect my friend may be right. But the question is whether the people truly understand what they will be voting on. The calls from my State of Arkansas are mostly for a balanced budget amendment until I tell them about the massive spending reductions required to balance the budget. According to the U.S. Treasury Department, in Arkansas, we are looking at:

Medicare—over $1 billion in lost benefits per year;

Medicaid—$416 million loss in funding per year;

Highway Trust Funds—$65 million per year in lost funding; and devastating cuts in veteran's benefits, education, job training, housing, and agriculture programs necessary to actually balance the budget.

At first the callers don't believe me. They believe that Social Security moneys are protected in a trust fund, that Medicare is protected in a trust fund, and highway projects are protected in a trust fund. They believe these trust funds have billions of dollars in them, and that this amendment will not affect them.

But this is simply not true, Mr. President, and my colleagues on the other side of the aisle have proven this time and time again by refusing to exempt these programs from this amendment.

When we balance the budget there is no assurance that these programs won't be drastically cut. In fact, it is very likely that they will.

Mr. President, I know we must make heavy cuts in Government spending to reduce the Federal deficit. I have made the tough votes to reduce the deficit in the past, and I will in the future. But, as written, this constitutional amendment is a back door trick that may very well backfire on us. It could prevent any progress on the deficit in the future because we are not being honest.

The amendment I offer today will help to harness the energies and ideas of the States, and make our task of reducing the debt a more democratic process.

Mr. President, my friends on the other side of the aisle have unanimously deprived the American people of their right to know. Will they also shut off a State's right to tell Congress how to cut Federal funds in their own State?

These are the same States who we listen to in formulating national policies promoting the general welfare of our American society on issues like

crime and welfare. We should also listen to them in this process as well.

I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that my amendment No. 307 be temporarily laid aside until Monday.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair for recognition. I ask unanimous consent that I be permitted to yield for the purposes of a unanimous-consent request of the Senator from West Virginia, and that I retain rights to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

Mr. BYRD. Mr. President, will the Senator yield briefly without losing his right to the floor?

Mr. KERRY. Mr. President, may I yield without losing the right to the floor?

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. KERRY. I would be happy to yield to the Senator from West Virginia for the purposes of a question.

Mr. BYRD. The question is: Under the previous order that was entered here, is it not required that Senators who wish to call up amendments that will be in order for a vote on next Tuesday must call those amendments up today prior to the hour of 3 o'clock p.m.?

Mr. KERRY. Mr. President, it is my understanding that is the order, and that in order to have amendments qualified they must be called up by the hour of 3 p.m.

Mr. BYRD. Does not the Senator feel that any Senator in this body, whether he is a Senator from the minority or from the majority, has a perfect right to try to get his amendments called up today before 3 p.m., so that they will be in order for a vote on next Tuesday?

Mr. KERRY. Mr. President, I have never known in my 11 years in the Senate a Senator who was present on the floor who wishes to call an amendment up—who under a previous order is permitted to do so—from being prevented from doing so.

Mr. BYRD. Does the Senator know that I wish to ask unanimous consent that the following amendments be called up and laid aside —and these are already on the list—amendments Nos. 253, 254, 255, 258, and 259; and, that in lieu of amendment No. 257 I wanted to ask—which is on the list—ask unanimous consent that amendment No. 252 be called up and laid aside? Does the Senator know that was the request I was about to make?

Mr. KERRY. Mr. President, I did not know that. But now that I do know that, I ask unanimous consent of the Chair to have those specific amendments called up and be temporarily set aside until such time as I have completed my amendments.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. KERRY. I thank the President.

Mr. BYRD. Mr. President, I thank the Senator for yielding. I thank the distinguished Senator on the other side, for perhaps he is a member of the response team who has not learned some of the usual courtesies that we try to extend to one another around here. I am going to make the unanimous-consent request now.

I ask unanimous consent that the following amendments be called up and laid aside: amendments Nos. 253, 254, 255, 258, 259; and, that in lieu of amendment No. 257, I ask unanimous consent that amendment No. 252 be called up and laid aside.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I again thank the Senator. I thank all Senators.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the President, and I particularly want to pay tribute to the Senator from West Virginia who has done such an extraordinary job helping to pull out this debate.

Mr. President, I commend the Senator from Arkansas on his comments and observations with respect to this amendment.

This has been a lengthy but, I think, a valuable, for the most part, enlightened debate. I congratulate colleagues on both sides of the aisle for their tempered and passionate arguments for and against a balanced budget amendment in the Constitution.

We have debated this issue before. As the Senator from Arkansas said, we have voted here previously. He previously voted for it. I have previously voted against an amendment to the Constitution, but I was, I think, one of the original cosponsors and one of the first three Democrats to be supportive of the Gramm–Rudman-Hollings law and have voted for a balanced budget law.

As we all know, and as we have heard a number of colleagues recount, the fiscal realities confronting the United States of America are more compelling today than in previous years, and they will be worse in the future unless Congress summons the courage to do something. And so a reexamination of this issue is both important and, I think, appropriate.

The question before us is whether or not passing this constitutional amendment, as drafted, shows courage and whether it is the right thing for us to do.

Over the past weeks, despite my prior vote, I have gone back to try to reevaluate this issue and to weigh it carefully. I have reexamined my own position on this question and I have reviewed all of the arguments in this debate, closely reading the daily RECORD, reading and rereading historical documents, analyzing the committee hearings and the report language and carefully assessing the impact of this amendment on Massachusetts and on the country as a whole.

As I mentioned in my short colloquy with the distinguished Senator from Tennessee a few minutes ago, we begin this debate, I think most of us, are genuinely in the same place—with a clear understanding of the profound fiscal condition of the Nation.

No Senator, I think, will argue that we do not need to make a set of tougher choices than we have ever made before. And no one, I think, will argue that we can just continue to go along as we have been going. The numbers do speak for themselves: The national debt now over $4.9 trillion, three times what it was 11 years ago; gross interest on the national debt soon to be the second-largest expenditure in the entire budget, higher than defense spending; and in 1980 remembering that interest payments on the national debt were $52 billion, this year they will be $235 billion, an increase of over 450 percent and over 100 percent increase when adjusted for inflation.

We all now know the cliched but all too real trend lines, that each day we spend $640 million in interest payments, that Federal spending continues to grow because of automatic increases, and that our lack of action does, indeed, threaten generations to come.

I am persuaded that with or without an amendment, like it or not, no one of us here can avoid the fiscal confrontation that faces us, except temporarily. Just like the health care issue which is, in fact, part of the current problem, we cannot avoid the issue, or hide from it, or make it disappear, or wish it away. It is going to get worse and worse and an angrier and angrier public is, ultimately, going to hold Congress accountable.

The question is whether we can summon the courage under any scenario that addresses our fiscal problems, and do what must be done before the public decides to change the players until they force responsible action.

Mr. President, the amendment before us purports to be that summoning of will. I think it is not. Let us be absolutely clear at the outset. We do not need an amendment to the Constitution in order to balance the budget, and everything about this debate has to begin at that point. The truth is—acknowledged in the committee report itself, acknowledged in the course of debate—technically, we do not need this amendment in order to balance the budget. We do not need an amendment to the Constitution. If the more than 60

Senators who are now committed to voting for this amendment would simply agree among themselves that they will not allow a filibuster, that they would vote for cloture and that 51 votes, majority Government that our Founding Fathers established to do the job, would be allowed to vote on each measure, up or down, then, Mr. President, we could balance the budget today.

I hope America focuses on that, because that is the centerpiece of this debate. It is the centerpiece of what is at stake in Washington. Not the question of whether or not we need a piece of paper and words that we transfer from our current politics into the Constitution to balance it, we could do it today, and if those 60 Senators who have made this their Holy Grail, their prime objective, would simply say ''we will not filibuster, we will have a balanced budget now, we could do it this year, not make yet another promise to America that we will do something 7 years from now.''

I would agree to that. I would give my solemn pledge to come to the floor, no filibuster. I do not care if it is a program in Massachusetts or a program dear to my heart, I am prepared to let 51 votes decide whether we continue it or cut it, whether we raise the debt or do not, whether we cut taxes, raise taxes, cut a program or increase a program. That is what the Founding Fathers of this country envisioned.

Those who call themselves conservatives ought to stop and think hard about what conservation really means and what conservative means with respect to the Constitution that guides our actions in this country. All they have to do is agree: Let 51 votes decide; let the chips fall where they may; we could do it this year.

So the question then is properly put to the U.S. Senate: Why are we insisting on tampering with the Constitution to accomplish what, by rights, we could accomplish now, what the American people have a right to expect we would accomplish now if we had the will?

The proponents of this amendment say that we need this amendment to, No. 1, force discipline on us. I want to quote from the committee report:

> The primary enforcement mechanism is a three-fifths vote to increase the debt ceiling. The committee argues that an amendment to the Constitution ''forces the Government to live within its means.''

Mr. President, how does it force the Government to live within its means? In a long colloquy between Senator JOHNSTON and Senator HATCH, Senator HATCH acknowledged—in fact, insisted—there will not be court cases; this will not go to court, because the court will not have jurisdiction; the court will not take jurisdiction; it will not be justiciable; there will not be standing; there will not be ripeness, a whole set of reasons.

So, Mr. President, if the Senator from Utah is correct that you cannot go to court, then how does this force the Government to live within its means? If it does not go to court, then the only enforcer is the Senate and the House, and the only enforcement will be the very willpower that is absent today. So here we are with a new modern catch-22, only it is a catch-22 that may be written into the Constitution of the United States of America.

Now, Mr. President, we tried to clarify the court issue. We tried to actually say what the Senator from Utah was promising us. He said it will not go to court. We said if you are so certain that it will not go to court, why not write that in—that it will not go to court? But, oh, no, there was a block vote preventing us from doing that because, in fact, there are those on the other side who want it to go to court, and who want the ambiguity. So we are in effect being asked to write ambiguity into the Constitution of the United States without an understanding of what the risks are to the Nation in doing so.

Now, that is not the only catch-22. One of the most significant catch-22's is in section 6, and I would like to read from the balanced budget constitutional amendment committee report where it says that:

> Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts. This provision gives Congress an appropriate degree of flexibility in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable and made in good faith.

Most importantly, Mr. President, it says this:

> In addition, Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article.

Get that. We pass the amendment to the Constitution. We say to America we are going to have a balanced budget. But right here in the descriptions, in the fine print, there is language that says Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increases would not violate the article. So we come right back in and exercise the very same flexibility that we exercise today, and that has to be measured against their statement that this amendment to the Constitution ''forces the Government to live within its means.'' How, if you are having that flexibility and promoting that flexibility, does this force the Government to live within its means?

Moreover, the very same paragraph says:

> Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

That is the most extraordinary thing of all to me, Mr. President. We all know the games that get played around here. Who is going to define ''very small''? Who is going to define ''negligible''? Why, we are, of course. And when we define it we will in effect have decided that we can in fact not have a balanced budget. It is right here in the report.

America is being promised a balanced budget, but in the very same language that America is being promised a balanced budget is one of those small, little sections that says Congress is able to define that if you do not have a balanced budget it does not equal a balanced budget problem.

I tell you, Joseph Heller would be proud of this. This is catch-22 at its best, Mr. President.

Now, that is the first reason the proponents say we have to pass it—because this is going to force the Congress to ''live within its means.'' But we have learned, No. 1, they will not say whether or not the courts can enforce it, so we do not know if it is really enforceable or left to the will of Congress. And they have written in some very specific means by which they can escape from responsibility for truly balancing it.

Second, proponents of this amendment say that by this particular amendment as drafted—because I think you could draft an amendment that is better than this, but as this amendment is drafted they say that by constitutionalizing the fiscal principle of a balanced budget a new moral power will overcome the Members of Congress. That is not my language. That is their language. They talk about a new moral authority. Let me quote the committee:

> The committee expects fidelity to the Constitution as does the American public. Both the President and Members of Congress swear an oath to uphold the Constitution including any amendments thereto. Honoring this pledge requires respecting the provisions of the proposed amendment.

The report goes on to say:

> Flagrant disregard of the proposed amendment's clear and simple provisions would constitute nothing less than a betrayal of the public trust. In their campaigns for reelection, elected officials who flout their responsibilities under this amendment will find the process will provide the ultimate enforcement mechanism.

Mr. President, that is incredible. The first reason that they have given for passing this is that it is going to force something that in effect we have shown cannot really be forced. The second reason is they say it is going to give a new moral authority to the principle that every single one of them has already adopted.

Now, Mr. President, needless to say, there is an extraordinary statement of rather pathetic admission in this glorification of new moral authority. Here we are, elected officials, already sworn to uphold the Constitution of the United States. Let me read to you from the Constitution of the United States, the preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish * * *

Mr. President, we, each of us, already raised our hands, every single one of us already came to this body swearing to uphold this Constitution, which already requires us to look out for the general welfare of the country, and to preserve it for posterity. We have a solemn duty and a responsibility today to deal with this fiscal crisis, not pass some piece of paper that goes on for 7 years into the future. We have that responsibility today under the Constitution. And all that is lacking is the courage of those 60 who say this holy grail is worth pursuing to come to the floor and agree not to filibuster, and let 51 votes uphold the responsibility that we have sworn to uphold.

Now, Mr. President, turning to section 8 of article I:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States.

There, it is, Mr. President, section 8 of the Constitution which every Member of this body has already sworn to uphold provides the moral authority to balance the budget today, requires us to exercise that moral authority today.

We should be ashamed of the notion that we have to come here with a whole new process that upsets the very balance of power that was created by the Founding Fathers of this country. A true conservative would think twice about voting in a way that changes the whole power structure and walks away from the personal responsibility already sworn to, to uphold the Constitution, to provide for the general welfare, to pay the debts and provide for posterity.

So I find this rather amazing, that those who already, at the highest level of Government, have a major responsibility to carry out the public trust, who are already on record in town meeting after town meeting, before editorial board after editorial board, in campaign promise after campaign promise. They came to Washington to balance the budget and they have not done it. They have the power today, and they have not exercised it.

Here we are, suggesting to the American people that new words on a piece of paper, enshrining a different concept, will give them the moral force to accomplish what nothing but the lack of personal moral commitment prevents them from doing today, right now. It seems to me there ought to be as much concern about flouting our current responsibility as there is some prospective future responsibility.

Again, I say I am prepared to say no filibuster. I will vote for cloture on any motion on any issue whatever with respect to the budget, providing we agree we are going to try to move toward this goal. I am prepared to come to the floor and say I will vote for the line-item veto and I will vote against the tax cuts. How you can run around offering America $700 billion of tax cuts when you are in this kind of trouble, with the exception of what you may need to help the work force—balance it against education and reeducation—is beyond me.

What if you were to accept the notion that there is a legitimacy to the argument of having some new moral force? What if you were to accept the notion that perhaps it is worthwhile to have a constitutional statement that says we ought to adopt a fiscal balanced budget approach? I think that is possible as a principle. But it seems to me if you are going to do that, you ought to deal with the Constitution as a true conservative in a neutral and fair manner. It seems to me we have an equal responsibility to amend the Constitution in a way that it does not do more injury than good, in a way that does not ignore the fundamental relationships of this democracy, and in a way that does not create the potential for serious economic problems while never even guaranteeing the goal that it sets out to achieve.

Tragically, this amendment as it is currently drafted is neither fair nor neutral. We have tried on our side to adjust that issue of fairness by dealing with the issue of the courts, by dealing with the question of capital budget and other issues. At each step, we have been rebuffed. I believe this amendment in its current form goes well beyond fiscal responsibility and, most importantly, it constitutionalizes the politics of the moment. It takes the immediate political agenda of the current majority and constitutionalizes it in a way that may ultimately do violence to the genius of the Constitution and to our form of democracy.

When the veneer is stripped from this amendment before us, I think you can see a deeply troubling political motive that goes beyond just trying to balance the budget, which by definition could not be the only reason for this amendment since the proponents know that they already have the authority to just balance the budget. They are in the majority: Balance it.

No, I think this amendment goes further than just balancing the budget. It goes to the heart of the democratic process and it is one of the reasons why, in its current form, I have the most difficulty with this amendment, because it carries with it a fundamental shift in the decisionmaking in America. It is, as I said, an attempt to constitutionalize a particular ideology, which is not illegitimate. I am not contesting the legitimacy of the belief system. What I am contesting is whether or not you want to take that current, ephemeral majority view and constitutionalize it, which truly runs counter to the notion of being conservative.

It shields a momentary ideological party view from the fundamental democratic concept of majority rule.

How does it do that? The proponents of this amendment are insisting that both Houses of Congress find 60 percent of their membership, not just 60 percent of those present and voting, but 60 percent of their membership; a fixed number must be found in order to do something, in this case to run a deficit, to raise revenues in any way, whether through user fees or taxes. And, in doing that, everything I read, everything I studied and looked at, says to me: alarm bell, red light. Stop. Take a look at this. Make a sounder judgment for history and for the future.

That would usurp the power of a majority to disagree. Those who are using this amendment as a weapon in an ideological war do not want the votes of those who think differently from them to count as much as theirs. It is that simple. If you believe that you may ever reach a different conclusion than they have, they want to make certain that your vote does not count equally by requiring that you have to find a supermajority to fight back.

We are here as passing custodians of an extraordinary trust. These desks do not belong to us. These chairs do not. This room does not. We are the custodians of the Constitution, an extraordinary document, unparalleled in the course of human events. That document is based on the notion of majority rule, and to take that now, and suggest that you are going to require a supermajority to stop some particular action that is a mere choice of policy—fiscal policy, at that—is to suggest that those votes do not count as much for something that a current view suggests is popular. It is fundamentally undemocratic. It is fundamentally revolutionary in the worst sense of the word.

That is not all that I think is wrong, though that ought to be enough, conceivably, in this current draft. The amendment also allows us to cast a vote that permits us to escape the current responsibility and only require that this take place 7 years from now. Which means 7 years from now, you have to find the $322 billion projected as the deficit for 2002, but you do not have to do anything for 7 years.

I have been listening to my friends come to the floor and tally up each day the amount of interest we are losing just in this debate. That is really good television for the purposes of the debate, but what happens to America when this debate is over? What happens next year? The year after? The year after?

They are not saying they have to do it now. They only have to do it 7 years from now. This truly becomes the politician's freedom from responsibility act.

We were not elected to escape our responsibilities or pass legislative initiatives that further obfuscate the tough choices. If we attempt to escape

through the passage of this amendment, then I think we fail ourselves and we fail the Framers of the Constitution and, most important, we fail the American people.

I think it is a cruel hoax to suggest to the American people—as the Contract With America does—you may disagree about the full amount of tax cuts, but no one will disagree that there are big tax cuts in that contract, whether it is $700 billion or $500 billion. It is enough to still make it stick in your throat, when you add that to the already gargantuan task of finding $1.23 trillion between now and the year 2002.

Mr. President, I think the U.S. Senate really owes the American people a higher level of honesty and we ought to have the courage to tell the truth and to do what is right. One of those truths was with respect to Social Security. I do not disagree that Social Security needs fixing. I think Social Security is legitimately on the table with respect to how you adequately fund it into the next century, because more and more Americans are going to be drawing down on it, with fewer and fewer paying in. There is a legitimate question of whether or not we can afford to pay out huge sums beyond what people put in. But that is a question for the Social Security trust fund, not for balancing the budget. And the promise made to the American people was that this is a fund for retirement. It is insurance against poverty, and it should not be used as an instrument to balance the budget. It is obviously upsetting that this has not been made as clear as I think it ought to be. I do not see how you can tell senior citizens that you are acting in good faith with respect to this effort if you are not willing to make that separation clear—up front.

Mr. President, for obvious reasons this is not an easy choice for anybody—I think for many people at least. There is a current fervor in the country and anger that says we want to balance the budget; solve our fiscal problems; cure it. So there is a quick instinct to want to do what is popular and to say, hey, maybe we ought to pass the balanced budget amendment, throw caution to the wind, and do it. Mr. President, we were sent here to exercise a more significant responsibility than reacting to current popular perception. We swore to do that when we each stood at the other side of the well, raised our hands, and swore to this body and to family and friends and Nation that we would uphold the Constitution.

I think that requirement requires a more sober reflection about what this really does. What does the fine print really do? What is the impact of the courts? We are a Nation that already regurgitates over court involvement in our lives. The city of Boston came to understand that only too well in the process of court-ordered busing. There is also a national sentiment against the courts making decisions for people who want to make them for themselves.

This amendment is not going to improve that situation for Americans, if Congress fails to show the will that it could show today. And if the arguments of the proponents are so true then indeed you have to show that you are able to find some new willpower. What is the difference in finding the willpower from putting it in the Constitution versus finding the willpower from the oath we have already sworn?

Mr. President, there is this sense of popular rush to judgment here. But I suggest that we owe the country and the Constitution a slower, more deliberate process in keeping with the notion that this is the deliberative body that is meant to be the check and balance.

I have decided to vote against this particular constitutional amendment, as it is drafted today, principally because I have come to believe that it is an ill-advised attempt to memorialize in the fundamental governing document of this democracy one political party's agenda in such a way as to jeopardize majority rule, and change in a radical way what the Founding Fathers set out to do.

I will do so because this draft leaves a dangerous ambiguity existing about court involvement because it establishes an unrealistic and probably dangerous straitjacket on economic choices to respond to bumps and downturns in the economy, and because it sets the American people up for more political gimmickry and does so by putting the Constitution at risk.

Mr. President, as I said, there is a deep concern that we all should feel when we are about to exercise this most significant responsibility. Our Constitution—and I am sure my colleagues feel this—is indeed a magnificent document. I am not suggesting that my colleague on the other side holds a different view of it. I do not believe that. But we can have different interpretations as to what impact our actions will have on it. I believe that the brilliance, the profound simplicity, and the timeless articulation of fundamental principles like majority rule are worth keeping.

I know that the distinguished Senator from West Virginia, Senator BYRD, believes that we cannot alter the fundamental governing document of this Nation without deep deliberation and compelling reason, and I agree with that. Any amending of the Constitution should be done in the same spirit as the writing of the Constitution itself—with an overriding commitment to fairness, and to what is in the best interest of the Nation.

The Federalist Papers speak to us very clearly of that responsibility. I just do not believe that that fairness governs the current draft of this constitutional amendment. Indeed, I think that in its current draft, because of the problems I have cited, it represents a kind of Trojan horse, because it has one set of rules for treatment of the deficit—the three-fifths majority—and another set of rules for the current majority of the Congress, who may wish to reduce or shift sources of revenue. One value of votes for revenue, one value of votes for deficit. That is not what the framers of the Constitution intended.

I know my colleagues are coming to the floor and saying how frustrating it is and we want to balance this budget, but we are not able to do this, so we have to do that. In fact, Mr. President, we do not have to. All we have to do is get the 60-plus Senators to come and agree, no filibuster, 51 votes. You do not have to change the balance of 60 and 51. The reason you do that is that there is something else that is trying to be achieved, and it is not the fairness, and it is not the neutrality for the process that the Constitution demands.

Mr. President, we obviously cannot amend the Constitution simply because it is fashionable, and we certainly should not do it as a symbolic gesture to score political points or to further personal ideology. We ought to do it because there is an overwhelming national interest that cannot be reached without doing it. There is no expert that I have read in all of these documents of this debate who can say with a certainty that this amendment will result in a balanced budget.

In fact, most experts say it will not result in a balanced budget, and that it may be unenforceable, which results in an extraordinary court battle that could tip the balance of power in this democracy. Who here can imagine judges deciding whether you build a particular defense program, or whether you move a bridge or a highway? Who here wants judges deciding what portion of the budget to cut and how to raise taxes? There is no expert who has suggested that there will not be some court cases.

There is no expert who has said with any certainty that there is a compelling national interest that can be defined and met by the current draft of this amendment. But the most compelling arguments against this amendment, as drafted, Mr. President, come from the real experts, the framers of the Constitution who, were they here on this floor, I am confident would vote against this amendment because it tampers with the Constitution's most fundamental principle of majority rule, and the preservation of our ability to act in the national interest in an emergency.

Mr. President, if fairness were the real consideration here, and if you absolutely felt you had to have a balanced budget amendment that creates this new moral power, then you could do so by passing an amendment that requires 51 votes with an exception, obviously, for state of war or national emergency, economic and national disaster, and you do not have to do it, clearly, in a way that leaves open the

court issue. But, you can close the court issue by simply taking them out of the process within the context of the implementing legislation.

Mr. President, I believe, if you read the Federalist Papers, they make it about as clear as it could be. In Federalist 22, Hamilton called a quorum of more than a majority ''poison for a deliberative assembly.'' That is what is being created here—what Hamilton called poison. He pointedly notes:

> The necessity of unanimity in public bodies, or of something approaching towards it, has been founded upon a supposition that it would contribute to security. But its real operation is to embarrass the administration, to destroy the energy of 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.

That is about as clear as you can get. He goes on to say:

> The public business must in some way or other go forward. If a pertinacious minority, respecting the best mode of conducting it, the majority in order to something may be done must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater and give a tone to the national proceedings.

Hamilton was worried that the requirement of more than a majority would allow the minority to rule simply by not showing up.

When you require the fixed number of a House, not the fixed number of those present and voting, you have given to the minority the capacity not even to participate, and by not participating, they win. That is a tyranny of the minority. That is not majority rule.

Hamilton said, ''Its situation must always savor of weakness, sometimes border on anarchy.''

Mr. President, Hamilton feared that requiring more than a majority would effectively paralyze the Government's ability to act and could result in anarchy. Harsh and outrageous as that possibility may sound, those who threaten majority rule could threaten the power of the Federal Government by limiting its ability to act at all. All of us know how frustrating it can be to bring some issue to the floor, how long it takes, and how easy it is for one or two Members to frustrate the process. If you have to find that magical number, more than the majoritarian rule, you are already shifting the power in a remarkable way. A minority could limit the Government's ability to raise revenue, however unpopular that might be, or its ability to expend funds, and therefore limit what Hamilton called in Federalist 33 ''The most important of the authorities of the Federal Government.''

This amendment as drafted, Mr. President, is political dogma disguised as economic policy. It is the continuation of the ongoing effort to demonize certain national interests by demonizing those who promote any kind of national program to protect the American concept of community.

Mr. HATCH. Mr. President, is the Senator finished?

Mr. KERRY. Mr. President, I will yield for a question.

Mr. HATCH. How much longer will the Senator be?

Mr. KERRY. Mr. President, I have probably another 10 or so minutes. I know there is a 3 o'clock deadline. I do not want to delay any of my colleagues. If I could, I will ask unanimous consent that I could finish my comments, and I would be happy to yield for the purpose of permitting an amendment to be called up, if I can retain my rights to the floor thereafter.

Mr. HATCH. I appreciate my colleague for saying that. At 2:55, would it be OK if our colleague would yield so the distinguished Senator from California can call up an amendment and I can call up four amendments?

Mr. KERRY. I would be happy to delay for a moment now and let my friend from Utah call them up, or anybody else, if there is an understanding that I can simply return to complete my comments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Without objection, the Senator may yield without losing his right to the floor.

Mr. KERRY. I thank the Chair.

Mr. HATCH. If I could ask the Senator, we just need to call these up right before the time expires at 3. Ours have to be called up last.

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. I ask unanimous consent that right before 3 o'clock the Senator from California be allowed to call up her amendment, and I then be permitted to call up the amendments I have on behalf of the majority leader and myself.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KERRY. Reserving the right to object, and I will not, I want to say that I would like to also be able to call up one amendment prior to the 3 o'clock deadline.

Mr. HATCH. If I can amend my request to say that the last three people to be recognized for amendments—unless somebody else comes in—will be the distinguished Senator from California to call up an amendment, the distinguished Senator from Massachusetts to call up an amendment, and I to call up a number of amendments for and on behalf of Senator DOLE and myself; I further ask unanimous consent that immediately following the calling up of these amendments, the ability to call up of amendments be closed, and that the amendments I called up to be the last ones to be called.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KERRY. Reserving the right to object for the basis of our side, I do not see anybody here, and I presume that it assumes the 3 o'clock deadline has been passed.

Mr. HATCH. Right.

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

Mr. HATCH. Will the Senator yield for one more unanimous consent request?

Mr. KERRY. I am happy to.

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. I ask unanimous consent that the Senator—except for that interruption—be permitted to complete his remarks today, and then the Senator from Missouri be able to complete his remarks, and the Senator from Florida be able to complete his remarks and then the Senator from California be able to complete her remarks, in that order, following the amendments.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from Massachusetts has the floor.

Mr. KERRY. Mr. President, it is my fear that this amendment as it is currently drafted—and I want to emphasize that—begins the process that may permit an erosion of Government's ability to protect certain interests of every American based on a concept of majority rule. It begins to institutionalize a particular judgment, an economic judgment, against a whole set of other judgments which may, at some point in the not too distant future, be the majority view or general interest of the country, but not sufficient to gain 60 votes—but, nevertheless, sufficient to have 51 votes. They could be precluded from then representing those interests. That is, I think, upon reflection, a genuine threat to the notion of the democratic process.

I do not question the sincerity or the intention of those who believe that this is a bad idea whose time has come. But, Mr. President, I think we have to wonder whether we are not on a very dangerous path to fundamental changes in how we govern without the due process that our democracy demands.

The potential of minority rule on an issue as fundamental as raising revenues, I think, begins a dangerous process of beginning to dissolve whatever is left of America's spirit of community by limiting our ability to make decisions that go beyond city limits and State borders, and that may, in fact, be very unpopular, but we have to, if we are going to serve the Nation, preserve the flexibility and capacity for that kind of unpopular decision to be made.

So this debate is not really about specifically spending cuts. It is not about good economic policy. It is about the proliferation into the Constitution itself of a particular philosophy of the moment that almost suggests that the concept of community is lesser than the concept of individual interests. I do

not believe that, Mr. President. I think if we are going to maintain the community the Founding Fathers conceived of, then you have to maintain the majoritarian approach.

Mr. President, an awful lot of people a lot wiser than me have, frankly, found fault with this amendment based on that perception; that there is a shift in the balance of power between the branches of Government and that that is dangerous.

Walter Dellinger, an Assistant Attorney General, testified that:

> Should the measure be enforced by the judiciary, it would produce an unprecedented restructuring of the balance of power between the branches of government. If it proves unenforceable, it would create quite a different but equally troubling hazard by writing an empty promise into the fundamental charter of our Government. It would breathe cynicism about our Government and diminish respect for the Constitution of the United States and the rule of law.

He goes on to say that,

> The Constitution, as written by the framers, did not contain choices. It rather empowered people to enact the choices,

specifically, the kind of choices that I read that we have sworn to make in section 8 of article I.

He argues that a balanced budget amendment simply declares that outlays shall not exceed expenditures without ever explaining how this desirable state of affairs is going to come about and without specifying who among the Government officials should be empowered to ensure that the amendment is not violated or, if violated, how the Nation is brought into compliance.

The distinguished Harvard law school professor, Archibald Cox, opposes such an amendment for four reasons.

First, he said,

> The amendment would damage the Constitution by introducing matters foreign to its fundamental and traditional purposes. It would undermine confidence in the Constitution by holding out an appearance of guarantees that will surely prove illusory. It would spawn disputes and charges of violation without providing either the means of resolving disputes or remedies for the actual threatened violations, except to bring in the courts. And that exception,

he said,

> brings me to the last point, that the amendment risks bringing the courts into a field for which they are totally unequipped by experience.

On the politics of this amendment and the ruling of the majority on political issues, Professor Cox said,

> Deciding whether or when to balance the budget or whether or when to risk a deficit calls for a judgment of policy, the kind of political judgment wisely left by the Founding Fathers to the majoritarian processes of representative government.

Mr. President, constitutional scholars have lined up against this amendment and have presented powerful arguments that raise serious questions about the impact of what we are about to do.

Another scholar, Kathleen Sullivan, expressed concerns about placing economic theory in the governing document of the Nation. She said, ''I oppose the amendment because I believe it would seriously undermine our established constitutional framework if it were adopted and enforced. Either way,'' she said, ''these constitutional harms would far outweigh the meager benefits the amendment is likely to bring about in advancing its distinguished sponsors' entirely worthy goal of achieving national fiscal discipline.'' She goes on to quote Justice Holmes, saying that:

> He was right when he warned: ''The Constitution ought not embody a particular economic theory, be it that of Spencer or Keynes.''

And about majority rule, she quotes Madison from Federalist 58, who argued that ''requiring the supermajority to pass ordinary legislation turns democracy on its head.''

Mr. President, the scholar that I was commenting on, Kathleen Sullivan, said about the issue of majority rule that in Federalist 58, Madison himself said that requiring a supermajority to pass ordinary legislation turns democracy on its head, and she jokingly but accurately pointed out the single most predictable consequence of a balanced budget amendment might well be a period of full employment for lawyers.

Mr. President, I believe Prof. Charles Fried of Harvard Law School has made one of the most compelling arguments against this amendment as it currently appears before the Senate. He said:

> Majority rule is the rule that best expresses democracy. It best expresses it for health care, for defense, for the writing of criminal legislation with death penalties and for the passing of budgets—whether in surplus, in balance, or in deficit. To put this all more practically, the balanced budget amendment would just make it that much harder to govern, giving those who want to put obstacles in the way of government new opportunities for obstruction.

Professor Fried points out a balanced budget amendment would give ''Any president a far better claim to impound funds than that which was asserted some 20 years ago by President Nixon,'' because the President's warrant would be drawn from, as President Nixon said it was, inherent powers of the Presidency. He could point to the Constitution itself and then he could argue it is his duty to do so.

Mr. President, it is not inconsequential if the President of the United States is permitted to impound. We will have created yet another shift in the balance of power, which I believe Members here would want to think twice about, no matter who is in the Presidency or which party controls the White House.

Professor Fried says passage of this amendment would inevitably involve the courts in what he calls ''subtle and intricate legal questions, and the litigation that would ensue would be gruesome, intrusive, and not at all edifying.''

He argues, Mr. President, against this amendment and I think everyone knows that Prof. Charles Fried, former solicitor general, is certainly one of the more conservative members of the legal profession. He argues against this amendment as ''Undemocratic and against the spirit of the Constitution.'' He says that when our Constitution withdraws a subject matter from majority rule, as it does in the Bill of Rights and the 14th amendment, it does so because there are things which no government may ever do. It may never abridge freedom of speech, no matter how strong the majority, and therefore it is withdrawn from majority rule.

His point is this: In no issue on which it is legitimately in the purview of this Government to rule is anything but a simple majority ever required with respect to policy issues.

Mr. President, majority rule ought to be held as the sacred standard of this body. If not, then we embark on a course that could be dangerous, indeed.

Dr. Fried said something that gave me pause beyond what I have quoted. In a most dramatic and compelling statement before the committee that summarizes the fundamental flaws of this current draft of the balanced budget amendment, he said something that I hope would give each person some pause no matter what their position on this amendment is.

It is a particular perspective about what we are about to do. Professor Fried said:

> A balanced budget in any form, if it is workable, is a bad idea. The reason is simply that the political judgments underlying the amendment, sound and important though they are, are just that—political judgments—and as such they should not be withdrawn from the vicissitudes of ordinary majoritarian politics that the Constitution establishes as the general rule for our public life as a Nation. I am not entitled to have my bias against Government spending enshrined in the Constitution to frustrate the will of my fellow citizens expressed by a majority of our representatives.

I think that is a simple but powerful observation that goes to the heart of what is about to happen here, if this amendment is passed. We will enshrine a national bias against a particular choice of fiscal policy for all time; notwithstanding, however, that the political landscape may change.

The Constitution, Mr. President, as we all know, survives beyond each person here. And it ought to remain the same beacon of democracy that it has been for all time. It should not be a hodgepodge of popular gimmicks from one generation to the other. It should not become a means of addressing every difficult problem that we face as a people, and as a Nation. And it certainly should not be used as a cover for the unwillingness of Congress to exercise the will that it has the power to exercise today.

So, Mr. President, it is my hope that those few people who may remain undecided will think hard, in the hours ahead, about the weight of the Constitution and the history that we, in

the Senate, are responsible for. It is my hope that, in the end, people will choose not to burden the Constitution with this particular moment's idea, but rather to come to the floor of the U.S. Senate prepared to do what we have the power to do today.

I would close simply by repeating what I said previously: I am prepared to stay here now—through the next months—with an understanding that we will not have a filibuster, but that we will come up with a budget that sets us on the course to a balanced budget. Let 51 votes decide. If the American people decide that they are unhappy with that judgment, then the next election can be about just that.

We should not continue to use the process of delay for a small cluster of people on either side of the fence to frustrate the capacity of this body to make a judgment in the interests of the country, whether that judgment may be correct or incorrect. It is not for a small group to decide now that the judgment cannot be made at all. That frustrates the intent of the framers of the Constitution.

Mr. President, we do not have to pass an amendment. We could just get 60 people to sign a letter, each of them saying, ''I am committing, this year, to passing a balanced budget over the next 7 years, 10 years, 15 years and guaranteeing that the expenditure line and the revenue line of this country are turned around and brought together at some point in time.''

It seems to me that all we have to do is read the Constitution of the United States, once again. All we have to do is understand that whatever increased moral authority people believe they will get by passing this amendment, if the courts are not able to make the judgment—if the courts are, God save us all— but if they are not, this will ultimately hinge on whether we have to enforce section 6 to make this real. That comes down, to an exercise of the very same constitutional power we have today, when each Member swore here to uphold the Constitution, provide for the common defense, and promote the general welfare, and when we swore we would exercise our power under section 8 to pay the debts and provide for the common defense and general welfare of the United States.

We have the constitutional authority and power today. We lack the will. I hope the American people understand that this gimmick will not provide for the will that each of us should have come with to this institution in the first place.

Mr. President, I repeat: I am prepared for the first time to vote for a line-item veto. I am prepared to vote against the tax cuts with the exception of education, which I think is critical, and I am prepared to pose further cuts than are currently on the table.

But I am also prepared to find revenue, if it is needed, in an effort to be real about this and avoid the continued gimmickry which frustrates the will of the American people.

Mr. President, are we at the moment that we should turn to the amendments?

The PRESIDING OFFICER. Under the previous order, Senators are recognized now for the purpose of offering amendments. The Senator from Massachusetts reserved the right to offer an amendment before the hour of 3 o'clock, the Senator from California reserved the right to offer an amendment, and the Senator from Utah.

MOTION TO COMMIT

Mr. KERRY. Mr. President, I ask unanimous consent that my motion be called up and I ask unanimous consent that reading of the motion be dispensed with and that the motion be set aside for further deliberation at a later time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The text of the motion reads as follows:

MOTION TO COMMIT

The Senator from Massachusetts [Mr. KERRY] moves to commit H.J. Res. 1 to the Budget Committee, to report back forthwith and at a later time to issue a report which states that:

''The Congress of the United States currently possesses all necessary power and authority to adopt at any time a balanced budget for the United States Government, in that its outlays do not exceed its receipts, and to pass and submit to the President all legislation as may be necessary to implement such a balanced budget, including legislation reducing expenditures for federally-funded programs and agencies and increasing revenues.

''It is the responsibility of members of the House of Representatives and the Senate to do everything possible to use the power and authority the Congress now possesses in order to conduct the fiscal affairs of the nation in a prudent fashion that does not permit the federal government to provide the current generation with a standard of services and benefits for which that generation is unwilling to pay, thereby passing the responsibility for meeting costs of those services and benefits to later generations, which is the result of approving budgets which are significantly deficit financed.

''All members of the House and the Senate who vote to approve submission to the states of a proposed amendment to the United States Constitution requiring a balanced budget, have a responsibility to their constituents to support a budget plan to balance the budget by no later than 2002.

''The Congress should, prior to August 15, 1995, adopt a concurrent resolution on the budget establishing a budget plan to balance the budget by fiscal year 2002 consisting of the items set forth below:

''(a)(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with fiscal year 2002 containing—

''(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

''(B) totals of new budget authority and outlays for each major functional category;

''(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

''(D) an allocation of Federal revenues among the major sources of such revenues;

''(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

''(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution, with the cited directives deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974, and with the cited committee submissions combined without substantive revision upon their receipt by the Committee on the budget into an omnibus reconciliation bill which the Committee shall report to its House where it shall be considered in accord with procedures set forth in section 310 of the Congressional Budget Act of 1974.

''(c) the budget plan described in section (a)(1) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).''

AMENDMENT NO. 315

The PRESIDING OFFICER. Does the Senator from California desire to call up her amendment at this point?

Mrs. FEINSTEIN. Thank you, Mr. President.

I do desire to call up my amendment. I recognize that I have to ask unanimous consent to be able to do so.

The PRESIDING OFFICER. It has already been granted.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to amendment No. 315 and I ask for its immediate consideration.

Mr. HATCH. Mr. President, on behalf of this side, we have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I ask unanimous consent that it be in order for me to call up four filed motions under the majority leader's name.

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

MOTION TO RECOMMIT

Mr. HATCH. Mr. President, I call up filed motion No. 4.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. DOLE, moves to recommit House Joint Resolution 1 to the Budget Committee.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the motion reads as follows:

Motion to recommit House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and, after passage of House Joint Resolution 1 and upon the request of the governors of the states promptly provide, to the extent practicable, data regarding how the Congress might achieve a balanced budget.

Mr. HATCH. Mr. President, I ask unanimous consent that the pending motion be laid aside.

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

MOTION TO RECOMMIT

Mr. HATCH. Mr. President, I now call up filed motion No. 3.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. DOLE, moves to recommit House Joint Resolution 1 to the Budget Committee.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The text of the motion reads as follows:

Motion to recommit House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and report to the Senate at the earliest date practicable how to achieve a balanced budget without increasing the receipts or reducing the disbursements of the federal old-age and survivors insurance trust fund and the federal disability insurance trust fund to achieve that goal.

Mr. HATCH. Mr. President, I ask unanimous consent that the pending motion be laid aside.

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

MOTION TO COMMIT

Mr. HATCH. Mr. President, I now call up filed motion No. 2.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. DOLE, proposes to commit House Joint Resolution 1 to the Judiciary Committee.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the motion be dispensed.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the motion reads as follows:

Motion to commit House Joint Resolution 1 to the Judiciary Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and to issue a report reaffirming the Committee's view that this Amendment does not sanction court involvement in fundamental macroeconomics and budgetary questions and expressing its support of Implementing Legislation which ensures a restricted role for the courts in enforcing this Amendment which will not interfere with the budgetary process.

Mr. HATCH. Mr. President, I now ask unanimous consent that the pending motion be laid aside.

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

MOTION TO COMMIT

Mr. HATCH. Mr. President, I call up filed motion No. 1.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. DOLE, moves to commit House Joint Resolution 1 to the Judiciary Committee.

Mr. HATCH. I ask unanimous consent that reading of the motion be dispensed with.

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

The text of the motion reads as follows:

Motion to commit House Joint Resolution 1 to the Judiciary Committee with instructions to report back forthwith House Joint Resolution 1.

The PRESIDING OFFICER (Mr. THOMPSON). Are there further amendments to be called up under the unanimous-consent request?

Mr. HATCH. Mr. President, the hour of 3 o'clock has arrived, and no further amendments can be called up.

The PRESIDING OFFICER. The Senator is correct. No further amendments are in order.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am grateful for this opportunity to make remarks about the most important action that we will be taking during this session of the U.S. Congress: A vote on a balanced budget amendment to the U.S. Constitution.

Of course, there have been a number of reasons elevated for our inspection by those who oppose the amendment, and I think inspection is what they deserve.

There are those who say that there are no problems with the Constitution, there are only problems with us as Members of the Senate. That is what constitutions are for. Rules are designed to correct problems in the way the players play the game. There are no problems with the rules of the basketball game, but you have to have a rule against fouling or the game gets out of hand.

Mr. President, the Constitution of the United States is full of ways of correcting abuses which would otherwise occur—because we would have problems as Members of the Senate in making correct judgments—absent the parameters of the Constitution.

When the Constitution of the United States starts in the Bill of Rights by saying ''Congress shall have no power,'' it recognizes that the problem may be in Congress, and that the way to correct it is to have a framework which forbids Congress from engaging in the abuses which are hurting the American people or which might hurt the American people.

So for Members of this body to suggest that we do not need an amendment to the Constitution—because the problem is a problem of this body, or the individuals who populate this body, Mr. President—is to suggest that, ''Well, we don't need a Constitution, we just all have to act appropriately.''

It reminds me of the famous phrase out of Tammany Hall: ''What is the Constitution among friends? Ignore it, we don't need it, we can just all act properly.''

Constitutions, charters of government, are—and have been from the Magna Carta forward—established on the basis of an understanding that people will not always act properly and, therefore, we need the restriction, we need the confinement, we need the guidance, we need the direction, we need the regulation of a document that protects us from abuses.

Interestingly enough, the balanced budget amendment is not really a protection for us against abuses. Oh, yes, we have been abused, but those who have been abused most dramatically are those who are not here yet. They are the children of the next generation. They are the individuals who have not yet gone to school, let alone gone to work. They are the people whose wages we are now spending before they even go to work. We are spending them to satisfy our appetite for program after program, for policy after policy, for interest group after interest group, in a wild credit card binge across America, buying votes for the next election to the U.S. Congress, be it the House of Representatives or the Senate.

We must curtail that, Mr. President. It is suggested by our friends—as the esteemed Senator from Massachusetts just a few moments ago suggested—that it is undemocratic to have a provision in the Constitution which would require that 60 votes in the Senate be required in the event you wanted to go into debt, asserting that it is undemocratic not to let the representatives of over 50 votes be able to have equal weight.

But I am worried about the votes of the next generation. I think it is undemocratic for this body to encumber the next generation, to say to the children of the next century they will not have an opportunity to decide how the tax revenues of their America will be spent because we will spend their taxes for them now.

We are talking about a fundamental problem here. It is a problem of taxation without representation and, yes, the problem is in the Senate, the problem is in human nature. And one of the reasons you have constitutions is not to say that if everyone acts at their best and highest level of responsibility we would not need it. The reason is that we know that there will be times of weakness, when in spite of all the good intentions, those good intentions will not lead us to do the right thing.

That is why the first amendment to the Constitution says, ''Congress shall make no law,'' and as you get to the amendments added on through the amendment process, over and over again we have seen the wisdom of saying that Congress shall not be able to impair principles which are important to the future of this democracy. And that is where we are at this very moment in time.

It is fundamentally important, Mr. President, that we say about the next generation that we will build a hedge between them and the spending habits

of the U.S. Congress so that we in this body do not spend their birthright. Taxation without representation was the core, it was the kernel of the revolution, which grew and finally flourished in freedom—which has not only found its way from the Atlantic to the Pacific, but has found its way around the globe, nation after nation modeled on what we did here in America. But that revolution was a fundamental response to authorities somewhere else taxing us without representation.

I submit that that is exactly what we in this body have been doing by jeopardizing the future of the next generation. We have simply said to the next generation—without telling them because they are not here to hear us—that we are going to spend your money this way and we hope you are productive when you get here, because when you earn the money, it will be taken to pay for the excesses, to pay for the desires, to pay for the programs, to pay for our catering to special interests in our generation.

It is time we stop that. It is true that we could stop it without an amendment to the Constitution, but will we—or have we?

Over and over again in the debate, we have had it brought to our attention that through the eighties and even in the seventies and even as early as the sixties, there were resolutions of this body and there were laws enacted that would pry us out of the pattern of deficit spending—but absent a strong wall in the Constitution to protect those yet unborn generations, we have always managed to find our way to do what is expedient for the next election—not the next generation. It is time now for us to make such a commitment.

The idea that the pending amendment to the Constitution somehow would impair us from doing all the responsible things that our colleagues have said they would like to do—and I commend the Senator from Massachusetts for his willingness to say that he will support a line-item veto and that he will support cloture on it so that we can get real votes on expenditures—is inaccurate. Nothing in this proposed amendment, nothing in this resolution, would stop any Member of the Senate from engaging in that kind of responsible behavior in the next days and weeks and months to come.

Mr. President, nothing in this amendment would stop this body, in conjunction with the House of Representatives, with the cooperation of the President of the United States, from implementing a balanced budget at an earlier time. Nothing in this proposed amendment to the Constitution would impair a responsible Congress from doing what it ought to do.

So we have all the authority to do what is right that we have ever had—but our problem has not been the absence of authority to do what is right. Our problem is the absence of a prohibition against doing what is wrong. And in the absence of that prohibition against doing what is wrong—spending the resources of the next generation—we find ourselves over and over again deeper and deeper in debt.

The President of the United States last year indicated that there would be reduced deficits and there would be a continuing decline in the level of deficits, and that commitment lasted almost a full year. Then this year's budget came out, and did we find ourselves with reduced deficits on a steady decline toward a balanced budget? No, there was simply a concession. The big white towel came out of the corner into the middle of the ring and we conceded that there would be deficits over $200 billion on average for the next decade, and who knows what thereafter.

Again, the problem is not that we already have the authority to do what is right, the problem is that we are not prohibited from doing what is wrong. And what is wrong is spending the resources, spending the inheritance, spending the birthright, of the next generation. It is spending my kids' wages before they graduate from college. It is spending my grandchildren's opportunity to be productive in a world economy that is going to demand productivity, and if they are spending all of their resources on interest on our debt, if they have to tax people and businesses to pay for prior years' excesses—our excesses—they are not going to be competitive in a marketplace that requires productivity.

No, Mr. President. We, and they, will find ourselves sliding back into the backwater of the swamp of those nations that are incapable of being on the cutting edge.

It is time for us as a body to make a commitment to America's future. It is time for us to say, yes, the budget was balanced for well over 150 years except in time of war. It was a tacit agreement, it was an understanding, it was honored as if it were in the Constitution—but we do not have, apparently, the stature or the will or the capacity to do it now.

Nothing in the proposed amendment would keep us from doing it. But let us just ensure that we build this firewall between the next generation and the spending habits of the U.S. Congress, that we build a bulwark and we save those grandchildren—the next generation—from our spending habits. Let us say that as for us, as for me and my house, as for the Senate, as for this Government, as for this Nation, we will be responsible.

If the 1994 elections meant anything, I think they meant that the people of the United States rejected a Congress that was arrogant—a Congress so arrogant that it passed laws for other people to live by but that the Congress did not have to live by, a Congress so arrogant that it would tell State and local governments what to do, thinking that it had been elected to do State and local tasks as well as national tasks, and a Congress so arrogant that it spends the money of the next generation as well as the resources of its own.

I think the people of America expect us to repudiate that behavior pattern, Mr. President. But frankly, they expect us to enact a constitutional amendment to assure them the pattern does not happen again. Time after time, they have listened to the U.S. Congress repudiate ways that were going to balance the budget. They have heard proposals indicating that there would be special withholdings to make sure that it did not happen, and time after time they have watched—sometimes when the curtain was drawn, sometimes when it was in full view—they have watched the U.S. Congress, having made a solemn oath, having made a legal commitment in a statute, turn around and change that statute.

The tragedy is that the U.S. Congress can change the rules for the U.S. Congress, and so a statute is not enough, a resolution is not enough, a sense of the Senate is not enough. The tragedy is that we can change our own rules, and we have changed them over and over again. That is the tragedy.

However, there is also beauty, Mr. President. The beauty is that the U.S. Congress cannot change the U.S. Constitution by itself, and so where we failed as a body in the past because we were always able to change the rules in the law, I believe we now have a chance for success if we put the pending rule in the Constitution—for this is not the transitory whim of just a majority in the Senate.

For this resolution to become the law of the land in the Constitution of the United States, it will take the ratification of three-quarters of the States, of the United States of America, to change it and adjust it. To erode it or impair it would take a similar consensus by all the States as well as this Congress.

And I believe at any of those junctures during the last three decades when the Congress weakened, we would not have found three-quarters of the States willing to weaken with them. Not on your life. The people of America would have said, stay the course. Let us make sure we maintain our commitment to a balanced budget.

It is time for us to enact the balanced budget amendment because it would stay the course, Mr. President.

Yes, the problem is a problem with the Congress. But the way to remedy the problem with the Congress is to build a wall between the Congress and the next generation.

Just to take us back for a moment in history, this Nation was founded as a result of a commitment that it was morally wrong and politically improper for one group to tax another group without its consent. The net result of the Currency and Revenue Act of 1764, undertaken by the British to end the smuggling trade on molasses as well as to raise additional revenue, was to give British sugargrowers an effective monopoly on the colonial sugar

market, and it irritated the colonists, it irritated Americans because we were being taxed without representation.

The Stamp Act of 1765, well known to every schoolchild, extended to America a broadly based form of direct taxation that had long been in use in Great Britain, and the colonists simply said ''no taxation without representation.'' It is a principle embedded in the very depths of American history and in our character.

Patrick Henry, in response to that Stamp Act of 1765, said, ''The colonists are entitled to all privileges and immunities of natural born citizens, to all intents and purposes as if they had been abiding in and born within the realm of England''—meaning no taxation without representation, a fundamental guarantee as old as the founding documents in Great Britain.

The Townshend duties of 1767 were passed to raise revenues on imports to this country, widely used imports like tea and window glass. And you know what happened with the Tea Act of 1773. And over and over again—the Coercive Act of 1774. All of these became a part of the very fabric of American life as did our resistance to taxation without representation.

And what are we doing when we have deficit spending? Are we taxing ourselves? No. We are taxing the next generation over and over and over again, thousands of dollars. Every man, woman, and child born in the United States comes into this world not with a clean slate but with a debt load. And we must make sure that when the Statue of Liberty holds high her lamp beside the golden door, it is not a lamp eliminated by a debtor nation; that it is a lamp of opportunity, not a lamp of responsibility to pay off the debts of previous generations.

A rising $4.9 trillion debt amounts to taxation without representation. There is no other way to categorize it. I think of the young person, not old enough to vote, in the American Revolution, Nathan Hale, captured by the British. They handle him in the rough justice of wartime, and they decide to hang him as a traitor to the crown. And before he dies, he inspires us with the words, ''I regret that I have but one life to give for my country.'' Nathan Hale, looking to the future, is willing to sacrifice himself. What a contrast, Mr. President, to where we stand in the United States today. Looking only to ourselves, we are willing to sacrifice the future.

Nathan Hale says, ''I regret that I have but one life to give for my country.'' In this body we say we regret we have but one next generation to mortgage for our appetites.

We must cease. We cannot continue. It is beyond what free people should do to one another. But even more importantly, we should be unwilling to provide a debt load which will burden the next generation.

Mr. President, this is the single most important responsibility we have. It is a responsibility that relates to the ability of this country and the next generation to be successful, for us to succeed rather than sink; for us to survive and to be a swimmer rather than a failure. That is what we need. We need to build a system which allows those who follow us to have the kind of opportunity we have enjoyed.

We have already talked about the fact that those on the other side of the aisle have said to us there are no problems with the Constitution, there are only problems with Members of the Senate. The truth of the matter is that is what Constitutions are for, to make sure that problem areas that are inherent in human nature do not find their way into policy. Let us keep those flaws out of policy and let us stop this practice of spending the next generation's resources before they are born.

Those opposed to the pending amendment have also complained that it requires a supermajority in order to raise the debt, or to abandon the principle of a balanced budget. They say such a requirement is undemocratic, that we should just be able to spend more than we take in if we have an even majority or a bare majority. In my judgment, what is undemocratic is to keep obligating the next generation, to keep obligating those who are yet unborn by spending their money.

The real tragedy is that the U.S. Senate—in all of its attempts to come up with a way to curtail spending, to stop itself from its spending binge, after setting enactment after enactment, after expressing itself over and over again—has each and every time subsequently come along and undone the deal, taken apart the framework and said we are going to let ourselves go, now that we are really hungry.

The problem is the Senate and the House, with a law, a mere statute, cannot bind the next Congress. What is an even bigger problem, though, is that while we as a body cannot bind the next Senate, we can bind the next generation to debt. So while we cannot bind ourselves to discipline, we continue binding the next generation to debt, over and over and over again. It is time for us to remedy that by enacting the kind of framework, the firewall, the bulwark, the barrier between the spending habits of the U.S. Congress and the well-being of the next generation of American citizens.

Mr. President, there have been those who have said we do not need anything to do with economic policy in the Constitution. As a matter of fact, it was one of the distinguished Members of this House who said the U.S. Constitution is decidedly not a charter of economic policy. For the first time it would be writing into the Constitution economic policy.

I went through the U.S. Constitution, seeking to find specific areas where we talked about things that would have direct economic impact. It is almost impossible to find a part of the Constitution that does not have economic impact. I submit, whether you are talking about section 8, which provides for us to be able to pay our debts, or whether you are talking about section 7 of article I, that talks about bills for raising revenue that shall start in the House of Representatives, or whether you are talking about the ability to raise and support armies but no appropriation of money can last for more than 2 years.

That is an interesting part of our Constitution, to find in article I the language, and I read it:

> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years.

The idea that we would not commit future generations, we would not commit too far in advance, that we would not place a burden on those who were not represented in the Congress is intriguing—could it be that 2 years is the length of a congressional term? You would expect that the next Congress would not have to live under the debt or the requirement of the previous Congress.

My view is, when it comes to spending, is that we have always been willing to be pretty close about spending. We do not allow the Senate, for instance, which is not elected every 2 years, to be the originators of spending measures. Spending measures must originate in the House of Representatives, where the people are face-to-face with their Representatives every 2 years.

The Constitution is full of economic considerations. I went through it. The next page has more underlining, and the next one even more to highlight economically related items in the Constitution. More text is economically related than is not.

As a matter of fact, this entire document—the Constitution—is full of things that relate to our economy. The amendment to the U.S. Constitution which provided for the progressive income tax is a matter having perhaps the most direct economic impact of any single event in the history of the United States, and is part of the Constitution. The suggestion that something, because it has economic impact, does not belong in the Constitution of the United States is hollow, it is empty, because there are sections following sections, and sections upon sections and there are subsections and there are amendments and subparts of amendments that all relate to economic considerations. The very structure of the Constitution has to do with the economy of the United States.

Mr. President, one of the things you need to have for a good economy is a stable government. And we have the most stable government of any government in the world. Why? Because it is in the Constitution that we have two Houses, and that one of the Houses is the Senate, and that by design it does not have the same willingness to make quick changes as the House, and that it

would be a brake—or a more deliberative body than the House—while the House is very closely associated with the people, and perhaps more responsive to moods or fads in society which nevertheless might be good public policy.

We have had this joint way of doing things which has led to governmental stability. Is there an economic provision in the Constitution? It provided a basis for a sound economy. Without it, I wonder whether the United States would have flourished to the extent that we have flourished, economically or socially.

In my judgment, every word in the U.S. Constitution is a word that provides the basis for an economy and a set of opportunities that define the character of this Nation. And the economy cannot be taken out of the Constitution.

Of course, the balanced budget amendment is far more than just something related to the economy. As George Will said in his book ''Restoration'':

> Proscribing deficits is different because deficits are political and moral events, not merely economic events.

Mr. President, a balanced budget amendment would do something of fundamental significance. It would protect important rights of an unrepresented group—the next generation. If the Constitution of the United States is not supposed to protect the rights of the unrepresented—and those who are helpless—what is the Constitution for?

The Constitution was indeed designed, was enacted, and was embraced by the American people—and has been and will be—because it protects us against abuses of power. It should also protect the important rights of an unrepresented group, as George Will puts it, the ''unborn generations that must bear the burden of the debts.''

The amendment would block a form of confiscation of property, of taxation without representation, of confiscation without due process of law. As I recall from my law school training—it has been a few years ago—but I believe the fifth amendment has something to say about taking without just compensation.

So here we find, Mr. President, that the Constitution—while it is full of documents and sections and clauses which have an impact on economics—is not only an economic document, it is a political and moral document, as well. Protecting the rights of those individuals who need protection is part and parcel of what the document is all about. And protecting them from what? Most frequently, protecting them from the U.S. Congress. Over and over again we read it: Congress shall make no law; the Congress shall not impair. That is the language of the Constitution.

Yes, the pending provision would have a financial and economic impact on this country. But it has a political and moral impact as well. It protects freedom. It protects freedom from debt—something certainly worth protecting.

Let me just say that there is more to this amendment than protecting the next generation. We need it to teach the current generation. One of the aspects of government which is very important and fundamental to our society is the fact that government teaches.

We train our children—and rightly so—that government defines what is legal and what is illegal. And that they had better listen to what the Government says. Because, if you do bad things, you will do your time, as well. You will ruin your life. You will impair your freedom. You will destroy your opportunity.

Government is set up as the arbiter of what is legal and what is illegal. And children rightly begin to look to the Government as a moral arbiter of what is valuable, what is good, what is to be accepted, and what is not good, what is to be rejected. When people in a society look at their Government and conclude that their Government does not pay its debts, what does that teach? Does it teach responsibility?

We as a culture have a crisis concerning people accepting responsibility. They look at the Government, which they have been told is the arbiter of right and wrong. And what do we learn? What we are learning from the Government is, ''Oh, don't worry about it. Just take the credit card and go on a binge, and hope the next generation pays for it.''

The truth of matter is, we are learning irresponsibility. It not only destroys the character within us, but it destroys the opportunity of the next generation. It not only destroys their economic opportunity, it suggests to them the sinister failure of a moral certainty, which is that we should pay our own debts.

Anyone who thinks we should abandon the idea of having government act as a good example for our citizens ought to take a look at the news magazines for the recent weeks. Take a look at Newsweek a couple of weeks ago, Newsweek or Time. Forgive me for not distinguishing. The cover story was about the absence of shame in society, about no one having a sense of what is right or wrong, no one having a sense of responsibility. Take a look at the front page of U.S. News & World Report today. It is about men who forsake their families, who do not take care of their obligations, who act irresponsibly.

Mr. President, We preside over a Government that has forsaken the families of the future, which has mortgaged the next generation's inheritance and birthright. How can we expect our society to be moral and responsible when we—those who have been elected to lead the society—lead it with classic irresponsibility, abdicating our responsibility to limit ourselves to the resources we have? We just toss that principle away, pull up to the table, roll up our sleeves with knife and fork, using our card—and their credit. And we impair and cheat the next generation.

This is the major challenge for those of us in the U.S. Congress this year. It is to reverse the concept that somehow the Congress is better than everyone else, that somehow the Congress does not have to live by the laws. We have taken a major step. In the Congressional Accountability Act we said we would live under the laws we passed for others. In the unfunded mandates law—which passed in the Senate and another version in the House, on which we are working to collaborate and work out the details—we said, yes; we are not even going to try to tell other people what to do through unfunded mandates.

We need to come to a further conclusion, Mr. President, and that is that we are not going to spend the wages, we are not going to spend the resources, we are not going to continue to sustain a policy which will put every newborn child in America in multi-thousand-dollar debt. We simply have to stop it. We have to say to the American people, we are not so good that we can spend the next generation's money. We are not so wise that we can make all their decisions for them. We have to say with a sense of humility that it is time for us to live like the average family. It is time for us to have a balanced budget like the average family has a balanced budget.

Some people say average families have debt. But there is no provision whereby any average family can impose debt on the next generation. You have to be able to pay it off, or you go bankrupt. No father can say, ''My grandchildren will pay for what I am doing now.'' And should any father do so? Of course not. The average family has to have a plan to pay.

We do not have a plan to pay. State governments, sure, they have debt. But they have a plan to pay. And every day, they owe less than they did the day before, as they are paying off the debt. If they pay off the debt before the asset—such as a bridge or a building—is used or consumed, they actually have paid for such items in advance.

But we in Congress do not have a plan to pay. We have a plan to play. And the plan to play was outlined in the President's budget which came to us. We are playing with the next generation's resources, $200 million—excuse me—$200 billion. I was in State government too long. We only had millions instead of billions. What a tragedy; $200 billion a year. We admit it. This is what we intend to do to you. We announce in advance with some pride that for the next 10 years we are going to keep doing it.

It is something that we should stop. Yes, Nathan Hale said, ''I regret but that I have but one life to give for my country.'' We have been saying that we regret but that we have but one unborn

generation to mortgage for our appetite. It must stop, Mr. President.

The Declaration of Independence for the United States of America included dramatic language which talked about the fact that individuals were committed to providing for the future a set of opportunities that would allow for personal growth and development, for the achievement of objectives and goals.

The last line of the Declaration of Independence for the United States of America is an interesting line.

The last line reads: ''We mutually pledge to each other our lives, our fortunes, and our sacred honor.''

How would we feel about the Declaration of Independence, Mr. President, if we were to read down through the document and come to the last line and it were to say, ''We mutually pledge to have a good time, to spend the next generation's money, and to get reelected by serving the special interests of today with the resources of the unborn?'' We would dishonor that document so rapidly, we would repudiate it so thoroughly. But that more accurately describes the conduct of the Congress in recent times.

It is time for us to enact the balanced budget amendment. And while we are enacting the balanced budget amendment, it is time for us again to put our John Hancocks on the pledge that closed the Declaration of Independence. It is time for us to say that we mutually pledge to each other our lives, our fortunes, and our sacred honor, and by doing so, provide the same level of opportunities for those who follow us as those who went before us have indeed provided for us now.

Mr. President, I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. MACK] is recognized.

Mr. MACK. Mr. President, I yield to the Senator from South Carolina for a unanimous consent request.

UNANIMOUS CONSENT AGREEMENT

Mr. THURMOND. Mr. President, before the Senator from Florida speaks, I ask unanimous consent that I be recognized to speak following the remarks of the Senator from California, Senator FEINSTEIN.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

The Senator from Florida.

Mr. MACK. Mr. President, I have listened to the debate on the issue of the balanced budget amendment now for several hours today and, frankly, off and on for the last several weeks. Many of my colleagues have done an excellent job of providing expert opinion as to why a balanced budget amendment should be passed, or why it should be defeated. Those experts include economists, constitutional scholars, and past great legislators. But the remarks that I am going to make today are not based on experts. They are going to be based on my own personal observations. They will be based on my own convictions and on some of my own readings.

There is a very interesting set of books entitled ''The Debate on the Constitution.'' I was really stunned when I read through this series of documents and speeches and learned of the fear people had of the Constitution. That document put forward for their ratification terrified many of the citizens of our Nation at that time. It terrified them that a great, new central government was going to grow up in their midst, and that this great, new government would, in fact, either destroy or limit their individual rights. I cannot help but draw the conclusion, after those readings—and observing from my own personal experiences in the 12 years that I have served in the Congress—6 years in the House and 6 years in the Senate—that we have today developed a Government that, in essence, is out of control.

My own personal reason for becoming involved in politics originated after spending 16 years in the banking business. Prior to that time I had no idea whatsoever that I would end up in politics as a Member of Congress and then of the U.S. Senate. I entered politics because I became so frustrated and so angry with what the Government was doing to the banking business—the business in which I was involved. Virtually every single day I heard from the Comptroller of the Currency, the FDIC, the Federal Reserve, or the U.S. Treasury, about the things that I could do and could not do, as a banker. It even reached the point—I believe it was in 1979 or maybe 1980—when all bank presidents received a letter that specifically told them what kinds of loans they could make and what kinds of loans they could not make.

To show you the degree to which this Government control extended itself, this letter provided that banks could lend money for home improvements if the home improvement was going to be the addition of a needed room; but it did not for the addition of a swimming pool. That is the extent that Government had intruded into the operations of private business in America in the late 1970s and early 1980s. So, again, I am reflecting on my own personal conviction that there must be a restraint on Government, and that is what this debate is about.

I think the message of the 1994 election was pretty clear. Even though some Republicans have a tendency to see the election as being a mandate for Republicans, I would say that the mandate was a little bit more specific than that. It was a mandate to control Government. It was a mandate to follow a set of ideas of less taxing, less spending, less Government, and more freedom. I think it is important for us to think about that message of 1994 as not necessarily being a wave of Republicanism, but a wave of saying we want our lives back, our freedoms back, and we want Government off our backs. This is a fundamental debate. It is a debate between those who believe in more Government and those of us who believe in less Government.

I have told the story of my first vote in the Congress many, many times throughout my stay here. I tell about this story because I want to make the point that there is more to this debate about a constitutional amendment to balance the budget than economics. The first vote that I cast as a Member of the House of Representatives in January of 1983 was a very big deal for me because I had never cast a vote in a legislative body before then. Politics and legislative bodies were all brand new to me. It was a very, very exciting moment, and I thought it was an important moment. As I look back, I realize that the issue we were debating that first day in the House back in 1983 was not an issue that was going to change the direction of the world; it was not going to have great significance on the country or, for that matter, great significance with respect to the House of Representatives. The question that was being posed that day was whether we should add a new committee to the Congress of the United States. I must say to you that I came here already with a preconceived idea that we had too many committees; that the staffs were, frankly, getting too large; that we were spending too much money on the legislative operations of Government, and that we did not need this committee. But because I was brand new, I thought maybe this question was not quite so simple and that I should check with some of my colleagues on both sides of the aisle to get a sense of what they were going to do.

As I wandered around the floor, the message I got back was, ''CONNIE, we do not need another committee. We already have too many of them.'' In fact, they said to me, ''This is a select committee and they do not write legislation. They are really platforms for politicians to make public statements, and we are spending too much money. The committees are out of control, the staffs are getting too large. We do not need another committee in the House of Representatives.''

So I went over and cast my first vote. In the House, they use a computerized card to record votes. I put my card in and pushed the ''no'' button and I looked back over where the Speaker sits. Everybody's name is awash in lights across the back of the room. I looked up there thinking—after listening to my colleagues—that this board was going to be awash in red lights voting ''no.'' Well, out of 435 Members of the House, I think about 34 of us voted against the addition of another committee.

There are a couple of things I did not mention to you. First, the name of the committee was the Select Committee on Families and Children. The other

thing I was told, as I wandered around the floor as that brand new freshman legislator filled with excitement and enthusiasm and idealism was, ''CONNIE, you do not vote against something called 'families and children' and go back home and run for reelection.''

Now, to me, that story says it all. It says if there is not some form of outside constraint on the ability of Members of the Congress to spend the taxpayers' dollars, we will end up with exactly what we are getting.

Earlier today, I heard the distinguished Senator from Massachusetts say, basically, that we do not need this amendment; we can just go forward and do the things that we know we should be doing without this restraint—without this requirement in the Constitution.

Well, in one of the books I was reading this past week I came across a statement that I think many of us have heard from time to time. I did not realize it was an old Chinese saying. But it said something to the effect: If you do the same thing over and over and over again reaching the same result and each time expect that there is going to be a different outcome, this is insanity.

Again, I have made this comment to the people in the State of Florida, that it is insane for us to continue, year after year after year after year, to continue operating under the same process that has failed us. So it seems to me that logic dictates that we ought to be adjusting the process because it is only in changing this process that we will bring about change. And, as I said earlier, change is what the 1994 election was all about.

Interestingly, as I stand here both of my grandfathers come to mind. The desk I am standing over was handed over to me by Senator PHIL GRAMM in January 1989, was the desk that my grandfather, Morris Sheppard, sat at when he was in the U.S. Senate from 1912 to 1941. And, the baseball that I hold in my hand is a baseball that was signed by my grandfather, whose name so many people recognize, Connie Mack, who was born in 1862. He signed this baseball in 1929. Since then my father has signed it, I have signed it, and my son, who is now 27, just recently signed it last year.

I thought about bringing this baseball to the floor of the U.S. Senate because I had the opportunity again during the debate on this amendment to observe the distinguished Senator from West Virginia refer to a contract that he had signed many, many years ago. What it brought to my mind is how our Nation has changed from one generation to the next; how different America is from the country that my grandfather was born into in 1862; and how different the Nation is compared to what it was like when my father was born and when I was born and when my son was born.

I think about what this Nation is going to be like for my grandchildren, three of which I have at this moment, 10, 8, and 1½. I wonder what kind of future is in store for them if we do not make some significant changes in the way we do business.

I looked back at some of the historical fiscal records of this country. In 1929, when my grandfather signed this ball, I looked up the level of Federal spending. Calculated in 1994 dollars Federal spending in 1929 was the equivalent of $29.9 billion. In 1941, Federal spending was $174 billion. In 1961, it was $520 billion. And in 1994 it was $1.46 trillion.

Another point I should make is that, in 1929, the debt was about $480 million—$480 million. By 1994, the national debt had reached $4.643 trillion.

If we keep this up, what kind of future will we leave our children? What will it mean to them?

The previous speaker spoke very eloquently about what will happen to future generations because of what we have already done and how much worse it will be if we fail to do something to change the direction in which we are headed.

It also struck me, as I listened to the discussion, how our country has changed from generation to generation and how much our country has changed from 1776 to 1862 to the present. If we fail to recognize that our society is one of change, I guess one could conclude that we should not change the Constitution.

Both previous speakers used the term, ''moral obligation'' in reference to the Constitution suggesting that it is a moral document. I am suggesting that I think we ought to recognize our society has changed and continues to change. Unfortunately, we have moved away from a group of people who believed in the idea of personal responsibility to those who have fostered an entitlement mentality today.

I would suggest that what we have done for the last 25 years is a reflection of who we are; that somehow or another we think we can live generation to generation passing on huge amounts of debt with no consequences. And I think everyone understands that that is just fundamentally wrong.

Again, there are those who are going to say to us, ''We don't need this constitutional amendment to do what is right.'' I would make the argument that after having served these last 12 years and being involved on the House side in helping to pass the Gramm–Rudman legislation, we do not have the resolve to impose limitations on ourselves. As you may recall Gramm–Rudman was a statute, an attempt to control spending which the Congress merely changed when it became too difficult to get the job done.

So the conclusion that I have come to is that the only way to effectively control what the Congress does with respect to spending the taxpayers' money is to put an outside restraint on them. Without this restraint we risk losing those personal freedoms that have made this country great.

Oh, I know, today there will be people who will say, ''Aren't you going a little overboard to suggest that our Nation and our individual freedoms might be at risk because of our decision to continue to overspend and to run deficits?''

I do not think so at all.

What we are involved in—we have heard the term many times —is an experiment in self-government. We are involved in an experiment in democracy.

We need to understand that this is a continual experiment in democracy. Ours is a constantly changing nation, a nation whose values and whose morals have been changing. If we do not address and adapt to that change, then we are putting the next generation at risk.

I think that when we come down to the final vote, we are going to have the necessary votes to pass this constitutional amendment. And when we look back, I think that we will find the turning point was when President Clinton submitted his budget for fiscal year 1996.

I am not going to put this in a partisan perspective, because I recognize the claim can be made that Presidents Bush and Reagan did exactly the same thing in submitting budgets which failed to address our debt problem. But, what is different about this debate is that the country finally recognized that a constitutional amendment had to be passed, that it was an absolute requirement which we as a nation, as a society, and as a Congress had to put in place a series of budget decisions to get us to a balanced budget.

My hometown newspaper referred to the President's budget proposal by saying: ''Clinton to GOP: You Cut the Budget.'' It went on to say, ''Republicans Ready and Willing.''

I think that those who had been arguing all along that we can balance the budget without a constitutional restraint saw in the administration's budget proposal that this was simply not the case. They recognized that we were going to get the same old thing, over and over again. If we wanted the status quo, then we got it in the budget that was presented to the Congress by President Clinton.

I want to refer, also, to a chart that I have used in the past. Many may remember this book, entitled ''Bankruptcy 1995.'' There is a very interesting chart in it referred to as the ''Hockey Stick Chart'' because it plotted the total debt over a period of time from 1970 to the year 2000. It illustrated that at some point the total debt just goes straight up, absolutely out of control.

I remember when I read this book, it started off with a series of examples of what would happen when a country's debt gets out of control, and the choices that would face a society, such as monetizing the debt. What really

has come back to my mind is the story that was told as to what happened in some of the Latin American countries in the past, and what they said would happen to the United States. The message was: ''If you fail to get control of your spending and your deficits and your debt in America, the same thing could happen to you.''

I remember reading through this. It was fairly dramatic. Think about what it would be like if you woke up in the morning to talk with your mother and dad, who had received an emergency telephone call the night before from the place where they were working, telling them that it was no longer necessary for them to come in because there was no company left. The company went bankrupt because of certain things that happened as a result of monetizing the debt. Inflation skyrocketed to the point where the cost of the basic necessities of life—food, housing, health care—no longer could be afforded, because they went spiraling out of control as a result of uncontrolled debt.

It is interesting how people react to this story. They think this could never happen in America. This is America. This is the Nation that led the world through World War I, and World War II. We defended freedom all over the world. We are looked upon as the beacon of hope and opportunity around the world. This could never happen in America.

I guess the reason that I wanted to come back to this is because of what is happening in Mexico today. To draw the conclusion that the price that Mexico is paying for its economic disorder is not a price that we would have to pay for our economic disorder is fundamentally unsound. We are fooling ourselves if we think we can continue on this binge. We are fooling ourselves if we think we will solve the problem just by trying the same old process that has failed us year after year after year.

Mr. President, I conclude my remarks by saying that this is a fundamental debate which is taking place here in the U.S. Senate. It is a debate about those who believe more government will solve our problem, and those who believe that less government, less taxing, and less spending, will give more freedom. I have concluded that freedom is the core of all human progress. It must be defended. The only way we can defend it economically is to put into place a constitutional amendment that requires a balanced budget.

I yield the floor.

The PRESIDING OFFICER. By a previous unanimous consent request, the Senator from California was to have time. She is absent from the floor. I now recognize by previous unanimous consent the Senator from South Carolina.

Mr. FORD. Mr. President, will the Senator yield to me to ask a question?

Mr. THURMOND. Mr. President, I will be pleased to yield.

Mr. FORD. Is the unanimous consent for those who are able to speak the rest of the afternoon, or is this the last speaker under the unanimous-consent agreement?

The PRESIDING OFFICER. This is the last person who is sequenced to speak.

Mr. FORD. I will not make a request, but try to attempt to get the floor in my own recognition.

I thank the Chair.

Mr. THURMOND. Mr. President, I rise today to continue the debate on this historic opportunity to adopt House Joint Resolution 1, the balanced budget amendment.

Over the past 3 weeks we have heard many eloquent speakers on the need to pass a balanced budget amendment and bring this Nation's fiscal policy under control. It has been especially encouraging to see our freshman colleagues take to the floor and urge this body to adopt a balanced budget amendment. Many of their campaigns were centered on the premise that the Federal Government has grown too large, spends too much money and must be curtailed to operate within its means.

Mr. President, we have been considering this proposal for 26 days. There has been significant debate and compelling arguments on the need for a balanced budget amendment. I would just note that during our debate over the past 26 days, the Federal debt has grown over $21.5 billion.

Undoubtedly, it is the desire of every member who supports the balanced budget amendment to see the Federal budget deficit eliminated that we may begin to cut away at the Federal debt which currently stands at $4.8 trillion. Without a balanced budget amendment, there has been little pressure on the Congress to make tough legislative choices on Federal spending and the Federal deficit has continued to grow. With a balanced budget amendment as part of the Constitution, the Congress would be mandated to follow a sound fiscal policy. The Congress would finally understand the reality that there are a finite number of tax dollars available for public spending and various proposals would compete on merit and need, not popularity.

The balanced budget amendment would instill an urgent need for legislative accountability as Congress considers various proposals for increased Federal spending. Currently, there is no real check on runaway Federal spending, and there will never be a shortage of legislation creating new Federal programs or efforts to increase spending in existing programs. Without a balanced budget amendment, budget deficits over the long term will continue to rise and the Federal debt will continue to grow. The Congress has not shown the fortitude to address, in a meaningful way, the budget deficit and the Federal debt. There have been times when legislative gestures were made to bring spending within our means but those efforts were short-lived. Statutes to reduce Federal spending have not been enough. They are too easily cast aside and the Congress rolls along on its path of fiscal irresponsibility.

I am convinced that without the mandate of a balanced budget amendment, Federal spending will continue to eclipse receipts and the American people will continue to shoulder inordinate tax burdens to sustain an indefensible congressional appetite for spending. In 1950, an average American family with two children sent $1 out of every $50 it earned to the Federal Government. Today, the average American family is sending $1 out of every $4 it earns to the Federal Government. Under current budget projections, there is no reason to believe that these statistics will improve.

Mr. President, we can trace the debate on a balanced budget amendment back in our history for 200 years. A defining moment may well have been the appointment of Thomas Jefferson as Minister to France. Thomas Jefferson was abroad when the Constitution was written and he did not attend the constitutional convention. If Jefferson had been in attendance, it is quite possible that he would have been successful in having language placed in the Constitution to limit the spending authority of the Federal government. Upon studying the Constitution, Thomas Jefferson wrote in a letter of a change he so fervently believed should become part of the Constitution. He wrote the following and I quote,

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution. I mean an additional article taking from the government the power of borrowing.

Further, Jefferson stated and I quote, ''If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of government to borrow money.'' President Jefferson also stated, ''I place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared.''

President John Quincy Adams stated, ''Stewards of the pubic money should never suffer without urgent necessity to be transcended the maxim of keeping the expenditures of the year within the limits of its receipts.''

—and incidentally, he was the only President ever born in South Carolina—

Another former president Andrew Jackson stated the following:

> Once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find * * * additional means for the display of individual enterprise. We should look at the national debt, as just as it is, not as a national blessing but as a heavy burden on the industry of the country to be discharged without unnecessary delay.

President Harrison described unnecessary public debt as ''criminal.''

President Woodrow Wilson stated, ''Money being spent without new taxation and appropriation without accompanying taxation is as bad as taxation without representation.''

President Calvin Coolidge stated the following:

> The Nation must make financial sacrifices accompanied by a stern self denial in public expenditures until we have conquered the disabilities of our public finance * * * we must keep our budget balanced for each year.

Mr. President, early American Presidents and public leaders understood the dangers of excessive public debt. For almost 150 years, balanced budgets or budget surpluses were the fiscal norm followed by the Federal Government. The unwritten rule followed by Presidents and legislators until recently in our Nation's history was to achieve balanced budgets except in wartime. But the role and the size of the Federal Government has gown out of control. In the past three decades, the Federal Government has run deficits in every year except one. Further, the Federal Government has run deficits in 56 of the last 64 years.

Mr. President, during the 1960's, deficits were averaging around $6 billion per year. The following decade, the 1970's, saw deficits rise and they averaged $36 billion per year. In the last decade, the 1980's, deficits continued to rise and averaged $156 billion per year. So far, in the 1990's, deficits have averaged $259 billion per year.

The Federal debt has grown as deficits have continued to grow and the debt now stands at $4.8 trillion. It took this Nation over 200 years to run the first trillion dollar debt yet we have recently been adding another trillion dollars to our debt about every 5 years.

I have been deeply concerned during my time in the Senate over the growth of the Federal Government. It has been too easy for the Congress to pass legislation creating new Federal programs and spending more tax dollars whenever there is a call for Federal intervention. Of course, the Federal Government has an appropriate role to protect the citizens of this Nation, but it is not realistic to believe that Washington should respond to every perceived problem with a new Federal approach. This Nation has drifted from its original foundations as a national government of limited authority. I believe the adoption of a balanced budget amendment will do much to return us to a more decentralized Federal Government of limited authority and the mandates of such an amendment will increase legislative accountability. A balanced budget amendment is the single most important addition we can propose to the Constitution to begin reducing the size of the Federal Government.

Mr. President, we have seen the national debt and deficits rise because in large part, the Federal Government has grown. The first $100 billion Federal budget in the history of the Nation occurred in 1962. This was almost 180 years after the Nation was founded. Yet, it took only 9 years, from 1962 to 1971, for the Federal budget to reach $200 billion. Then, the Federal budget continued to skyrocket; $300 billion in 1975, $500 billion in 1979, $800 billion in 1983, and the first $1 trillion budget in 1987. The budget for fiscal year 1995 was over $1.5 trillion. Federal spending has gripped Congress as a narcotic but it is time to break the habit and restore order to the fiscal policy of this Nation.

It is incumbent upon this body to send the balanced budget amendment to the American people for ratification. I am pleased that we have reached agreement to vote on final passage on February 28, next Tuesday. The vote on final passage on House Joint Resolution 1 could well be the most important vote we will face as Senators as its adoption is essential for protecting our liberties as a free nation. I hope we do not fail the American people on this historic opportunity and instead present to the States our proposed amendment to mandate balanced budgets. It is time to act to secure the future for all Americans.

Mr. President, I just want to say in closing, what other way can we balance the budget? The Congress has not shown the fortitude, it has not shown the willingness and it has not balanced the budget. How can we make them do it? There is no way I know to make the Congress balance its budget except a constitutional amendment.

We have tried all other ways. They have failed. The balanced budget amendment put in the Constitution will tell the Congress it cannot spend more than it takes in, and then we will get the budget balanced. Once we balance it, I hope we can keep it balanced. If we have this constitutional amendment, we will have to keep the budget balanced.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, Members of this body will vote on Tuesday on the balanced budget amendment, and I am very thankful for that. There are increasing indications that Senators have, of course, learned from the last election last November, and that from their constituents who want this amendment now that the American people want a change from the past, because formerly this amendment was bottled up year after year in one House or the other.

I hope it tells the people of our country that they can make a difference. They expressed in the last election that they wanted a difference, and I think it gives credibility to the election process when people who are elected understand why they were elected and want to carry out the mandate of that election.

Year after year, this constitutional amendment was voted down in one House or the other, or both. Year after year, the budget deficit increased and our children and grandchildren have been left holding the bag, and the American people, I think, expressed in the last election they want that to stop.

Many Members had concluded for many years that Americans would never want a balanced budget because of the cuts that might affect programs that they relied on, that they benefited from and in which they felt some security. But the American people, I believe, are less selfish than that.

Every day we see new indications that Americans are willing to cut spending to balance the budget. For instance, it is becoming clearer that a balanced budget can be attained with less pain than some have suggested. Today, DRI-McGraw Hill, which has been called the world's leading nonpartisan economic analysis and forecasting firm, has concluded that the amendment will add credibility to budgeting. This credibility will lead to lower interest rates and a stronger economy.

This same firm found that the lower interest rates that would come as a result of the constitutional amendment can create half the necessary savings that is going to take us to balance the budget. This is the case because interest on the debt is such a large portion of the budget.

As these facts become known, Americans are learning that they can live with the reductions in the growth of Federal spending that will be necessary if the balanced budget amendment is adopted. They are willing to do their part to prevent future generations from being saddled with an unconscionable amount of debt. They are willing to do so even if it means that some Federal spending that they support will be affected. Importantly, the willingness to take the necessary steps to balance the budget derives from the whole populace, I believe, not just a few.

This week, I received a letter from a person by the name of Andrew Alexander, the library director in Mason City, IA. As a librarian, Mr. Alexander receives funding for his budget from the Library Services and Construction Act. Obviously, one would expect that as a recipient of Federal grants his position would be against Congress adopting this amendment and changing the level, whatsoever, of funding in that program.

Of course, he could certainly make an argument that was not based solely upon bureaucratic self-preservation, because we know that libraries are important, education is important and it would be possible to very sincerely argue that the Federal Government should then continue to help local libraries.

But that is not what Mr. Alexander argued to me in his letter. He asked me and asked me to ask my colleagues in the Senate to discontinue all Federal funding for local libraries. Although he recognizes that the Library Services and Construction Act was passed with good intentions, it has produced, in his words, ''bad or negligibly good results.''

He goes on to say: ''The Federal Government has no business involving itself in a function that has historically been very much the responsibility of local government.''

I would like to mention that Mr. Alexander told me in this letter, ''I am a lifelong Democrat.'' He goes on to say, ''I voted Republican last November because I am certain that if we do not stop spending more than we take in, we will, in fact, be the ruin of our children and their children.''

So, Mr. President, it is letters like this that show me, and hopefully the rest of my colleagues in this body, that the American people have a greater understanding of the problem than cynics give them credit for. Americans of all political persuasions are realizing that the role of the Federal Government must be limited. They know that not all Federal programs have delivered what they promised. They also know the tremendous sums of money that are spent on these programs, any one that can probably be justified standing by itself, but adding up to a total spending exceeding $200 billion. You can easily see that some, or a part, of these programs cannot be justified.

At the same time, the public knows that it is not paying for all of these programs. That is very clear. They know that the deficit and the national debt are out of hand and that for a small difference in their lifestyle, this very day, the destruction of the economic future of our Nation and the preservation of our freedom and our society can be avoided. They are willing to make that commitment. Oddly enough, until lately, some of them were not willing to do it, but now they are, as our budget and fiscal situation gets worse and worse.

I believe that this same realization is coming to certain Senators who may not have always supported the balanced budget amendment in the past. Additional Senators are understanding that the American people will support the changes that will flow from the balanced budget amendment. I think our colleagues—realizing that the American people out there are seeing how bad the situation is, are seeing these programs cannot continue to be funded at an unconscionably high level and a deficit level—are being fortified by this change of view at the grassroots and are seeing the public will stand behind them if they make the tough commitment to make sure the balanced budget amendment is adopted so the fiscal discipline will come, as it has to come after its adoption.

So I appreciate the commitments from Senators who are signing onto this amendment every day to support this amendment as the debate continues. We have tried every other approach. Every other approach has failed: Gramm-Rudman I and II, the bipartisan budget agreement of 1990, the Clinton budget agreement of 1993.

I have spoken before about my first involvement in legislation to balance the budget. When Senator Harry F. Byrd of Virginia was a Member of this body, he and I worked together—I was a Member of the House of Representatives—to pass a simple law that says the Federal Government shall not spend more than it takes in. That was a very well-intended but, quite frankly as I look back now, a very weak response because under our Constitution succeeding Congresses can obliterate anything that a preceding Congress has done. So, each of the cases I have given—the Byrd-Grassley law, Gramm-Rudman I, Gramm-Rudman II, and the other budget agreements of the 1990's—have failed because they can be changed so easily.

Whereas a constitutional amendment, though difficult to get adopted in the first place, is also difficult to change. So it will not be changed by a simple unwillingness of a body to follow its mandate, because we take an oath to uphold that Constitution. We see the restraint that a constitutional provision brings to States, and in State legislatures controlled by conservative Republicans or even liberal Democrats that oath and the rule of law applies. And there is better fiscal policy there than what we have at the Federal level.

So only the balanced budget amendment, then, will respond to the informed judgment of the American people that the role of the Federal Government must be rethought. Programs will have to compete with other programs once we do not have the capability, willy-nilly, of borrowing from the future generations. When the total must be paid for, choices will have to be made. It will no longer be sufficient that intentions behind the programs might happen to be just somehow very good or, the usual explanation, the needs are so great.

This is a view held not only by Republicans but by Democrats and independents as well. A new day will come when we have a constitutional amendment disciplining our spending appetites. The Senate passage of the balanced budget amendment will show Americans that we have listened to the people and we have their long-term interests in mind. The people have been ahead of the Senate. Now it appears we are catching up, as a result of the last election. The American people have spoken loud and clear. They should be commended for making their views known and they should also be commended for taking a stand for responsibility.

They should also understand that, out there at the grassroots of America, as they express their views to us personally, as they express their views through the election process, they can make a difference. If we adopt this amendment, it is one more example that people who want change are going to get that change.

So I think once again the American people have spoken and, in the process of speaking, they are showing that they are smarter than the pundits.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Chair. I have had an interesting day listening to the comments on the Senate floor by various and sundry Senators, where some have taken a part of history, Madison, Hamilton; some on the street, grassroots, all of that. So it is a mix. I was glad to listen and to get a feel.

This body, in my opinion, is blessed with some former Governors. One of those spoke today, the new Senator from Missouri. I thought he made an excellent speech. I enjoyed his comments, his delivery, and his content. But being a former Governor, he should understand that he had to work with the legislature. He had ideas and thoughts, he had programs and commitments he made in his campaign that he wanted to get through the Missouri legislature. And he found, I am sure, people on different occasions who did not agree with him. Some did not agree with him for personal reasons. Some did not agree with him for political reasons. Some did not agree with him on philosophical reasons.

So that is where we find ourselves today. You know that every once in a while you have a hung jury in the court system. Eleven to one and you have a hung jury. One person believes and feels that an individual is not guilty and, therefore, that person votes that way so you have a hung jury—11 to 1. That is our system. It worked pretty well. It worked pretty well.

A couple of things bother me, Mr. President. I guess you might as well get them out of your chest, out of your heart, out of your head here. There will be no trouble passing this constitutional amendment—I voted for it twice—but this is not the same amendment that I voted for. This does not have the restriction on the Federal courts which was accepted, I believe, almost unanimously the last time we had a constitutional amendment up last year. It was offered by the distinguished Senator from Missouri, by the way, Senator Danforth, and that constitutional amendment was voted on. My good friend, long-time friend, distinguished Senator—I do not think anyone doubts his integrity or his loyalty to this country—Senator NUNN from Georgia, said last night if his amendment, which is the Danforth amendment of last year, is not accepted, then he just cannot vote for the constitutional amendment when the courts will tell you whose taxes to

raise, whose taxes to cut, what program to extend, what program to cut. If they have that ability he just cannot vote for this amendment.

I suspect if that amendment is accepted, the constitutional amendment will pass. But if you are going to stonewall, I do not believe there has been a Republican vote for a Democratic amendment that has been proposed on this constitutional amendment. I may be wrong. Maybe on the judicial question of Senator JOHNSTON, and that is the question that bothers my friend from Georgia, Mr. NUNN. But that is the only one. I believe that is the only one.

To say that we are going to take the Social Security trust fund that so many people are depending on, and we are going to use that, put it in the general fund and help balance the budget—I do not know whether I am different or my constituents are different. I can learn a lot at the barber shop. At the barber shop 2 weeks ago, there were a lot of young fathers there bringing their sons in to have a haircut. There I sat waiting for mine. These young fathers I knew—and I probably knew them from a young age—asked me about only one thing.

They said: Senator, we are for balancing the budget. We think we ought to reduce the cost of Government. We ought to reduce our taxes, if we can. We are willing to accept a freeze on our taxes. But Social Security? Mom and Dad are drawing Social Security. They have a small pension or 401–K or something from their previous employment. The check from Social Security, that they had been paying into for years and years, is now in jeopardy because of the constitutional amendment. If I do not fly, I do not pay the airport improvement trust fund tax. But that will go into the general fund, also. The highway trust fund will go into the general fund as such to be used. All of the trust funds now are going to be used in order to try to balance the budget. I get the argument. If we do not do that, Social Security is not going to mean anything, anyhow.

Well, I do not know about that. But let us get back to the Social Security. You have to pay Social Security if you work. It comes out of your pay, whether you want it or not. It is matched by your employer. If you are self-employed, you pay the whole thing. That is mandatory. We have to change the Social Security system. We need a means test. We can do that without it being in the constitutional amendment, saying we will not use that surplus. We can still change the structure of the Social Security system.

I hear a lot about dropping that 85-percent tax. If you make $34,000 or $44,000, for a couple, drop it back to 50 percent, the couple says, then still charge 85 percent, but take the difference between the 50 and 85 and put it in a Social Security trust fund so it will be there in the future for others that come behind us.

It makes some sense to me. All kinds of propositions are being offered, but no one on that side. The Republican side will vote to say no, we are not going to use the Social Security trust fund to balance the budget. We want them to continue to pay their taxes, continue to pay their Social Security, continue to pay their gasoline tax, continue to pay their airplane tax, continue to pay all of that to go into balancing the budget. They are designated taxes. I do not think any of us are fussing too much about the tax on your airplane ticket. Some may. We are not fussing too much about the gasoline tax. But there is something very, very personal about Social Security taxes. It is there for the future. It is there for retirement. It is there so they will not be a burden on their children.

So when we refuse to do that, then some in this body have just said they refuse to support the amendment. Somehow it is hard for me to understand why that is not accepted, and we will go ahead and pass the amendment. Everyone in this body knows that it would pass this body if that was acceptable.

Second, to keep the courts out—several Senators in this body are swallowing awfully hard to cast every vote against Social Security, against the proposition that we do not want the courts telling us what to do. They are swallowing awfully hard. That vote is coming back. We will have it. The votes on Tuesday about Social Security and about the courts will tell you whether this amendment is going to pass or not. I want to vote for it. I want to vote for it. But you are stopping me from voting for it because of two little items. I am getting a little bit harassed, I guess—or worried—because very time a good amendment comes up, the floor manager says, ''Senator, you have a good idea. I wish we could put it in this amendment. But we do not want to send it back to the House. The House has steamrolled everything they brought up over there.''

Why are you afraid to send it back? What is the reason that you will not send it back? I believe with all my heart that if you send the Social Security portion back and take the courts out of telling us what to do, the House will pass it in the flick of an eye. So why will you not include it? I do not know. They just do not want to send it back to the House.

''Senator, we will work with you after we pass this amendment. You have a good idea. We will try to get it done. I look forward to working with you, trying to solve this,'' when you know the implementing language can be changed every day. And the statements by the leadership on these sense of the Senate, or whatever it might be, sounds good; votes, in order to take care of it. You have a judicial resolution out here now or a sense-of-the-Senate resolution to try to salve the pain. I think we have had enough of that. They do not want to send it back to the House.

I hear a lot about we do not have the intestinal fortitude to make the decisions to balance the budget. My friend from Iowa, who just spoke before me, mentioned the Clinton budget of 1993. I want to tell you, there was not much intestinal fortitude that came across that aisle right there. We raised taxes on the top 2 percent. We cut them on others. We cut programs and reduced the deficit by $700 billion over 5 years. That is about the round figure. But we did not get a Republican vote, and even lost a Democrat or two. But we did not get a Republican vote.

Are the Republicans trying to tell this Senator that we have to have a constitutional amendment that forces us to balance the budget? We have had one experience already during this administration. That experience was a hard-fought experience. Sure, we raised taxes. That is what everybody said we are going to have to do. Sure, we cut programs. That is what everybody said we had to do. And we are going to reduce the employment of the Federal Government by 272,000 people.

We have already reduced over 100,000 employees of the Federal Government. We are reducing Government. So it is very difficult for me to see why you will not accept at least two proposals. I think that the supermajority, three-fifths, for deficit spending in a time of emergency is trying to go against what the framers of the Constitution have said. It has been good for a long time, a simple majority. The Vice President has a right to break the tie, and then we can go on about our business. But, no, we have to have three-fifths in order to deficit spend, and we have to have 51 Senators. We exclude the Vice President from his constitutional position of breaking ties in the Senate under this constitutional amendment. We have to have 51 Senators.

I thought it was a good debate when we said that the 51 votes then could be used to take money from other programs and put it into the defense of this country. I do not know how long it would take us to do that, going through the House and the Senate, arguing over whether we are going to take money from nutrition programs, WIC programs, housing programs, whatever, and put it into defense. But you need 51 Senators and, I guess, 218 Members of the House to do that. In that debate, it was brought up that it has to be done every fiscal year. So that is from October 1 to September 30. What if it came up on September 1 and we had less than 30 days left and 11 months of the money had been spent for that fiscal year? There would be no more money left. You can take all the money for Government use for other programs and try to put it into the defense of this country. So they say if we have a problem with the defense of this country and if we were being attacked, there would not be any trouble getting the money. We have to be prepared

sometimes to prevent it from happening. We have to make that decision.

I have tried my best to stay out of the partisan political position that this is obviously trying to put people in. I understand what is happening here. I have tried to approach this question as best I could as a Kentuckian and as an American. I only ask two questions: Why can we not accede to exempting the Social Security trust fund? Why can we not allow an amendment to go on this constitutional amendment to keep the courts out of telling us who to tax and who not to tax and who to increase and who to decrease, and what programs to cut and what programs not to cut? I hear people say that is not what this thing does. Why is there all this nervousness? You can feel it around this Chamber when you start talking about the courts. It was a close, hard vote, 51 to 47, I think was the vote. This amendment would sail through here—sail through—and we are only asking two questions. Is that so hard to accept? Is that so hard to accede to? Is it too hard for some of those that apparently want to harm people, unless they are rich—the rich will not care too much about Social Security. But the average American out there, particularly those who have retired or are about to retire, are certainly worried about having their Social Security. Their families are worried about their mothers and fathers having Social Security.

I had a Sunday school teacher, one of the best Christians I guess I have ever known, outside of my wife and family, Beryl Brown. He was one of the strongest Republicans and nicest fellows I have ever met. Every once in a while, he would compliment the Democrats for having Social Security. That is about the only thing he said nice about Democrats or the Democratic Party, that we started Social Security. He said, ''The reason it is good and I think it is a program that ought to stay is that Mama and I can stay home. We do not have to worry about moving in with our family. We can enjoy ourselves, have a little garden out in the backyard and have enough income to get along.'' That is Social Security.

If you are rich, it does not make any difference. But if you worked hard all your life and you expect a few years of having your own way and playing with your grandchildren and doing all those things, then Social Security is important. But I see that question slammed every day in this Chamber. If you are going to be against the elderly and against the young folks, with the reduction of WIC, nutrition programs, education, Social Security, well, somehow or another I believe it will come back to haunt us, and it will not take long. But if those two items are in there, I think you can accomplish what you want.

So, Mr. President, I hope that I have explained my position a little bit. There are not enough votes to pass the amendment as of this moment. I wish there were enough votes, because if there were enough votes, you would have Social Security trust fund excluded, the surplus, which the recipients are depending on, and you would say we would not be yielding what our forefathers gave to us to protect, and that is giving a piece of the legislative branch of Government to the courts; and, second, when we get to the line-item veto, we will be giving that portion of it to the Executive, and we slowly but surely erode what the forefathers said we ought to have, which is three branches of Government—executive, legislative, and judiciary. They are all there for a purpose and they have all worked very well.

We are putting fiscal policy in the Constitution. I understand that there are other things that relate to the economy in the Constitution. But just two questions is all the people ask. There is a difference and there is a holdout. There is a holdout. We have 51 that are saying we want to take Social Security and put it into the trust fund and pay the budget deficit off. We have, maybe, 15 more—14 probably now—that want to agree with that, or will agree with that, for various and sundry reasons. This could be a hung jury—11 to 1—and so be it, Mr. President. So be it.

I see other Senators are here wishing to speak. I will not take any more time of my colleagues.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Vermont Mr. JEFFORDS, is recognized.

Mr. JEFFORDS. Mr. President, I have listened to the very eloquent statements of my good friend from Kentucky. Certainly, all of us understand the need for the protection of the Social Security System. Certainly, I, like others, was torn when I had to vote on amendments that would be sacrosanct and separate from the possibilities of being tampered with by the balanced budget amendment.

However, I can make the same kind of arguments on behalf of the children of this country for nutrition and the reasons why we should make sure that we do nothing that will endanger their ability to be protected from cuts which might damage their future.

In a moment, I will talk about the care we must take when we make cuts, because if we do not recognize that education is so important to the foundation of our society and our economy, if we make mindless and unwarranted cuts in that, we will be counterproductive in the ability of us to balance the budget.

However, I came to the conclusion in deciding to vote for the balanced budget amendment that we had to leave ourselves open to all options and that we could not pick and choose those things for which we ought to try to protect. And I understand and realize that it would be much easier for us to separate Social Security from it.

Mr. President, on February 13, I came down to the floor to discuss my position on the balanced budget amendment. I outlined the concerns that increased debt load places on our economy and our future generations and how the interest payments we are making now on the budget are threatening everything else, now having exceeded the defense expenditures and the discretionary expenditures. I outlined at that time that in the past, in 1982, when I had been in the House only some 8 years, I was first faced with the balanced budget amendment. I said at that time, ''I won't vote for it because we can't wait 7 years for the budget to be balanced.''

At that time, we had just had a very important bill passed which greatly reduced the taxes of this Nation. I was the only Republican that opposed that amendment which made drastic cuts in our taxes, and I stated at that time that I was afraid that what we had done would lead to huge deficits in the future. I took a lot of abuse at that time for that vote. But, as history has shown, that vote probably was one that was the best judgment I could have exercised at the time.

But, as we now know, it is important for us to pass the balanced budget amendment. We must begin to balance the budget and to outline our priorities. So we must be careful not to make balancing the budget more difficult.

Today, I will talk about the need to be careful on how we cut, especially in the field of education. I am the chairman of the Senate Education Subcommittee and, therefore, have a particular responsibility to make sure that what we do from this point on does not in any way inhibit the ability of this Nation to be able to meet its commitments to its young, but most importantly its commitments to this Nation that we maintain our ability to be the most competitive and the most economically sound nation in the world.

I am afraid, as I look across the Congress to see where cuts are being made. I also recognize the future needs of our Nation especially in the area of education. For without immediate attention by this Nation on our educational system, we are facing incredibe danger for our economic future. We cannot move forward without recognizing that cuts within the educational system may well prove to be counterproductive—counterproductive in that they will reduce the potential revenues that we would otherwise have and that they will only increase the social costs that we are presently experiencing.

So let me now, as we go into the 21st century, take a look at where we are with respect to education and the need for us, a Nation, to place ourselves in more competitive position within the international economic community.

In order for our country to remain viable in the global economy we must not only be free from crippling interest

payments on our debt, but we must also prioritize our spending so that we maneuver ourselves to be ready to face the challenges of the new millennium. If we do not act now, we will destroy the dreams that we cherish—good health, a good education, a good job, and a good retirement.

Some have proposed that we reduce the deficit simply by making across-the-board cuts on all programs. Such cuts might provide a solution to our financial woes in the short term, but they only exacerbate the deficit in the long term. Here is why. If we cut back on programs for education and training, we lose our competitive edge in the marketplace, resulting in a lower standard of living, fewer high paying jobs, less Federal revenues in taxes, and, naturally, a larger deficit.

On the other hand, if we work to improve our education system, we not only increase our national productivity, but our standard of living will increase, resulting in greater Federal revenues and a decreased need to invest in our social programs.

In Michael Crichton's recent book, ''Disclosure,'' the main character's professional advancement is threatened by the appointment of a woman as his supervisor. He is so distracted by the immediate problem of sexual harassment that he only belatedly understands the advice from an anonymous ally.

That advice—to solve the problem. And he keeps repeating, ''Just solve the problem.''

I believe this advice applies to the larger problem that we face today. If we solve the larger problem, then this will solve those immediate ones that we look at with respect to our inability to fund the various programs we all desire to fund. For if we do not improve our educational system, and if we are unable to solve the deficit problem, we can not ensure that we have the capacity to provide for the programs we need. And then we will find that the problem of balancing our budget is unsolvable and that this Nation will disappear in the next millennium as a lesser nation.

The way to solve the problem of our deficit is not, as some suggest, mindless across-the-board cuts. Solutions to our financial woes are long-term investments—specifically in our education system. By not solving the problem of reduced productivity and higher costs through education failures, interest payments will keep increasing, tax revenues will keep decreasing, and our deficit will only grow larger. More mindless cuts is not the answer. Instead, thoughtful investments and adequate resources are the solution to our long-term fiscal concerns.

Consider for a moment the education spending patterns over the last decade. Since the beginning of the 1980's overall Federal support for education, after adjusting for inflation, has decreased by 5 percent. Funds for elementary and secondary education declined 15 percent, while postsecondary education funds declined 24 percent. Where has that led us? Certainly, not to the first class education system we all support. In fact, using the six education goals developed by a bipartisan group of Governors in 1989 as our barometer, we are not close to reaching our mark of excellence in education.

Among the goals for our future is that our children come to school ready to learn, that they come without hunger, and that they come with the capacity to be able to understand the education that they are going to be faced with. That means they must first be fed, immunized, and, hopefully, have had some preschool experience. However, only 45 percent of young children from low-income families are enrolled in preschool programs and only 55 percent of infants have been fully immunized, protecting them against childhood diseases. Head Start continues to only serve one-fourth of all eligible children in this Nation.

We also recognize that educated people who can compete in the global marketplace require a mastery in challenging core subject areas—such as math and science—and that all adults be literate and prepared for life-long learning. Unfortunately, in these basic areas, we are far from the finish line.

The 1993 National Assessment of Educational Progress indicates more than 75 percent of students at all grade levels failed to achieve even the basic level of proficiency, and over 60 percent failed to meet the proficiency level in English.

In international comparisons, American students consistently score below most other industrialized nations.

In the 1992 international assessment of education progress U.S. 13-year-olds scored second to last among the nations in mathematics achievement, and similarly in science.

More recently, a report recently came out that investigated the literacy of children that graduate from high school. The report found that 51 percent of the students now graduating from our high schools were functionally illiterate. That is, incapable of handling an entry-level job with their educational achievement.

Make no mistake about it. These disturbing statistics are not about someone else's children. They are not someone else's problem. These are our children. These are our problems. Our future work-force and our future leaders. The quality of our public schools in America, is directly related to the standard of living of each and every citizen. Without a strong investment in education, this Nation will not be able to maintain an adequate number of highly-skilled workers, these workers are necessary if our country is to maintain a competitive position within the global marketplace.

To give you a quick idea of why curing our educational ills is critical and key to our future, we will examine a yearly cost of our failing educational system. The total cost of our failure in education to our economy has been estimated to be one-half trillion dollars each year to our economy.

The lost revenue alone has been estimated to be about $125 billion. That is, if the educational levels were where they should be, the income to the Nation, relative to furnishing our budget, could be higher by $125 billion, putting us a long ways towards being able to have the budget balanced.

For example, American business spends approximately $200 billion a year to perform training for employees which is necessary to provide those individual minimum skills required to perform on the job, skills most of which should have been taught in the schools.

The Department of Education estimates that 30 million Americans are functionally illiterate, another 46 million are marginally literate. This creates a significant problem for our economy. ''Combating Illiteracy In The Workplace,'' by Robert Goddard, puts the cost of this illiteracy at a staggering $225 billion a year. This includes lost productivity, unrealized taxes, crime, welfare, health, housing, and other social costs.

We pay for our failed educational system every time an individual drops out of high school. Lack of a high school degree costs an individual $440,000 in lifetime earnings. These lost earnings often drive these individuals into welfare, crime, and drugs. Up to 80 percent of our people that are incarcerated in our State jails are functionally illiterate, school dropouts.

Federal expenditures for welfare were $208 billion in the fiscal year 1992. The cost of incarceration, which I mentioned, is $25 billion per year and growing, and the medical costs of violent crime is another $18 billion per year. Illegal drugs cost the economy $238 billion a year, as estimated by Brandeis University. These difficult circumstances perpetuate themselves generation after generation.

I think most Americans agree, and in poll after poll people cite the quality of education as a paramount concern. The support for education in these polls is often cited as one of the most important roles of Government. Americans understand intuitively that investing wisely in education is the key to our future success and the best possible national investment we can make for the country. The evidence is clear: Countries which spend more on education per pupil have higher levels of per capita GDP. Institutions like Motorola report corporate savings of $30 to $35 for every dollar on training. That is 3,000- to 3,500-percent rate of return. But most of that education, if you read the report, was to make their students literate to put them in a position where they could read.

They found, amazingly in their study, they were having trouble with their employees answering simple math problems and they could not believe they do not have the capacity to

do the math, when they found out the problem was they could not read the problems. Thus they had to teach them how to read to do simple math problems. That is the state of the situation, and that is Motorola, one who can be selective in their employees.

People, as rational consumers, also realize investing in their own education leads to substantially higher lifetime earnings. A person with a bachelor's degree earns over 1.5 times of the person with a high school degree. A professional degree earns over 350 percent higher lifetime earnings than a high school diploma in itself.

While we recognize both intuitively and through research the economic rewards of education, we do not simultaneously invest the funds necessary to support the position. Many of my colleagues, while acknowledging the importance of educational investments, argue that throwing money at education is not the solution. I could not agree more. Increasing educational expenditures in itself will not solve our country's educational deficiencies.

We have a responsibility to invest educational dollars wisely, including more active congressional oversight over Federal initiatives. Simultaneously, we must also reinvigorate our schools by demanding that students learn to high academic standards.

Why? Because the status quo in our schools has failed. Too many of our graduates finish school without knowing the three R's, much less more rigorous academic standards. Clearly, there is no room for federally mandated standards. We should be providing incentives for States and communities to set high goals for student achievement—pupil by pupil, and school by school.

More importantly, they must know what standards this Nation must reach, if we are going to be able to continue to compete internationally. It is one thing to believe that our education, as most people in this country do, has improved over the time they were in school, and I find that is true for myself. I am amazed that the students in high schools are taking subjects which I did not get until college.

What they do not realize, for instance, in a recent report on the comparison of our students to other nation's students we fared poorly. One example is with Taiwanese students. These students when they graduate are 2 years ahead of our students in many subjects, such as in math. Is it any wonder we come out last in these tests, or next to last?

What is important is that we know and that the States know that we do have a problem. That this Nation is faced with a very serious educational problem, and if we do not do something about it, we will not be the Nation we must and should be in the next generation.

So we must be sure that when we begin to reduce the budget to try and balance it that we do not do counterproductive cuts which will decrease our revenues and increase our social costs. Rather than cutting the deficit it will increase the deficit.

This last dream can only be realized by setting high priorities on education and educational investment. These increases are essential if our country wishes to remain viable into and throughout the next century.

Next, Mr. President, I would like to mention something else which I think is incredibly important. I think that we must realize if we are going to bring this deficit under control we must do something about escalating health care costs. This is an area that I and many of my fellow Members have been deeply involved in. I would say that we must realize that if we do begin to tackle our national health care problem, there is no hope for bringing the federal deficit under control.

Mr. President, one of the only ways we can balance the budget is by getting the Federal health care expenditures under control. For example, CBO estimates that if we do not address the health care expenditures, the debt will grow by $1.4 trillion by the beginning of the next century, due to health care costs.

The chart I have here for my colleagues to look at demonstrates what will happen if we do not get health care costs under control. I point out that the red line indicates current health care trends for Federal expenditures.

Mr. President, 2 years ago I introduced a bill, worked very hard to demonstrate that health care expenditures can be brought under control. If this bill was passed into law that Federal health care expenditures could be brought under control and that the anticipated national debt could be reduced by $1.4 trillion over the next 10 years.

That yellow line on the chart demonstrates what could be done if my plan was accepted last year. But that is not the only plan. That plan worked by shifting the burden of hospital care back to the States, capping our Federal expenditures and allowing the States through managed care and other processes to bring this under control.

However, now it is important that we look at other measures. For instance, we found out this past year that with the Clinton bill, and bills like it which tried to go too far, we were not ready nor was our society ready to go that far.

Let us take a look before we do that, take a look at why it is important that we do try and get the health care expenditures under control.

First of all, let us take a look at the entitlements and mandates. This chart demonstrates in red what is happening to items such as Social Security, Medicare, and Medicaid, as we move into the next century. It demonstrates clearly that if we do not balance the budget, we cannot get the costs under control, and if we do not take care of our entitlements, we never will.

The next chart shows the biggest component which is increasing at the most rapid rate, which is in yellow, is Medicare and Medicaid. As you can see, where that was a relatively small growth up through 1985, starting in 1985 things just escalated out of control.

My point is that Federal health care has to be brought under control or there is no hope of balancing the budget. As I indicated in a bill 2 years ago, there is a method to do it. I am working now on another one that uses the private sector to demonstrate it can be done. Federal health care spending is projected to increase from 3.3 percent of the economy today—this is important, too—to over 11 percent by 2030.

The growth of Federal health care costs poses an immediate and critical drain on our budget and thwarts our ability to balance the budget. The CBO projects that entitlement spending will be 58 percent of total Federal outlays by the year 2003, from 47 percent today. This represents an astounding 11 percent increase over 8 years.

For unless appropriate policy changes are made by the year 2003, less than 15 cents of every dollar the Federal Government spends will be available for nondefense discretionary programs. And that includes education and programs for the poor, elderly, and disadvantaged Americans. We cannot let that happen.

First, I want to outline some of the problems we face as we work to solve this dilemma. Medicare enrollment has been growing at an average annual rate of 2.2 percent per year since 1975, and is expected to grow at an annual rate of 2.1 percent through 1996. As the baby boomer generation reaches 65, beginning in the year 2010, the rate will rise even more. In fact, it will rise substantially more.

Total Medicare expenditures have grown from $34 billion in 1980 to $160 billion in 1994. This means an average growth rate of 11.7 percent over this period. The CBO projects that Medicare expenditures will grow from $176 billion in 1995 to $286 billion in the year 2000. This represents an average annual growth rate of 10.2 percent over the next 5 years.

Mr. President, this trend cannot continue or we will only expect this growth rate to continue to explode as our population ages and, again, the baby boomers will be, into the next century, raising the costs and the number of people to be treated by a substantial number. But if we work hard, we can start to get our Federal health expenditures under control.

Second, Medicaid is also affecting our ability to balance the budget. Total Medicaid expenditures have grown from $41 billion in 1984 to $138 billion in 1994. The average annual growth rate from 1984 through 1990 was 9.8 percent, while the average annual growth rate from 1994 was 17.7 percent, an astounding jump.

The CBO projects Medicaid expenditures will grow from $157 billion in 1995

to $262 billion in the year 2000. This represents a compound annual growth rate of 10.8 percent over the next 5 years. Currently, Medicaid consumes approximately 18 percent of State spending and approximately 6 percent of Federal spending. Like Medicare, we cannot allow this trend to continue.

If we are going to reach the goal, and I believe we can, we must get health care costs under control. I expect and believe we can do that. I am working toward that, and I know others are, too, but we must remember we cannot do it without solving the health care crisis and improving the educational system.

Finally, I would like to raise another spectrum with respect to the needs of what we must do to balance the budget and get health care costs under control, and that is in respect to the fourth dream which I mentioned, to start with, and that is that we have a good retirement.

Just to give an idea of why it is incredibly important that we bring health care expenditures under control, some 10 years ago, the amount of money in an average benefit package was about 50 percent health care and about 50 percent pensions. Twenty years ago, 35 percent was for health care and 65 percent was for pensions. Now it is 21 percent for pensions and 79 percent of each benefit package for health care. If you also take a look, as others have been working on, as to what is going to happen to Social Security in the next century, if you add to that this dimension, that little money now being put into pension plans, the problems of the elderly will be exacerbated.

So, in wrapping up and finalizing, I reluctantly back the balanced budget amendment. I do so with the firm conviction that if we improve our educational system, we do not mindlessly cut or eliminate programs, we can prepare ourselves for the next century. We can, to a large extent, allow our economy to continue to expand, thereby allowing our nation to grow its way out of this deficit problem, with increased revenues and lower Federal spending on some programs.

More importantly, in the immediate area, we must dedicate ourselves this year to finding a solution to health care reform. If we do that, as I know we can, if we have the courage to do it because it will require shifts and it will require the understanding of the elderly population that they will be cared for in a betterand more efficient way, we will be able to bring the budget deficit under control in the not too distant future. I am hopeful that we can. For that reason, I will support the balanced budget amendment.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair and wish the President a good afternoon.

Mr. President, I know it is late and much has been said about the balanced budget amendment before this body. I am going to say some more.

In 4 days, debate on the constitutional amendment to balance the budget will come to a close and finally we will cast our vote determining the fate of this historic amendment. We spent the entire month of February debating this amendment, and during this debate, we have considered and weighed the role the judiciary may play in interpreting and enforcing the amendment. We have considered how the amendment will affect benefit programs that have been created by statute, including Social Security. And we have debated the voting rules of the House and Senate with regard to waiving the balanced budget requirement.

Throughout the debate, I believe the Senate has lived up to its reputation as the world's greatest and deliberative body. We have examined in fine detail all of the nuances and interpretations of the language of the amendment and have sought to allow all sides of the issue to be aired and debated.

The distinguished chairman of the Judiciary Committee, Senator HATCH, who was just on the floor—I am sorry he cannot hear these words of praise, but I mean them genuinely—has been a superb advocate for this amendment. He, along with our colleague on the other side, Senator SIMON, are to be commended for their diligence and commitment in leading the Senate throughout this debate.

The distinguished senior Senator from West Virginia, Senator BYRD, is to be commended for his extraordinary work in leading opposition to the amendment.

Senator BYRD first entered the Senate the year before my State of Alaska joined the Union. When he entered the Senate in 1958, his colleagues on this floor at that time included the illustrious Senators John Kennedy, Everett Dirksen, Lyndon Johnson, and William Fulbright, to name just four. Senator BYRD's determination and commitment throughout this debate will long be remembered by Members as well as historians of the U.S. Senate.

But let us delve into our deficit history for just a moment. After listening and participating in this debate for the last month, I am convinced of one thing, both the proponents and opponents of the constitutional amendment believe that we cannot sustain the economic prosperity of this Nation if we continue indefinitely to run these extraordinary deficits. Our differences are solely about the means necessary to end the deficits, not the end in itself.

The opponents of the amendment believe we need not amend the organic document covering this Nation, namely the Constitution, in order to balance the budget. This Senator believes that nothing short of amending the Constitution will change our addiction to spending and living beyond our means. In reaching this conclusion I rely simply on history.

I would suggest to you, Mr. President, we simply do not have the self-discipline. You remember the extended debates on military base closings—how can we close bases in our own States? We agonized, we went on and on and on. Obviously, we could support the closure of a base in another State, but not in our own States. So we reached the conclusion the only way we could do it is to leave the entire matter up to a qualified board and they would select and reprioritize, and then we would be left with the responsibility of simply voting up or down on the package—and it worked.

That is really about where we are on this issue. We have tried to cut spending, we have tried to increase revenue, and we continually run deficits to the point where we have to acknowledge that nothing else works. This will mandate a balanced budget over a period of time.

Let us look at history. For more than one-third of a century, 34 out of the last 35 years, our Government has run a continuous and unending string of deficits. If you and I did that, our checks would be bouncing all over the place. What have we done? We have simply added to the deficit.

We go through a curious process around here called a budget. We get our revenues and we get our expenses. They do not balance. So everything else we need we get by adding to the deficit.

Even if we adopt this amendment next week, it is almost a certainty, a near certainty at least, that the unending string of deficits are going to continue for a while, into the year 2000 or thereabouts. If we adopt the amendment, however, we will surely be forced to lower the deficits in the next 5 years below the currently projected levels, and virtually everybody agrees on that. But the reality that must be faced is that by the end of this century—and that is less than 5 years from now—the United States will have run a deficit for four decades. We have become hooked on it. Four decades of deficits, and the result is that today our national debt is more than $4.8 trillion.

I do not know of any person who can really imagine what $4.8 trillion really is, but let me try to put it into perspective. A $4.8 trillion debt means that every man, woman and child in America owes Uncle Sam $18,400. A family of four owes $74,800.

If we do not begin to turn things around, the national debt will then jump to nearly $6.7 trillion in 5 years—if we do not begin to turn it around. In 5 years it will jump from $4.8 trillion to $6.7 trillion. That would mean that every man, woman and child in America would owe Uncle Sam $24,170 instead of $18,700. And the family of four would move up and owe almost $97,000.

We have not been blind to these deficits. We have debated them. Historians will note for the last 10 years Congress and the President have sought to find solutions. We have sought to find remedies to the deficits. We have passed statutes. We have passed reconciliation bills and sequestration provisions, all in the name of getting our deficit to zero. On three occasions over the past 10 years, legislators on both sides of the aisle have sat down with the President and hammered out so-called solutions to solve the deficit, and on every single occasion the promise of a zero deficit has simply evaporated away because we in Congress have never had the political courage to do the one thing that would bring down the deficit, and that is to reduce spending.

Yes, we have voted to raise taxes on more than one occasion, but we have never, ever cut, frozen, or capped spending. We have to do one or the other. It is just that simple. Some would suggest if we do not cut spending, we do not raise revenues, there is some other alternative. Some have suggested, given enough attorneys to study the problem, there might be another alternative. But I can tell you—not as an attorney but as a former banker—there is not any other alternative. You do one of those two things, you cut spending or you increase revenues.

We have never faced up to the challenge of runaway entitlements which today account for 55 percent of Federal spending and will grow to 59 percent by the end of this century. Quite the contrary, we have generally placed entitlement spending simply off limits in all the budget deals that have been negotiated over the past 10 years. And we all know why. It is simply that we do not have the self-discipline to make those cuts.

What we do not consider, however, is the result; that if we do not face up to this obligation, getting this under control, our monetary system as we know it today will ultimately collapse. There is absolutely no question about it.

That is a pretty big order when you recognize you have to have a healthy economy, you have to have a sound monetary system in order to meet the social obligations of our society. I have many letters from my State of Alaska, people expressing concern over cuts and what these cuts might mean to programs. Obviously, through the block grants giving the States more responsibility, we can make the process more efficient. We can take out the fat that results from administering these programs from the Federal Government and give that responsibility to the States, and they can do it much better. But the point is that in order to meet those social obligations we have to have a healthy economy, one based on sound fiscal principles and a dictate of a balanced budget.

Mr. President, I know we have not had many charts around here in the last week or so, so I am going to spring three charts with one for dessert for good measure at the end.

These three charts record the history of our ''get-tough'' budget agreements over the past 10 years. The first chart shows the promises and the reality of Gramm-Rudman I, which we adopted in 1985. As you can see, Gramm-Rudman I was supposed to bring us to a zero deficit—down at the bottom—a zero deficit over a 6-year period starting in 1986 and ending in 1991. From a projected high of $172 billion, which is where we were in 1986, the deficit was supposed to come down by $36 billion each year. But in reality by 1991, instead of a zero deficit we were at a record $269 billion deficit. That is our first effort. It did not work because we did not cut real spending. The commitment was there, the will was there, it looked good on a piece of paper and looked good on a chart at the time we adopted it, but it did not happen because we did not have the commitment to make the real cuts.

So then we made the second promise to the American people, and this is the second chart, and it shows the revision which we made to Gramm–Rudman in 1987.

Why did we make the revision? We simply had to because the original version was not working. In that year, we revised the original targets, changed the targets. New targets are up now, and this time we promised again a zero deficit by 1993. Promises are cheap around here, Mr. President. Quite frankly, this was a more astounding failure than the original Gramm–Rudman. It was not the fault of Senator GRAMM or former Senator Rudman but of Congress which simply found enough ways to get around the law that when the deficit was supposed to be $100 billion in 1990, it turned out to be more than double to $221 billion.

Of course, by 1990, it was clear that none of the targets would even be remotely met. So at that time, we will all recall, President Bush entered into a summit agreement, broke his no-tax pledge—some people say that cost him the election—and the American public was again led to believe that we were finally getting a handle on the deficit.

So what we have done here now is we have simply switched this thing around. When we needed to change the targets because Gramm–Rudman was not working, we went back to another budget deal. And what did we accomplish? Absolutely nothing.

I had the privilege of being down at the White House at the time, or shortly thereafter when President Bush made the decision on the tax increase, broke his no-tax pledge. He was absolutely convinced that he would get support from our friends across the aisle, the Democrats, if he went halfway on a modest tax increase. He believed that was the only way he could get support for cuts in Government spending, and he genuinely believed that. There is absolutely no doubt in my mind. But it did not happen. It did not happen again, and it probably cost him that election.

Well, let us move to the third chart now because it is a progression of where we are. The third chart again shows how the deficit was supposed to come down, supposed to come down, as a result of the 1990 agreement. What this chart shows is that by this year, this year, the budget deficit was expected to be only $83 billion. Does that sound familiar, $83 billion in 1995? In fact, as the chart shows, the actual deficit is $109 billion higher at $192 billion.

Now, that is the progression. That is where we have come. What these charts show is that there is no reason for the public to put its trust in the congressional ability to come up with a budget plan that will eliminate the deficit. We have done it. We have looked at the charts. We have seen the results. The results are quite the contrary.

In the 10 years since we enacted the first Gramm–Rudman law, spending increased more than 53 percent, from $990 billion to more than $1.5 trillion. Interest payments increased more than 70 percent from $136 to $235 billion, and the national debt more than doubled from $2.1 to more than $4.8 trillion.

We are not kidding the American public. They have seen this charade. They have observed accumulated debt has gone up to $4.8 trillion, and they are fed up. They say enough is enough. What is even more discouraging, Mr. President, is that this administration which opposes this amendment and which, 2 years ago, was able to get our friends across the aisle to go along with the largest tax increase in history, in my opinion, has completely abandoned the goal of bringing the deficit under control.

During the month that we have debated this amendment, the administration has submitted its fiscal year 1996 budget. Its latest budget shows an unending stream of rising deficits and debt, and I do not find a solution, not a solution is recommended, not a single word about how to reshape entitlements is contained in the President's budget. Instead, what the President now recommends is an increase, an increase of about 24 percent in Federal spending between now and the year 2000—an increase of 24 percent.

How does the President propose to pay for increased spending? It is very easy, Mr. President. The President of the United States proposes to pay for increased spending by adding to the debt. That is how we got $4.8 trillion accumulated debt. His deficit spending adds nearly $1 trillion of additional debt on top of our $4.8 trillion. That brings us up to $5.8, almost $6 trillion. And the only category of Federal spending that he proposes to cut that is identifiable is again our defense budget.

In fact, if you exclude defense spending from President Clinton's budget, actual Federal spending will increase 37 percent by the year 2000.

Quite frankly, the budget presented by the President provides the best evidence that the only way we are going to balance the Federal budget, the only way, Mr. President, is to add a constitutional amendment requiring that the Federal budget be balanced. It is a process of deduction. We have tried all the other alternatives. They have not worked. We have not tried this. It will work. If the balanced budget amendment was now a part of our Constitution, the President currently would be in violation of his oath of office, if he submitted a budget that looked anything remotely like the budget he sent us 3 weeks ago.

Now, Mr. President, the question has been asked, well, are we broke? The answer is yes, this country is broke. We are dead broke, and I will tell you why. We simply can no longer labor under the assumption that it is business as usual in Washington; that we assume every year we can run deficits, each year a deficit. That means we spend more than we generate in revenues, so each year we are running a deficit of $150 to $250 or $350 billion.

Now, this all adds up, and this debt has today brought us to the point where for the very first time in our history, we are now forced to borrow from the credit markets for the sole purpose of paying interest on the debt.

Now, it may surprise some people to know that over the next 10 years, we would be running a surplus in the Federal budget in every year if we did not have to pay $200 to $400 billion annual interest on that debt that has resulted in our chronic inability to bring revenue and spending into balance.

This is the dessert chart, Mr. President, that I promised you, the chart of last resort. This chart shows the devastating state of the Federal budget over the next 10 years. It shows that in every year between 1995 and the year 2000, every single one, all Government borrowing, all of it, Mr. President, all of our borrowing is for the single purpose of paying interest on that debt.

If you look at the bottom line, you will see what happens to that debt. That debt is increasing from $4.6 trillion, 4.9, 5.2, 5.6, 5.9, 6.3, 6.7, 7.0, 7.4, 7.8, $8.2 trillion. And do you know why, Mr. President? Because the interest each year on our accumulated debt is more than our debt each year. That is why we are broke, Mr. President. We are broke. We could finance defense spending, Medicare, Social Security, all other Government functions over this period and still accumulate a surplus of $360 billion if we were not saddled by this extraordinary debt that is going to go from $4.6 billion in 1994 to $8.2 trillion in the year 2004.

As the chart shows, in 1994 our deficit was $203 billion, precisely the amount of interest we had to pay. In other words, our entire deficit in 1994 consisted of interest on that debt. Without that debt service burden, we would not have had to auction a single Treasury note or bond in the market. In 1995, we would be running a surplus of $59 billion, if we did not have to service the debt. Instead, as the chart shows, our $176 billion deficit results directly from the fact that our interest costs are $235 billion. The same holds true in every year through the year 2004.

So if you look at this chart long enough, you will recognize the reality that, if we do not take this action now, this is what we can expect. Only it might get worse because these interest costs are based on current forecasts. Current forecasts suggest a little volatility can be unsettling. I can remember the prime rate in this country in December of 1980, 20.5 percent. These rates are somewhere between 6 percent and 7.5 percent. So you can imagine what would happen. And it could happen again, Mr. President, and it would throw this chart higher than this roof.

So I contend we are broke. We are borrowing just to cover our interest costs. We are subject to the shifting winds of international investment which flow from economic policies that may change in Bonn or London, or an earthquake in Japan, all of which have a direct effect on what the U.S. Government has to pay to service this unending sea of debt.

Can you imagine just for a moment what would happen if the owners of our debt, the holders of those Treasury bills—of which 18 percent of the total balance of this $4.8 trillion is held by foreigners—decided to call it in, call it in, just $300 billion or $500 billion on our debt? How would we pay the owners? We could not, Mr. President, unless we inflated our dollar to the point that what $1 buys today would actually be worth 50 cents or less. That is what happens. We are close to it.

Mr. President, this is a warning signal of what can happen when debt gets out of hand. We have seen it as late as the last few weeks with our neighbors to the south in Mexico. I would not attempt, of course, to even compare our two economies. Ours is far healthier, better based, stronger than Mexico, and there is no comparison between the importance and the stability of the dollar and the peso on the world currency market.

But I would also note that Mexico's crisis is a crisis of investor confidence. The result of that crisis is that Mexico this week had to pay 45 percent interest on the rollover of a small portion of its international debt. Why did it have to pay 45 percent? Because the risk was so great. Do you know what investment does? It goes after the highest return and the least risk. And the calculation was that Mexico was a high risk and, to get the dollars, they had to pay a higher rate of return.

Mr. President, it is not just happening in the south; it is happening in the north. Take a good look at Canada. Our neighbors in Canada are the most heavily taxed people in the Western Hemisphere. Do you know what they are paying for interest on their national debt? Twenty percent of the total budget of Canada is interest on their accumulated debt. Canada runs a health care system, a national health care system, that is an absolute, unmitigated disaster. It is a Government-run health care system. There is no control from the standpoint of having an inducement to reduce costs if you are a Canadian citizen because there is no direct benefit of such reduction to you. You can go in today, go in tomorrow, and on and on. We must learn from what is happening around us.

The only way to get out from under this sea of red ink is to adopt the balanced budget amendment. And I think putting a simplistic and realistic acknowledgment that we have tried everything else and it does not work is the proof in the pudding. The public knows that no family or business can survive for long when, year in and year out, the principal of its debt grows, and all of its borrowing is dedicated to pay off the debt holders. That is where we are going.

So, Mr. President, when future generations look back on the decisions we made in this last decade of the 20th century, I know they will appreciate the wisdom of the people and the Congress in adding the balanced budget amendment to the Constitution because it is the only viable choice we have. For this amendment stands for the proposition that future generations are entitled to economic freedom, unburdened by financial debts of past generations. It is our responsibility to end the practice of sending unpaid bills on to our children and our grandchildren. That is a principle that belongs in the Constitution, in the same sense freedom of speech and press belongs in the Constitution.

So let us make no more excuses, Mr. President. Let us not use the excuse that we have to know where the cuts are before we can vote for this amendment. That is simply a copout for inaction. We have seen enough copouts. We cannot continue this spending. We are either going to have to take in more revenue or make the cuts. The public understands that. And the public will be watching each of our votes. We will have to stand up and be counted on this one.

What the public does not understand is why this body, this Senate, is not moving in the manner in which the House of Representatives did in passing the balanced budget amendment.

So I urge my colleagues to reflect on a very simple reality as evidenced by the charts. We have tried everything else. It has not worked. It is getting late in the game. And if we do not do it now, it may be simply too late forever for our monetary system as we know it today.

I thank the Chair for its indulgence. I wish my colleagues a good day.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I first wish to commend my distinguished colleague from Alaska for a very excellent discussion. I was privileged to join him here on the floor and, frankly, I learned a good deal from that. It was very well prepared and very well delivered.

Mr. President, I observe the distinguished senior Senator from West Virginia momentarily on the floor. I am hopeful that he can join me for a colloquy after I give my remarks.

Mr. President, I have been a cosponsor of the pending measure since its inception, and throughout my 16-plus years in the U.S. Senate I have invariably supported legislative initiatives calling for a balanced budget.

I do so, Mr. President, because not only do I firmly believe in the fiscal ramifications but, equally important, this constitutional amendment, as it goes to our 50 States, will provide an education for all of our citizens as to the complexity of budgeting, and the difficulty of achieving a balanced budget, such that assuming this becomes eventually the law of the land, the people of the United States will have a far better understanding when we have to make those cuts which affect them individually. In some instances, it will hurt, but hopefully they will understand we are doing this for the benefit of all, particularly future generations. This debate will occur, of course, in the State legislatures. Each member of that legislature will have to go to the village greens of his or her respective community and hold that debate in the town halls. This coming Saturday night, in my State, I will go down to Shenandoah County, VA, and there in the firehouse—which is the largest structure for a gathering in this marvelous rural county in the historic valley of Virginia—I am going to talk extensively about this very measure and the thoroughness with which the Senate of the United States is considering this measure. I only wish that I could tell them that, with absolute certainty, the Senate will adopt it next week. I am optimistic, as are others, but I wish I could share that with my constituents on Saturday night.

My constituents, and others, have waited patiently these many years, because the State of Virginia is solidly behind it. I talked with my colleague, the junior Senator from Virginia, today and I am very hopeful that Virginia will have two votes next week for the balanced budget. Senator ROBB appeared earlier today—a bipartisan appearance, which indicates that next week Virginia will get two votes, Mr. President, for this very important piece of legislation.

As I have followed, along with my colleagues, very carefully this week, this debate, it sort of comes down to the argument that we need it because we look the public squarely in the eye and say we cannot do it; we cannot do it unless we have the constitutional amendment. That is a very candid admission. But by our votes next week, we make that admission to ourselves and to every citizen of this great Nation.

People say, ''Are you sure you cannot do it? Have you ever tried to do it?''

Well, I want to share with you a bit of interesting history. To the best of my knowledge, it has not been mentioned thus far in this debate. The Commonwealth of Virginia is among those States which require balanced budgets. My partner in this institution, when I first arrived in 1979, was Harry F. Byrd, Jr., whose father, Harry F. Byrd, Sr., had served many terms prior to him. Basically, he succeeded his father. The Byrd family was known as fiscal conservatives. Therefore, it was quite proper for Senator Byrd, in 1978—actually the year before I arrived in the Senate—to offer an amendment—S. 2152—which he attached to the Bretton Woods Agreement Act. The Bretton Woods Act authorized the United States to participate in a supplemental financing facility of the International Monetary Fund. That is not relevant. It happened to be a vehicle for the Byrd amendment. Senator Byrd, Jr., contended that only by bringing the cost of Government under control could we bring the cost of living under control.

You might ask, why was he so troubled in 1978? He was troubled because there was double-digit inflation, not the relatively, comparatively low rate of inflation today, but there was double-digit inflation in 1978. It was Senator Harry F. Byrd's view that if we put in a balanced budget amendment, we could begin to bring that inflation under control. The majority of the U.S. Senate agreed with him. The text of this amendment was very simple and straightforward.

I quote:

> Beginning with the fiscal year 1981—

Mind you, this was calendar 1978. We were then in fiscal 1979. So Senator Byrd recognized it would take at least 2 years to begin to ratchet down this excessive spending.

So his law said:

> Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

It was a very short amendment. Repeating:

> Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

Another interesting feature is that my distinguished colleague spoke very briefly—and I refer you to the CONGRESSIONAL RECORD of July 31, 1978, page S23411. This was his speech, one paragraph:

> If this amendment is adopted, it would be a matter of record on the part of the Senate for a balanced budget beginning in the fiscal year 1981.

Later that same day, Mr. President, the amendment passed the U.S. Senate by a vote of 58 to 28. Curiously, 14 colleagues were not voting. The Senate, within hours after the introduction of the amendment, adopted it 58 to 28. I ask unanimous consent to have printed at this point in the RECORD the vote on that amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VOTE ON THE BYRD AMENDMENT, JULY 31, 1978

YEAS (58)

Democrats (28 or 55%)

Allen	Huddleston
Bayh	Leahy
Bentsen	Magnuson
Biden	Matsunaga
Burdick	McIntyre
Byrd, Harry F., Jr.	Melcher
Cannon	Morgan
Chiles	Moynihan
Church	Nunn
DeConcini	Proxmire
Durkin	Randolph
Eastland	Stone
Ford	Talmadge
Hollings	Zorinsky

Republicans (30 or 86%)

Baker	Laxalt
Bartlett	Lugar
Bellmon	McClure
Brooke	Packwood
Chafee	Percy
Danforth	Roth
Dole	Schmitt
Domenici	Schweiker
Garn	Scott
Hansen	Stafford
Hatch	Stevens
Hatfield, Mark O.	Thurmond
Hayakawa	Tower
Neinz	Wallop
Helms	Young

NAYS (28)

Democrats (23 or 45%)

Byrd, Robert C.	Jacskon
Clark	Kennedy
Cranston	Long
Culver	McGovern
Eaglton	Metzenbaum
Glenn	Nelson
Gravel	Ribicoff
Hart	Riegle
Hatfield, Paul G.	Sarbanes
Hodges	Sparkman
Humphrey	Stevenson
	Williams

(Republicans (5 or 14%)

Case	Mathias
Javits	Pearson
	Weicker

NOT VOTING (14)

Democrats (11)

Abourezk	Inouye
Anderson	Johnston
Bumpers	Muski
Haskell	Pell
Hathaway	Sasser
	Stennis

Republicans (3)

Curtis	Goldwater
	Griffin

Mr. WARNER. It is very interesting, because if you were to correlate those that voted for the Byrd amendment who are still in the U.S. Senate today—and I would like to read off a few names: Senator BIDEN, Senator FORD, Senator HOLLINGS, Senator LEAHY, Senator MOYNIHAN, Senator NUNN, and Senator MARK HATFIELD, and others of the Republican side. I mention Senator HATFIELD because this Senator does

not know what he might do regarding this amendment. But Senator HATFIELD voted for this. It is interesting to note those who are in the Senate today that voted against it then: Senator ROBERT BYRD of West Virginia, Senator GLENN, Senator KENNEDY, Senator SARBANES. It is remarkable to see how the composition has changed in that relatively brief period. Some of the term limit folks might want to look at that someday. There is the vote. The amendment went in midday and, in a matter of hours, it was voted on—the same day. The debate was one paragraph long by Senator Byrd. No colleague got up to dispute the value of it, and it passed.

On October 10—I remind you, this was July 31 when the amendment passed the Senate—that language became section 7 of Public Law 95–435, signed by the President as the law of the land. Very clear. This Congress bound itself to the Byrd amendment. It became the law of the land. We had a balanced budget amendment controlling this body, beginning in fiscal year of 1981.

In 1980, the Congress readdressed the Byrd amendment, and it was modified again in the Bretton Woods Agreement Act of 1980, on October 7, 1980, to read as follows:

''The Congress reaffirms its commitment that beginning with FY 1981 the total outlays of the Federal Government shall''—I underline ''shall''—''not exceed its receipts.''

Reaffirmation, once again. Now, it becomes interesting. We are getting to that point where the amendment which is binding on the Congress and the word ''shall'' is once again reexamined by the Congress. The year is 1982, as part of the recodification case of title 31, U.S. Code, public law 97–258, September 13, 1982, 96 statute 907, the Byrd amendment was restated, but restated in a different form.

I go to the code and read the Byrd amendment as it is the law today:

Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year.

Mr. President, the key is the word ''may''—examining, of course, how we interpret the laws. ''Shall'' was binding. ''May'' became permissive. There is a very clear record of how this body got right up to where it was going to bind it and quietly slipped in the word ''may'' substituting for ''shall.''

What better example of how this institution, having come to grips with this issue, having voted with this issue twice, then quietly and surreptitiously changed one word, basically, to make it permissive.

That was the end of the Byrd amendment. That is why I and others are here and have been for these many days, to urge this body once again to adopt, in slightly different form, the wisdom of the Byrd amendment and make it binding on this, the Congress of the United States. I yield the floor.

Mr. BYRD. Mr. President, before the distinguished Senator from Virginia [Mr. WARNER] leaves the floor.

Mr. WARNER. Mr. President, I would be very happy to listen to my distinguished colleague.

Mr. BYRD. Mr. President, the Senator pays me great honor and flattery to think that at this late hour, the Senator from Virginia would listen to me for even a short length of time.

I want to comment, in view of the fact that he has mentioned the illustrious names of Harry Flood Byrd, Sr., and Harry Flood Byrd, Jr. I had the great honor and privilege and pleasure to serve with both Harry Byrd, Sr., and Harry Byrd, Jr.

This is somewhat coincidental, perhaps, as I was saying to Senator WARNER just a little earlier. I have just received a letter from a constituent of mine who lives at Salem, WV. It mentions the name of Harry F. Byrd, Sr. I shall read the letter. It was written on the 14th of February. It reached my office on the 17th of February.

Senator BYRD: Enclosed is a letter I thought might be enjoyable for you to read. You also may keep it, if you wish. Years ago my children and I were going to Baltimore, Maryland, and went past your father's orchard. I stopped and allowed my children to pick up an apple each, and one for me, as I assumed the ones had fallen.

Regardless, I came home and fully decided that I had stolen the apples. Today we could be shot for doing this. I was poor and had dimes to pay for the apples. I have saved this letter because he touched my heart by it. The dimes, I am sure, was picked up by my kids maybe me. Who knows.

I loved him and I feel you are just about like him. I think you are doing a fine job. Thank you. Dorothea Moses.

P.S., I'm old now and write uphill.

Well, of course, I am not the son of Harry Byrd, Sr. I wrote the lady, thanked her for the letter, and stated that I came up in the home of a poor coal miner in southern West Virginia, although I served with both Harry Byrd, Jr. and Harry Byrd, Sr.

Here is the letter that Harry Byrd, Sr., wrote to the lady, in response, dated September 18, 1947:

Mrs. Dorothea Moses, Salem.

My dear Mrs. Moses: I just received your letter which I deeply appreciate. This is the first time I have ever been offered 10 cents apiece for my apples.

I am gratified by the sense of honesty which prompted you to send me payment for the apples which, however, I herewith return with the hope that you enjoyed them, although I fear they were not ripe enough for eating purposes. But best wishes, I am faithfully yours, Harry Byrd, Sr.

Mr. President, I think that was a remarkable letter from a very remarkable United States Senator, one whom I admired a great, great deal. I think this was a remarkable constituent, who, upon returning to her home in Baltimore, MD, decided she ought to pay for the few apples that her children and she had picked up off the ground. The letter speaks for itself.

So, I am going to take the liberty of providing this correspondence to Harry Byrd, Jr., for whom I have an admiration equal to the admiration I had for his father.

I think that this is a pretty remarkable story, and I am sure that Harry Byrd, Jr., will enjoy reading this letter from a bygone age when people were honest, although they were poor, and felt that they ought to make a remittance even when apples were picked up off the ground of the orchard's owner. How that must have thrilled Harry Byrd, Sr., to receive that kind of letter from that honest woman.

Mr. WARNER. Mr. President, I thank my distinguished colleague for telling that story. I have always been heartened in this institution and this body by the manner in which the senior Senator from West Virginia has always invariably paid great respect to his former colleagues, and particularly the rendition of stories. If my colleagues will indulge me for a brief story. I think of the time I met Harry Byrd, Sr. My family had interest in property very near the Byrd home, which is in Berryville, VA. I own a farm now that has sort of been in my family one way or another—I have owned it now 30-some odd years. It is in White Post, which is just a few miles from the Byrd orchards.

On my farm are orchards. And, indeed, for some period of time, Harry Byrd, Sr.'s grandson operated with me the apple orchards. So much for that.

I remember visiting one time in July; it was very hot. But it was an annual event where Byrd, Sr. would go to his orchard and invite the people from all over the community to come and listen to him talk about what occurred in the Congress of the United States. Of course, in those early days, the Congress often went home in July. It occurred year after year in the same manner.

He would back up an old apple truck. He would get up on the back of the truck and the people would gather under the trees. He always wore a white suit. Does the senior Senator from West Virginia remember that white suit?

Senator Byrd had a high-pitched voice. I suppose you might say—and I do not mean to denigrate—he had a little bit of a sweep to it, a high pitch. You had to kind of lean forward to listen, but you could hear it. I was just a young man sitting out there listening with all the people.

It is interesting, his staff were always dressed in dark blue suits, so you could see the white suit among the dark ones. Then there were all the folks who worked in the orchards who had on the bib overalls, and the farmers would come from miles around. They would bring a picnic lunch. They wanted to hear this speech.

He did the same thing every year. He would bring down a copy of the budget, the budget document. It would be down on the ground, and he would say, ''Young man, put the budget document up on the rear of the truck here, right

up here on this little podium so I can tell the people about it.''

And the young man would reach down and he could not lift it. He would say, ''It will take two young men to raise the budget,'' and sure enough, eventually it would get up on the apple crates. He just used the old apple crates. He put that budget down, and he would start orating about the excessive spending in the United States and would go page after page after page after page, saying each page is hundreds of thousands of dollars, and we would all listen in absolute silence.

The Byrd family, senior and junior, without parallel in this institution, stood for fiscal responsibility of the United States of America. This brief statute which was enacted by the Congress of the United States on two occasions, which is binding, shall ever remain a hallmark to father and son and their fiscal responsibility.

Mr. President, I thank my distinguished colleague.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I have received a copy of a resolution enacted by the Legislature of West Virginia, Senate Concurrent Resolution No. 16. The resolution requests that the Congress provide information with respect to this constitutional amendment to balance the budget, which will indicate what actions will be taken by the Congress in order to achieve a balanced budget, if this amendment is adopted. In other words, the West Virginia legislature asserts a ''right to know.''

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATE OF WEST VIRGINIA

SENATE CONCURRENT RESOLUTION NO. 16

(By Senators Tomblin, Mr. President, and Chafin)

Urging Congress to provide full information about the effect of a proposed balanced budget amendment on the people and government of West Virginia before submitting it to the Legislature for ratification.

Whereas, The constitution of the United States of America is the most perfect example of a contract between a people and their government; and

Whereas, The congress of the United States is currently considering an amendment to the constitution, known as the ''Balanced Budget Amendment''; and

Whereas, The House of Representatives has already approved its version of such a balanced budget amendment; and

Whereas, The House of Representatives approved its version without obtaining a projection of how it would be implemented; and

Whereas, The House of Representatives rejected a version of the balanced budget amendment, offered by Representative Bob Wise of West Virginia, that would have protected against cuts in social security and would have allowed for both a capital and operating budget; and

Whereas, The proposal for a balanced budget amendment is now under active consideration in the United States Senate; and

Whereas, United States Senators Robert C. Byrd and John D. Rockefeller IV of West Virginia have called for a ''right to know'' provision so that the senators would know before they vote how a balanced budget would be achieved; and

Whereas, The treasury department of the United States has projected that a balanced budget amendment implemented by across-the-board cuts would reduce federal grants to West Virginia state government by $765 million dollars, requiring the Legislature to increase state taxes to compensate for such losses or eliminate the programs and services currently provided to our citizens by federal funds; and

Whereas, Many citizens of West Virginia would likely suffer from cuts imposed to meet the requirements of the proposed balanced budget amendment, including thousands of our citizens who receive social security, veterans benefits, medicare, medicaid and other essential benefits; and

Whereas, Through the efforts of Senator Robert C. Byrd and other members of our congressional delegation appropriations have been made for numerous projects in West Virginia, including completion of the Appalachian corridor highway system, relocation of the federal bureau of investigation center to West Virginia and a myriad of other projects; and

Whereas, These benefits and projects are vital to the economic development and well being of the people of our state and deserve to be protected if the constitution is amended to require a balanced budget; and

Whereas, West Virginia receives $1.45 in federal benefits for each dollar in federal taxes; and

Whereas, On a per capita basis, each man, woman and child receives approximately $2,000 dollars more in benefits from the federal government than he or she pays in federal taxes; and

Whereas, A proposal to balance the federal budget by returning the programs to the states would mean that West Virginia would be required to either raise its taxes by $2,000 dollars for each man, woman and child or eliminate the programs and services currently provided to our citizens by federal funds; and

Whereas, The balanced budget amendment would be submitted to the Legislature for ratification if approved by the congress; and

Whereas, This Legislature will be unable to establish its own budget without knowing what reductions will be made by the congress to effect the balanced budget amendment; and

Whereas, This Legislature therefore has a right to know what effect the proposed balanced budget amendment would have on state government, but more importantly, on the people of our state; therefore, be it

Resolved by the Legislature of West Virginia: That the Legislature recognizes that a balanced federal budget is a desirable objective; and, be it

Further Resolved, That the Legislature commends the president and the congress for their efforts toward this objective by supporting and enacting legislation that will result in the reduction of the federal deficit for three years in a row; and, be it

Further Resolved, That the Legislature will be asked to vote for ratification of a balanced budget amendment to the constitution if such a measure is submitted to the states by the congress; and, be it

Further Resolved, That the Legislature, acting on behalf of the citizens of West Virginia in deciding whether to ratify such an amendment, is entitled to be fully informed of its consequences on our people; and, be it

Further Resolved, That the congress is hereby urged to submit such an amendment to the States for ratification only if congress provides a detailed projection of what reductions will be made in the federal budget and how these will affect the government and people of West Virginia, including but not limited to, the effect on social security benefits, veterans benefits, medicare, medicaid, education, highway moneys, including completion of the Appalachian corridor system, and other programs necessary for the health and well-being of the people of our state; and, be it

Further Resolved, That the Clerk of the Senate is hereby requested to forward a copy of this resolution to the president of the United States Senate, the Speaker of the House of Representatives and each member of the West Virginia congressional delegation.

Mr. BYRD. Mr. President, earlier today, the distinguished senior Senator from the State of Tennessee referred to my comments a day or so ago when I spoke on the constitutional amendment, with specific reference to section 5. The distinguished Senator from Tennessee, I think, did not really understand what I said with respect to section 5 of the constitutional amendment.

I quote the distinguished Senator from Tennessee [Mr. Thompson]:

''He''—meaning this Senator from West Virginia—''He was concerned that in times of a declaration of war, the amendment requires a constitutional majority of 51 Senators.''

Of course, that is not the case. As I understand section 5, it does not require a constitutional majority of 51 Senators to declare war. The able Senator from Tennessee clearly misunderstood what I said—he must have. And so I let it go at that, because the amendment certainly does not require that. Section 5 of the amendment does not require a constitutional majority of 51 Senators to declare war and I never so stated, unless I was misquoted.

Going on, the senior Senator from Tennessee said: ''He,'' meaning the Senator from West Virginia,

He thought that hurdle was too high because normally without the amendment, on most votes around here it is the majority of those present with the Vice President casting a tie-breaking vote if called upon.

I continue to quote the words of the Senator from Tennessee:

As I listened to that debate, it is very interesting, the possibilities are intriguing from an intellectual standpoint. Sitting and listening to Senator BYRD of West Virginia is like sitting in a good class of constitutional law. I enjoy it. If we did not have a Senator BYRD, we would need to invent one because he brings issues to the floor and to the table that need to be discussed. But again, does this not assume that 50 Senators plus the Vice President would do the right thing? He—

meaning Senator BYRD from West Virginia—

He is concerned we might not get that vote.

Here we are, we need to declare war and we might not get the 51 votes. So he—

meaning Senator BYRD.

assumes, I suppose, that 50 Senators plus the Vice President would do the right thing and we would get the 51 votes that way, but

under this amendment that 51 Senators would not do the right thing.

Now, is that not slicing it a little thin in light of what we are dealing with here? Is that not belaboring the point? It needs to be discussed. But is that what this is going to turn on, whether or not we have 50 Senators plus a Vice President, on the one hand, or 51 Senators on the other?

I must say, Mr. President, it is my opinion that there are enough good people in this Chamber that if we have the kind of situation that requires a declaration of war, we would do the right thing, that we would do the right thing when the circumstances arose.

Mr. President, the Senator from Tennessee misunderstood the direction and the thrust of my remarks. I was not saying that under the balanced budget amendment, a majority of the whole number present would be needed to vote for a declaration of war. I did not say that at all, and the amendment does not say it. Either Mr. THOMPSON misunderstood me or he misunderstands the verbiage in section 5.

It is an honest mistake on his part, but I thought I should set the record clear. I am not under any illusions that the amendment requires 51 Senators to vote to declare war. It does nothing of the kind. A simple majority of those Senators voting, a quorum being present, is sufficient to adopt a declaration of war, both now and under the amendment.

The thrust of my concerns went to the second portion of that amendment, which did not deal with a declaration of war but, rather, dealt with the situation in which a military threat to our Nation's security might exist; in which case, in order to lift the strictures of the constitutional amendment that is being debated, a majority of the whole number of Members of both Houses would then be required—in which case, I took the position that the minisupermajority requirement could put our Nation in further peril and also have the effect, if he should cast a vote in a tie situation, of negating that Vice President's vote, the Vice President not being a Member of the Senate. So much for that.

Mr. President, let us take a look at what may be in store for the Nation should the amendment be drafted into the Constitution; namely, that the amendment may be enforced. I see problems with the amendment, which I have mentioned to some degree earlier and which I shall refer to here again briefly. The problem with the amendment, if it is enforced, is that it creates very serious problems. If it is not enforced, on the other hand, it still creates serious problems.

Suppose at the end of the second fiscal year following the ratification of the amendment, the Office of Management and Budget announces that the total outlays for the United States will exceed total receipts for that year by, say, $50 billion. Suppose further, that the President is advised by White House counsel and the Director of the Office of Management and Budget that he is obligated by the new amendment to take whatever action is necessary to bring the outlays into line with the receipts.

Suppose he is exhorted by his advisers to use a line-item veto, even though the Constitution under which we have operated for over 200 years does not give him that authority. He could be prevailed upon by his OMB director and others to assume that the new amendment to the Constitution inherently gives him the authority to take whatever action is needed to bring the budget into balance, to make outlays balance with the receipts.

What will happen to the outlays of the various departments? Will defense contracts be held up? If moneys are impounded by the President, or if a line-item veto authority, which he does not have today under the original Constitution, should be assumed, or enhanced rescissions authority, which is worse than the line-item veto, were to be assumed, will checks to people who are unemployed be withheld? Will Medicare payments be stopped? Will Medicaid be cut back? Will Social Security checks be put on hold? Will the President impound moneys that have been mandated by the Congress to be spent, even though he would be acting in violation of the 1974 Budget and Impoundment Control Act? This sounds like a sure prescription for an Imperial Presidency.

The President, any President, could feel the compulsion to obey the mandate ''implicit'' in the Constitution as amended by this balanced budget amendment, believing that it contained inherent authority to exercise enhanced revisions authority, line-item veto authority, and impoundment authority, and he would be certainly advised by his counsel, I should think, to proceed to reduce outlays, thus sharing the power over the purse that is currently vested in Congress by article I of the Constitution, article I, section 8, the power that is given to the Congress to raise revenue, and by section 9 of article I to appropriate money. He would believe himself to be authorized to cut whatever programs and projects he chose to cut while leaving untouched those projects he supported. By holding programs and projects hostage, he would be in a position to suspend a Damocles sword over the heads of Senators and Representatives with respect to projects and matters important to their States and districts.

Moreover, he could use this leverage to bring legislators into line on matters other than those affecting the budget. Confirmation votes on future Clarence Thomases could bring tremendous pressure on Senators by such enhanced Presidential powers. He could threaten this or threaten that, and I, as a Senator, might or might not buckle under that pressure. I have had pressures from Presidents, like Lyndon Johnson, who really knew how to twist arms. It was pretty hard to say no to a President who, like Lyndon Johnson, was the former majority leader of this Senate, who had much to do in those days with putting me on the Appropriations Committee, but I said no. What it meant was about 30 minutes of excruciating torture, after which I felt that my clothes needed washing and drying. I felt that I had been put through a clothes wringer.

Confirmation votes on future Clarence Thomases or future treaty votes would be a President's to collect, merely by threatening to line-item veto or impound monies concerning programs supported by certain Members of Congress. A President could also use this power effectively with respect to cutting capital gains taxes or achieving other cherished goals.

I suggest, if any Senator is interested in reading about one of those arm-twisting sessions that I had with the late President Lyndon B. Johnson, the Senator read from the second volume of my history on the United States Senate, 1789 to 1989. It is all laid out there.

The road would be paved for the courts then—get this—to get into the act of balancing the budget. Beneficiaries of programs arbitrarily cut back by the President's actions could go into the courts and demand that the cuts be restored, and the claimants of such payments could very well, in some circumstances, at least, establish standing to sue.

If the courts concluded that it was necessary to impose a tax in order to bring receipts up to the level of outlays, the taxpayers would have standing to apply for relief. And if ever there could be a lawyers' paradise, the millennium would be here.

One might denominate this amendment as the constitutional amendment to benefit lawyers. In saying that, I do not speak with any disrespect toward lawyers. I would prefer to call it the constitutional amendment for minority rule. I may have more to say on that at another time.

Montesquieu, in his ''Spirit of the Laws,'' stated, ''of the three powers . . .
the Judiciary is next to nothing.'' Meaning of the three powers: The executive, the legislative and the judiciary. Montesquieu said, ''of the three powers . . . the Judiciary is next to nothing.'' He also said, ''There is no liberty, if the power of judging be not separated from the legislative and executive powers.''

Hamilton agreed with Montesquieu in the Federalist Paper, Number 78, wherein Hamilton went on to state: ''The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the

purse . . . The judiciary is beyond comparison the weakest of the three departments of power.'' That was Hamilton.

The amendment on which we are about to vote within the next few days would turn Montesquieu's and Hamilton's world topsy-turvy, upside down. The judiciary could become the strongest of the three departments of government and thus hold influence over both the sword and the purse. Constitutional government as we have known it for over 200 years, based upon the separation of powers and checks and balances concepts, would perish from the Earth.

That is one course that we may find ourselves travelling.

The Peoples' Branch would atrophy. Representative government would no longer exist. Unelected members of the courts would wield the power of the purse. The Constitutional mandate, section 9 of article I of the Constitution, that ''no money shall be drawn from the Treasury, but in consequence of appropriations made by law,'' would be changed, and, instead, we would be treated to the spectacle of appropriations made by judicial fiat.

The American people fought one revolution over the principle of ''taxation without representation,'' and now we are about to vote on an amendment to the Constitution which could easily result in unelected judges mandating higher taxes—judges who are appointed for life mandating higher taxes. If we think the people would be upset with Congress for increasing their taxes, just imagine what their feelings will be when their taxes are hiked by unelected judges who are appointed with life tenures. Could we be sowing the seeds for another revolution by adopting this amendment? If there were ever a Pandora's box with evils imprisoned therein to bring misfortune to our country, this would surely be it. If the amendment is enforced, the powers of the legislature will flow to the executive and to the judiciary, and we will have destroyed a government of separation of powers and checks and balances.

Contemplate that, for 200 years—206 years, our Nation has operated under the Constitution that was written by the illustrious Framers in Philadelphia in 1787, and that, by the adoption of this amendment and by its subsequent ratification by the States—if the States do ratify it in the requisite number as set forth in the original Constitution—we will have destroyed, I think, the constitutional form of Government that our forefathers gave us. It will certainly be in danger, great danger. So the handiwork of the Framers will finally have been ill served.

I saw them tearing a building down,
A group of men in a busy town;
With a ''Ho, heave, ho'' and a lusty yell,
They swung a beam and the sidewall fell.
I said to the foreman, ''Are these men skilled
The type you'd hire if you had to build?''
He laughed, and then he said, ''No, indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do.''
I said to myself as I walked away,
''Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a wrecker who walks the town,
Content with the labor of tearing down?''

Mr. President, the lines from The Masonic Craftsmen are well descriptive of the situation if this balanced budget amendment is ever nailed into the original Constitution as an amendment. I shudder to think that that prospect may very well be close at hand.

If, on the other hand, the Constitutional provision is not enforced, we will have made the Constitution promise something that it cannot fulfill, and it will henceforth become a mere piece of paper, relegated to the dustbin of history.

What will actually happen in the event of the adoption and ratification of a balanced budget amendment to the Constitution remains to be seen.

Nobody knows. I do not know precisely what will happen. I have outlined two very sad prospects—one if the amendment is enforced, the other if it is not enforced—as to what may be in the offing in the event this constitutional amendment were to be adopted and ratified. We, of course, cannot be absolutely sure, but why should we take such risks? Republican Senators will not tell us how they intend to carry out the mandate of the constitutional amendment on the balanced budget. I happen to believe that if the amendment is grafted on to the Constitution, there will be efforts to enforce it, and this will mean that we no longer have a government by the people, but, instead, the people will be governed by a black-robed Office of Management and Budget, run by one Chief Director and eight associate directors appointed for life, with control over both the sword and the purse.

There will be no rams' bellies by which we may ride out of that dilemma, as Odysseus did when he and his companions escaped from the cavern of Polyphemus.

In escaping from that cavern, Odysseus instructed his companions to hold onto the bellies of the rams as they went out of the cave to graze, Polyphemus, the chief of the Cyclopes, having been blinded by the fire of a piece of wood that Odysseus had plunged into the giant's eye. They escaped by holding onto the bellies of the rams.

The giant laid his hands on the tops of the rams as they went out of the cave. He never thought to feel under the bellies.

Odysseus and his remaining few companions—those that had not ended up in the stomach of Polyphemus—had found a way to escape by holding onto the rams' bellies. Well, Senators, we will not have any rams' bellies here by which we may ride out of this dilemma. And unlike Odysseus in Homer's epic, while we may be able to escape the violent whirlpool of Charybdis, we will still be devoured by Scylla, except, unlike Homer's Scylla, which had 12 legs, and 6 hideous heads bearing 3 rows of teeth each, ours will be a monster with 18 legs, and 9 heads bearing 2 rows of teeth each. Ours will no longer be a government of laws; instead, it will become a government of judicial fiats. Is this what Washington and his starving men at Valley Forge fought for? Was it for this that Americans shed their blood at Lexington and Concord, and at Saratoga? Was this what Nathan Hale had in mind when he gave the only life he had for his country? Did our forefathers pledge their lives, their fortunes, and their sacred honor to throw off the tyrannical hand of George III, only to be ruled by the heavy hand of a judicial oligarchy?

Mr. President, when the Constitutional Convention had completed its work in 1787, Benjamin Franklin, one of the Framers of the great document, was approached by a lady who asked the question, ''Dr. Franklin, what have you given us?'' Franklin answered, ''A republic, madam, if you can keep it.''

Mr. President, this amendment carries the seeds for the destruction of the American Constitutional republic as it was handed down to us by our forefathers. I say it carries the seed of destruction. I am concerned about the future of this Republic. And there are Members on both sides of the aisle who are going to vote for this amendment, come next Tuesday, who have expressed to me privately their serious doubts with regard to the balanced budget amendment.

I know of no magic herb by which we may prove ourselves invulnerable to the seductive charms of this ''quick-fix'' amendment. I can only hope that Members will fill their ears with wax so that they will not be lured by the siren's song and will ignore the pleas until the danger is safely past.

Each of us upon being elected to the office of Senator subscribes, by oath or affirmation, to support and defend the Constitution of the United States. It is a solemn oath. We do not swear before God and man that we will support and defend a political party. We do not swear that we will support and defend a so-called Contract With America, but only that we will support and defend the Constitution of the United States.

Of course, we all understand that the Constitution provides a process, in Article V, for its own amending, and while I, or any other Senator, may be willing to amend the Constitution in one particular or another, what we have here is an amendment which, for all intents and purposes, could result in the destruction of a government of checks and balances, a government of separation of powers. We are, therefore, talking about the very bottom bedrock

of our Constitutional form of government. Take away the checks and balances, which could be the result of this amendment; take away the separation of powers, which could be the result of this amendment; then we will no longer have a government of the people, by the people, and for the people. We will have a government of three branches, in which the peoples' branch, the legislative, will become a mere vestigial leftover from a bygone day, shorn of its power over the purse and no longer able to fulfill the functions for which it was created.

Make no mistake about it. Senators will never be able to wash this stain from their hands.

Mr. President, I am not assured by those Senators who say that we can avoid the intrusion by the courts into the realm of budget making, simply by resorting to the provision that allows a three-fifths vote to approve a specific excess of outlays over receipts. I am not sure about that at all. Most of those who support this provision are among those Senators and Representatives who will never vote for a tax increase, come what may.

I do not like to vote for a tax increase. That is not an easy vote. But there come times when we have to have an increase in taxes. If we ever really bring these budget deficits under control and begin making payments on the principal of the debt, I have no doubt that there are going to have to be some revenue increases. Yet, there are Senators who say they will never vote for a tax increase. They will always depend upon someone else to supply the three-fifths of the whole number of each House.

What this really is, is a prescription for minority rule. Ours would become a government by minority. That is minority rule—no ifs, ands, or buts about it. Are two-thirds of the Members of this Senate ready to submit themselves to such a stultifying prospect?

We are all deeply concerned about the budget deficits, the national debt, and the growing interest on that national debt. I want to see our budget deficits brought down. I want to see our budget brought into balance, especially in those years when we do not have to have a budget deficit in order to deal with an economic decline in the economy, or an ongoing recession. I want to see our budget brought into balance as much as does any other Senator. Every Senator in this body wants to see these deficits brought under control.

A national debt rapidly approaching $5 trillion, and with the sky as the limit if we do not do something to curtail it, is a terrible legacy to leave to our children. We have to do something about it, and it will be painful. It may require us to increase taxes. But it will be an even more awesome legacy to leave to our children and grandchildren, if we destroy the foundations of our constitutional system of checks and balances, sweep away the peoples' power over the purse exercised through their elected representatives in Congress, and undermine the faith of the Nation in the Constitution itself.

I hope that we will ponder this constitutional amendment over this weekend as we have never thought about it before. I have heard many comments from people on the outside—for example, from representatives of the media—about this debate. Those comments have been favorable with respect to the fact that the Senate has indeed taken the time to study the amendment, to debate it, to deliberate, and to try to correct what many of us see as flaws in the amendment.

I believe that was the role that the forefathers intended for the Senate to play. This constitutional amendment to balance the budget was adopted in the House of Representatives after only 2 days of debate. That is appalling. That is an appalling spectacle—to have a constitutional amendment adopted in the other body after only 2 days of debate! But in the Senate, come next Tuesday, it will have been before the Senate for 30 days. I thank the majority leader, and I compliment him for the respect he has thus far shown for the fact that this is a constitutional amendment, and that this is the United States Senate, and that this is the role that the United States Senate was supposed to play. That was the role the Framers had in mind from the very beginning—that the Senate would be a deliberative body. Many times we do not deliberate much here anymore. But in this situation, there has been considerable deliberation.

I think that the Framers would be pleased that this Senate has at least slowed down a stampede to enact this constitutional amendment in a hurry. There have been efforts to amend it, but we have failed thus far. I do hope, however, that the amendment that is being offered by Senator NUNN will be agreed to next week. Senator JOHNSTON's amendment was rejected on a tabling motion. Senator NUNN's amendment is different only in a slight respect from the amendment that was offered by Senator JOHNSTON. I hope that the amendment by Senator NUNN will be adopted. It addresses that very serious and solemn and terrible prospect that the courts might intervene if this amendment were to be adopted and enforced. There is nothing in the balanced budget amendment that either invites or forbids the courts to enforce this amendment.

I intend to support Senator NUNN's amendment. I am not sure that even his amendment will provide all of the answers, because much is left to the implementing legislation that the Congress will be authorized to write to enforce the balanced budget amendment. The implementing legislation may itself carry many seeds for the destruction of the constitutional system of checks and balances and separation of powers that we have known for 206 years.

Implementing legislation might not even be passed. After all, such implementing legislation has to go to the desk of the President. A President may veto it in a given situation. It would require two-thirds of both bodies to override his veto. Or the implementing legislation that is enacted in one Congress may be amended in a subsequent Congress. Even the amendment by Mr. NUNN does not protect us—when I say us, I mean the public—from events which could very well create chaos in the economy and change the constitutional form of government that has served the American people so well. Power could still flow from the legislative to the executive branch.

But at least, Senator NUNN's amendment addresses itself to one of the possible dangers, and it really goes to show that this balanced budget amendment is very much like a balloon. If you squeeze the balloon at one end, it pops out bigger on the other. If you squeeze at that end, then it pops out and makes the balloon larger in another place. If we cure one flaw here, we open up other flaws. That just goes to show that this ''quick fix'' really cannot be fixed.

Mr. President, I thank the distinguished Senator from Utah [Mr. HATCH] for remaining at his post of duty and listening to my remarks on this occasion. He has worked hard on this constitutional amendment. He is entitled to a great deal of respect for his efforts to get out of a very, very tough and difficult and complex problem. Unless he wishes to ask me a question, I will yield to——

Mr. HATCH. I thank the Senator.

Mr. BYRD. I have not yielded yet, but I am available if the Senator wishes to respond to my words.

Mr. HATCH. If the Senator will yield, I want to compliment the Senator. I have seen him work this floor very faithfully, intelligently, and I believe honestly throughout this debate. We happen to differ. I believe that when you press a balloon on one end, it expands on the other end, and when you press it on the other top, it expands on the bottom. But it still contains the future of our country. I also believe that the distinguished Senator, as sincere as he is—and he is sincere, and I know that; he has my respect—is saying that this amendment leads us into a lot of difficulties. But I have to say that we are in a lot of difficulties.

Mr. BYRD. I did not hear the Senator.

Mr. HATCH. I say we are in a lot of difficulties. Many of us feel that though this bipartisan consensus amendment is not perfect in anybody's eyes, that it is the most perfect we can do, and that it is the only way we are going to get spending under control in this country. But I think the distinguished Senator from West Virginia has been eloquent throughout this debate. He has been constitutionally apt in many respects. And although I differ

with him on some of the interpretations, I compliment him for his knowledge, his foresight and his own explanations of how the Constitution is considered.

It is to me, too. I feel very, very deeply about it. I feel deeply about my dear colleague's point of view. I do not have any desire to prolong this this evening, but I just want to compliment the Senator for his comments, for his hard efforts, for his willingness to be on this floor and to do what he has done with the amendments he has brought forward and the intelligent way in which he has discussed them, and for the courteous manner and kindness shown. I really personally appreciate it.

I did not think my esteem could be any higher than it is for the Senator. But it is. It is higher.

Mr. President, I just want to say in closing here this evening, I would like to shut the Senate down, but I understand the Senator from Maryland wants to speak. I would like to get the floor as soon as the Senator from West Virginia is through so I can get legislative matters straightened out here.

Mr. BYRD. I am about to yield the floor if the Senator does not wish to ask any questions.

Mr. HATCH. I do not.

Mr. BYRD. I appreciate his kind comments. They are very sincere.

Mr. HATCH. It never, never ceases to amaze me how the Senator can just call up poetry like he did here this evening, and a wealth of knowledge about history and especially the history of the Senate.

I have to say I was moved by the distinguished Senator's discussion of the Harry Byrd letter and Mrs. Moses' letter. I think what the Senator does in bringing things like that to the attention of everybody perpetuates the importance and the feelings and the basic goodness of the Senate.

Mr. BYRD. As the Senator knows, ''I'll cavil on the ninth part of a hair,'' and ''I'll fight till from my bones my flesh be hack'd.''

Sometimes I think we probably overdo the expressions of affection in this body. However, I do appreciate the kind words the Senator has expressed. I had hoped we might, even at this late hour, engage in debate. But I do not want to insist on it. I will close my remarks with respect to our mutual affection. The Senator knows that, for him ''my affection hath an unknown bottom, like the Bay of Portugal.''

Let us hope that on next Tuesday Senators will remember the words of Lord Nelson, who lost his life in the Battle of Trafalgar. His last words were, ''Thank God, I have done my duty.''

Mr. HATCH. Mr. President, I have to confess that I believe that the distinguished Senator from West Virginia always does his duty. I personally appreciate it, even when I disagree.

Mr. President, the Senator from West Virginia has presented us with the triple threat from the balanced budget amendment of: First, an imperial Presidency; second, an all-powerful judiciary; and third, the seeds of revolution. Possibly, he suggests, the Constitution itself will be relegated to the dustbin of history.

This is strange indeed given that the amendment itself gives Congress the power and duty to enforce and implement the balanced budget amendment.

I would ask what continuing on the path we are on would do to the Constitution or the Nation. If President Clinton's predictions are correct that the generation that is beginning now will be taxed at the net tax rate of 82 percent that all will be tranquility? Or will we see tax revolts that will make the Boston Tea Party look like a Beacon Hill high tea. What does taxation without representation mean if not leaving mammoth taxes to generations who cannot vote yet?

And what will happen to a republic with national debt growing at the rate it is now indefinitely? Ask Argentina, Italy—some point to Weimar Germany as a model of the inflation and the economic and political chaos that could ensue from our path of profligate spending.

Mr. President, the bottom line is a choice between doing what we are doing now and changing the way Washington does business. I have heard some on this floor say that this amendment would not pass if we could vote in secret. Well, that is precisely the problem, the problem that the voters asked us to fix last November.

I have explained repeatedly during this debate why this amendment would not involve the courts in activity infringing on the powers granted to Congress in article I of the Constitution.

This balanced budget amendment indeed contains the seeds of liberation for the rising generation and generations yet unborn. It contains the seeds of liberation from the shackles of insupportable impossible debt and oppressive taxation—the seeds of liberation from an increasingly unresponsive but increasingly intrusive Federal Government. The balanced budget amendment contains the seeds of liberation from a government which consumes tomorrow's wealth to satisfy today's desires.

Mr. President, let us adopt the balanced budget amendment to continue the principles of the American Revolution and Constitution, the principles of freedom—political and economic—for future generations of Americans.

Does the Senator from Maryland want to speak?

Mr. SARBANES. Mr. President, I would like to speak for probably 5 to 10 minutes. There were some points made earlier in the day I would like to respond to.

Mr. President, I thank the Senator from Utah for his courtesies.

Mr. President, I want to address the point about the danger that the balanced budget amendment might well do to our economy in time of an economic downturn.

I think this point very much needs to be emphasized. In fact, there was an article in the New York Times only a day or two ago that was headed, ''The Pitfalls of a Balanced Budget, Dismantling a Decades-Old System for Softening Recessions.''

In the course of that article it is stated ''If the amendment is enacted, the side effect would be huge. A system that has softened recessions since the 1930's would be dismantled.''

Now, I want to just point to this chart and then I want to quote a couple of highly respected economic thinkers in our country. What this chart shows is the change in real GDP beginning back in the late 1800's and coming forward until today.

What this chart shows is there were tremendous fluctuations in the economy until the post-World War II period. The economy would, in the late 1800's and the first half of this century, go, as one can easily see, up and down like a roller coaster, often going very deeply into a negative growth situation.

These are the boom and bust cycles that those who have read American history are familiar with. These were the panics. What happened is, after the Great Depression, as a consequence of the Great Depression, we began to change our thinking and to develop what are called automatic stabilizers. I will elaborate on that in a moment as to what that means. But the consequence of doing that was to markedly change the depth of the business cycle. As we can see, since World War II, although we continue to have fluctuations in the economy, we no longer have the very deep plunges into very significant negative growth.

Now, Charles Schultze, whom all of us know and who is a highly respected economist, stated a couple of years ago in testifying about the then-balanced budget amendment proposal that was before the Congress:

> A Balanced Budget Amendment Would Be Bad Economics. Federal revenues automatically fall and expenditures for unemployment compensation rise when recessions occur. The deficit necessarily rises. This budgetary behavior is a very important economic stabilizer. It helps sustain private incomes during recessions and thus keep sales, employment, and production better maintained than they otherwise would be.

Now, I just want to comment on this. It is very important to understand that, as we go into a recession, we automatically start running a deficit because we lose tax revenues. People have lost their jobs. They are unemployed. So we have less revenues coming in. And we start making payments out of the Treasury—unemployment benefits, food stamps, medical care—and the combination of that means that the deficit grows, but that helps to offset the downward momentum.

Now, what we used to do in the old days, we would try to balance the budget in that circumstance when the

economy was going soft, we would try to balance the budget and, of course, that would only drive the economy even further down.

So, as Mr. Schultze stated and I just repeat it:

Federal revenues automatically fall and expenditures for unemployment compensation rise when recessions occur. The deficit necessarily rises. This budgetary behavior is a very important economic stabilizer. It helps sustain private incomes during recessions and, thus, keep sales, employment and production better maintained than they otherwise would be.

And he goes on to say:

The American economy in the postwar years has been far more stable than it was between the Civil War and the Second World War, even if we exclude the Great Depression from the comparison.

Now this is exactly what this chart shows, although it does not go back quite as far as the Civil War. But clearly what this chart demonstrates, as Mr. Schultze states, is that the American economy in the postwar years has been far more stable than it was between the Civil War and the Second World War. You can see the tremendous fluctuations we used to have in the economy as compared to what has occurred since World War II.

Mr. Schultze goes on to say:

In the period between the Civil War and the First World War, the American economy spent about half the time in expansion and half in contraction. In the period since 1946, the economy spent 80 percent of the time expanding and only 20 percent contracting. In the years after the Second World War, fluctuations in the American economy around its long-term growth trend were only half as large as they were in the period 1871 to 1914. Many people who have studied the period credit an important part of the improved economic performance to the automatic stabilizing characteristics of the Federal budget.

Under the constitutional amendment proposed in H.J.Res. 268—

Which was the proposal at the time, the counterpart to what is before us now—

this stabilizing force would be seriously threatened. The first year of a recession would turn an initially balanced budget into deficit. But under the proposed constitutional amendment, Congress would be required to bring a budget for the next year back into balance by large tax increases or spending imposed as the recession was still underway.

Of course, imposing those tax increases or spending cuts, in order to eliminate the deficit which the onset of the recession had brought about would, of course, only make the recession worse. They would drive the economy even further down, as these tremendous negative growth periods which occurred in the first part of this century clearly indicate.

This is not a desirable economic performance, and the automatic stabilizers, which we have run in the postwar period, have enabled us to avoid that. While we have had ups and downs in the economy, they occur almost entirely in the positive growth area. We do not have the deep plunges into negative growth which marked economic performance in the first part of this century and, indeed, ever since the economy became, as it were, a complicated, complex modern economy. So if we had gone back to the Civil War, we would have had these movements up and down as well.

Laura Tyson, in an article in the Washington Post—and I ask unanimous consent that that article be printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. SARBANES. It is entitled ''It's a Recipe for Economic Chaos.''

Continued progress on reducing the deficit is sound economic policy, but a constitutional amendment requiring annual balance of the Federal budget is not.

Let me repeat that because I agree very strongly with it.

Continued progress on reducing the deficit is sound economic policy, but a constitutional amendment requiring annual balance of the Federal budget is not. An economic slowdown automatically depresses tax revenues and increases Government spending on such programs as unemployment compensation, food stamps, and welfare. Such temporary increases in the deficit act as automatic stabilizers offsetting some of the reduction in the purchasing power of the private sector and cushioning the economy's slide.

Moreover, they do so quickly and automatically without the need for lengthy debates about the state of the economy and the appropriate policy response.

By the same token, when the economy strengthens again, the automatic stabilizers work in the opposite direction. Tax revenues rise, spending for unemployment benefits and other social safety net programs falls, and the deficit narrows.

Now, the marked diminution of the fluctuations in the economy shown on this chart in the post-World War II period reflects the automatic workings of these stabilizers through the business cycle. It demonstrates the benefit we have derived from the application of these automatic stabilizers in the post-World War II period. This is a dramatic illustration of the advantages of having broken out of the thinking that said we had to balance the budget every year and, therefore, led to efforts to balance it at a time of economic downturn which only intensifies the problem.

Ms. Tyson goes on to say:

A balanced budget amendment would throw the automatic stabilizers into reverse. Congress would be required to raise tax rates or cut spending programs in the face of a recession to counteract temporary increases in the deficit. Rather than moderating the normal ups and downs of the business cycle, fiscal policy would be required to aggravate them.

Which is exactly what had been happening in the past, and we now have managed to avoid.

Mr. BYRD. So will not then the chart show for the next several years, after the point where we now are, the same chart would show these lines that are zigzagging and fluctuating above the horizontal line, it would, in effect, show them down here.

Mr. SARBANES. That is right. You go into a downturn, and instead of having these automatic stabilizers to counteract that, the roller coaster would start down and you would simply be intensifying it.

People have to understand, what these downward lines mean, this negative growth means millions of people unemployed. This means small businesses going into bankruptcy. What these lines mean, in every instance in which these occurred, if you went back and looked at what was happening in the economy, there was massive economic dislocation: People losing their jobs, businesses going into bankruptcy, farms being foreclosed. We have not experienced that in recent times and, as a consequence, people begin to take it for granted.

But it is not inevitable.

It must be understood, one of the reasons it has not happened is because we have had a counteracting policy to prevent these deep declines from taking place.

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. SARBANES. Certainly.

Mr. BYRD. So the effect then, if I understand what the Senator is saying, I think he is making a vital point here, which would be that we would return to a situation as the chart indicates for the earlier years, going back more than 50 years.

Mr. SARBANES. The distinguished Senator from West Virginia is correct. We would be back into these up and down cycles. As Charles Schultze said in his quote, which I think is very important:

In the period between the Civil War and the First World War, the American economy spent about half the time in expansion and half in contraction. In the period since 1946, the economy spent 80 percent of the time expanding and only 20 percent contracting.

When it did contract, it avoided going into these very deep plunges which used to occur. We used to call those ''panics,'' ''busts.'' The economy was devastated. You would have the panic of 1893 or the panic of 1922, and so forth. And we have avoided that in the post-World War II period. We have had some ups and downs; we have what we call recessions. We have not had a depression. We have managed to avoid that.

Let me just read what Alice Rivlin had to say today. She is a very thoughtful woman, and those who know her realize that she is what is called a ''deficit hawk.'' She has been anxious to get the deficit down, has worked hard to get the deficit down. Today at a news conference she made the following statement:

This discussion is not about whether the budget should be balanced, on the average. It is about whether we should write into the

Constitution that the budget should be balanced every year. No one can fault the Clinton administration for not being serious about deficit reduction; we believe the deficit is too high, that it must come down. We have brought it down a lot; we want to bring it down more.

But we do not believe that we should write a requirement for balance every year into the Constitution. The real problem with doing that is that it would make swings in the economy bigger.

The Federal deficit has acted as a cushion that dampen recessions, make them less wide, less bad for people.

When the economy slows down, two things happen. One is, there are more people who are eligible for unemployment insurance and food stamps and the kinds of things that help people when they are in trouble. So expenditures for those things go up. More importantly, when people earn less and they lose their jobs, they don't pay as much income tax, so the Federal revenues go down.

With spending going up and revenues going down a lot in the beginning of a recession, what you find is a deficit widening—automatically; it just happens. And automatically, it offsets the horrendous effects of that recession.

Now, what would happen if you had to counteract that effect? The Constitution would say, unless you had a supermajority to override it, that you would have to do one of two things. You would have to cut spending to correct that deficit, and people would have less income, . . . or you would have to raise taxes, which would mean people would have less income. So the recession gets worse. We would have bigger swings in the economy, a deeper recession.

Now, that's not just a theory, you can really see it. You can see it in what has happened to recessions over the last couple of decades.

If you look back in our history, the economy went up and down by huge swings. In the period, especially the period since World War II when these automatic stabilizers have been in effect . . . we've still had recessions, but we have had much smaller ones than we otherwise would have had.

If we pass a balanced budget amendment to the Constitution—

And I say to the distinguished Senator from West Virginia this is exactly to his point.

If we pass a balanced budget amendment to the Constitution, we are saying we want to go back to those days when the economy had huge swings, and many more people were out of work in a recession than are out of work in modern recessions.

Now, Mr. President, this issue is not being given a lot of attention in this debate. It is very clear that by having these automatic stabilizers in the budget, we have been able to avoid very dire economic times.

This amendment would preclude the automatic response which now takes place and which begins to happen before people even begin to recognize that the economy may be in trouble. As soon as the economy starts experiencing some trouble, this cushioning effect automatically starts happening.

It is asserted by proponents of the amendment that sixty votes to waive its provisions would be obtained. 60 votes. Maybe, maybe not. I daresay, in any event, you will not come anywhere close to getting them until it is manifest that the economy is in difficulty, namely until we have moved down the downward curve a considerable part of the way. And at that time, of course, you are really playing catch up. You are trying to pull back this downward momentum instead of having offset it right in the beginning.

Now, I want to underscore these deep downward lines, on this chart. You say, well, this is negative growth, this is GDP taking a nosedive. People say, ''Well, what does all that mean?''

What it means in real human terms, what these deep plunges in growth to negative levels of 5, 10 percent, in the Great Depression even 15 percent, literally means is millions unemployed; it means small business bankruptcies the likes of which we have not seen in roughly the last 60 years; it means farm foreclosures.

Now, these are real life problems, and we run an incredible risk with the proposal that is before us of going back to that kind of business cycle. As the New York Times article said:

If the amendment is enacted, the side effect would be huge: a system that has softened recessions since the 1930's would be dismantled.

The problem is that the balanced budget amendment is a heavy-handed solution and risky. The biggest risk is to the Nation's automatic stabilizers which have made recessions less severe than they were in the century before World War II. The stabilizers, an outgrowth of Keynesian economics, work this way: When the economy weakens, outlays automatically rise for unemployment pay, food stamps, welfare, and Medicaid. Simultaneously, as incomes fall, so do corporate and individual income tax payments. Both elements make more money available for spending, thus helping to pull the economy out of its slump. Under the balanced budget amendment, Congress and the administration would be required to get the budget quickly back into balance through spending cuts, higher tax rates, or a combination of the two, perhaps even in the midst of a recession. The Government would become almost inevitably a destabilizer of the economy, rather than a stabilizer.

Now, in economic terms that is the real concern. I have spoken earlier about the fact that this amendment does not distinguish between a capital budget and an operating budget, and the serious implications of that in economic terms and with respect to investing in our future.

But what I just wanted to come to the floor and address this evening at the close of the day—since some question was raised earlier about whether policy had worked to counteract the economic cycle—was this very graphic description, and these comments which I have quoted by some very able people.

I think this observation of Charles Schultze, I just want to quote it again:

The American economy in the postwar years has been far more stable than it was between the Civil War and the Second World War, even if we exclude the Great Depression from the comparison. In the period between the Civil War and the First World War, the American economy spent about half the time in expansion and half in contraction. In the period since 1946 the economy spent 80 percent of the time expanding and only 20 percent contracting. Many people have studied the period and credit an important part of the improved economic performance to the automatic stabilizing characteristics of the Federal budget.

Mr. President, I do not want to go back to the kinds of fluctuations in the economy we experienced in the pre-World War II period, and that is one of the reasons that I oppose the balanced budget amendment and very much hope it will be defeated.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Post, February 7, 1995

IT'S A RECIPE FOR ECONOMIC CHAOS

(By Laura D'Andrea Tyson)

Continued progress on reducing the deficit is sound economic policy, but a constitutional amendment requiring annual balance of the federal budget is not. The fallacy in the logic behind the balanced budget amendment begins with the premise that the size of the federal deficit is the result of conscious policy decisions. This is only partly the case. The pace of economic activity also plays an important role in determining the deficit. An economic slow-down automatically depresses tax revenues and increases government spending on such programs as unemployment compensation, food stamps and welfare.

Such temporary increases in the deficit act as ''automatic stabilizers,'' offsetting some of the reduction in the purchasing power of the private sector and cushioning the economy's slide.

Moreover they do so quickly and automatically, without the need for lengthy debates about the state of the economy and the appropriate policy response.

By the same token, when the economy strengthens again, the automatic stabilizers work in the other direction: tax revenues rise, spending for unemployment benefits and other social safety net programs fall, and the deficit narrows.

A balanced budget amendment would throw the automatic stabilizers into reverse. Congress would be required to raise tax rates or cut spending programs in the face of a recession to counteract temporary increases in the deficit. Rather than moderating the normal ups and downs of the business cycle, fiscal policy would be required to aggravate them.

A simple example from recent economic history should serve as a cautionary tale. In fiscal year 1991, the economy's unanticipated slowdown caused actual government spending for unemployment insurance and related items to exceed the budgeted amount by $6 billion, and actual revenues to fall short of the budgeted amount by some $67 billion. In a balanced-budget world, Congress would have been required to offset the resulting shift of more than $70 billion in the deficit by a combination of tax hikes and spending cuts that by themselves would have sharply worsened the economic down-turn—resulting in an additional loss of 1¼ percent of GDP and 750,000 jobs.

The version of the amendment passed by the House has no special ''escape clause'' for recessions—only the general provision that the budget could be in deficit if three-fifths of both the House and Senate agree. This is a far cry from an automatic stabilizer. It is easy to imagine a well-organized minority in either House of Congress holding this provision hostage to its particular political agenda.

In a balanced-budget world—with fiscal policy enjoined to destabilize rather than stabilize the economy—all responsibility for

counteracting the economic effects of the business cycle would be placed at the doorstep of the Federal Reserve. The Fed could attempt to meet this increased responsibility by pushing interest rates down more aggressively when the economy softens and raising them more vigorously when it strengthens. But there are several reasons why the Fed would not be able to moderate the ups and downs of the business cycle on its own as well as it can with the help of the automatic fiscal stabilizers.

First, monetary policy affects the economy indirectly and with notoriously long lags, making it difficult to time the desired effects with precision. By contrast, the automatic stabilizers of fiscal policy swing into action as soon as the economy begins to slow, often well before the Federal Reserve even recognizes the need for compensating action.

Second, the Fed could become handcuffed in the event of a major recession—its scope for action limited by the fact that it can push short-term interest rates no lower than zero, and probably not even that low. By historical standards, the spread between today's short rates of 6 percent and zero leaves uncomfortably little room for maneuver. Between the middle of 1990 and the end of 1992, the Fed reduced the short-term interest rate it controls by a cumulative total of 5¼ percentage points. Even so, the economy sank into a recession from which it has only recently fully recovered—a recession whose severity was moderated by the very automatic stabilizers of fiscal policy the balanced budget amendment would destroy.

Third, the more aggressive actions required of the Fed to limit the increase in the variability of output and employment could actually increase the volatility of financial markets—an ironic possibility, given that many of the amendment's proponents may well believe they are promoting financial stability.

Finally, a balanced budget amendment would create an automatic and undesirable link between interest rates and fiscal policy. An unanticipated increase in interest rates would boost federal interest expense and thus the deficit. The balanced budget amendments under consideration would require that such an unanticipated increase in the deficit be offset within the fiscal year!

In other words, independent monetary policy decisions by the Federal Reserve would require immediate and painful budgetary adjustments. Where would they come from? Not from interest payments and not, with such short notice, from entitlement programs. Rather they would have to come from either a tax increase or from cuts or possible shutdowns in discretionary programs whose funds had not yet been obligated. This is not a sensible way to establish budgetary priorities or maintain the healthy interaction and independence of monetary and fiscal policy.

One of the great discoveries of modern economics is the role that fiscal policy can play in moderating the business cycle. Few if any members of the Senate about to vote on a balanced budget amendment experienced the tragic human costs of the Great Depression, costs made more severe by President Herbert Hoover's well-intentioned but misguided efforts to balance the budget. Unfortunately, the huge deficits inherited from the last decade of fiscal profligacy have rendered discretionary changes in fiscal policy in response to the business cycle all but impossible. Now many of those responsible for the massive run-up in debt during the 1980s are leading the charge to eliminate the automatic stabilizer as well by voting for a balanced budget amendment.

Instead of undermining the government's ability to moderate the economy's cyclical fluctuations by passing such an amendment, why not simply make the hard choices and cast the courageous votes required to reduce the deficit—the kind of hard choices and courageous votes delivered by members of the 103d Congress when they passed the administration's $505 billion deficit reduction package?

Mr. HATCH. Mr. President, the arguments of the Senator from Maryland are not arguments against balancing the budget, but to have a rainy day fund available built from surpluses made in the good years to soften the business cycle.

The real economic harm to Americans are the stagnant wages, high interest rates, and high taxes all piled on the backs of working Americans as a consequence of yearly current consumption unrelated to the swings to the business cycle.

There is some irony in the Senator's reference to an article by President Clinton's Economic Adviser Laura Tyson saying that tax increases and speeding cuts world deepen a recession when has boss, President Clinton, said tax increases and spending cuts would lead to a recovery when he fought for his tax bill in 1993.

Mr. President, the Senator from Maryland has made again the objection to the balanced budget amendment that the business cycle and the automatic stabilizers suggest that we should run deficits in bad years to dampen the effect of recessions or depressions. His argument seems to suggest that cyclical deficits are normal and good. The problem is that our deficits have become large, structural, and permanent.

Our deficits do not follow the business cycle in either size or frequency. They continue to go up, year after year. Surely we have had move than one business cycle since 1969, yet we have not balanced the budget in that time.

AMENDMENT NO. 267

Mr. FEINGOLD. Mr. President, I want to express my support of the amendment offered by the Senator from Massachusetts [Mr. KENNEDY] last night which would specifically provide that the balanced budget amendment to the Constitution does not provide the President of the United States with unilateral power to impound funds or raise taxes. This amendment will be voted on next Tuesday and I hope it will be adopted.

Mr. President, this amendment raises interesting questions because the opponents have repeatedly said that they do not believe that the balanced budget amendment, as drafted, should be interpreted to give the President the power to impound funds or raise taxes.

Many have stated they would oppose giving that kind of power to the executive branch, even through the implementing legislation.

The Judiciary Committee's majority report states, unequivocally, ''it is not the intent of the committee to grant the President any impoundment authority'' under the proposed balanced budget amendment.

Yet, these same Members have strenuously opposed an amendment which would clarify this issue once and for all, by making it clear that neither the balanced budget amendment, nor any implementing legislation enacted pursuant to its authority can give the executive branch the unilateral authority to bring the budget into balance by raising taxes or impounding funds.

It seems to me you can't have it both ways: you can not argue you don't support giving the President these sweeping powers and at the same time fight against an amendment which would make it clear that the balanced budget amendment does not provide such authority to the executive branch.

Mr. President, it is particularly important that this issue be settled now, clearly and in a forthright manner, because it raises very serious and profound questions about how this country will be governed if this constitutional amendment is adopted.

The question of Executive power under this amendment, like the question of the role of the courts, is one that ought to be answered now, before the amendment is added to our Constitution, not sometime later, in the distant future.

The people of this country have the right to know in advance whether this amendment will allow a fundamental restructuring of the balance of power and responsibilities between the three branches of Government.

The State legislators, who have an important responsibility when they vote whether or not to ratify this proposed amendment, ought to have this question resolved before they cast their votes.

If this amendment can be construed to give the President the right to, for example, withhold Social Security checks, or salaries of military and civilian employees of the Federal Government, or grants to State and local governments in order to meet the constitutional mandate for a balanced budget, then we ought to know that in advance.

Mr. President, the pending amendment to make it clear that the balanced budget amendment does not grant these sweeping powers to the executive branch is not about whether you are for or against the balanced budget amendment—it is about whether the proposed constitutional amendment is drafted in a way that can result in a fundamental change in the way this country is governed.

The balance of powers between the three branches of Government—legislative, executive, and judicial—is a concept which is fundamental to our system of Government. It has stood us well for more than 200 years. Our democracy has survived and thrived because the checks and balances contained in our Constitution has prevented any one of these branches from becoming dominant.

Without adoption of the pending amendment, that balance could be fundamentally altered.

Mr. President, let me stress again the issue here is not about whether you support or oppose the balanced budget amendment. It is about whether you believe that the President should have the power to impound funds or raise taxes on the American people at his or her sole discretion.

The concentration of this type of power in the hands of the executive is not something that I believe the people of this country want to see happen. They want to see their elected officials use some fiscal discipline and restraint to bring our Federal budget into balance. They want us to stop deficit spending and increasing the national debt—a debt that will be passed on to their children and grandchildren.

I do not believe that these concerns about fiscal responsibility means that the American people want to see the emergence of an imperial Presidency.

I do not believe that they want this President or the next to have the power to unilaterally impound funds or raise taxes.

If the proponents of the amendment truly believe that the amendment does not bestow those powers on the President, then they ought to be willing to accept this amendment.

Their resistance gives this Senator a great deal of concern, particularly in light of the strong legal arguments that have been presented indicating that the proposed balanced budget amendment could well be construed by the courts and the executive branch to bestow on the President extraordinary powers to impound funds or raise taxes in the event that the constitutionally mandated budget balanced has not been achieved.

Mr. President, this is not a risk that we should expose ourselves to when a simple solution—adoption of the pending amendment—will resolve the question.

A number of legal scholars have concluded that without such an amendment to the balanced budget amendment, the President would have such powers to enforce the constitutional mandate of a balanced budget. Their arguments, which I will summarize briefly, make a good deal of sense and we ought to heed their warnings.

These scholars note that the balanced budget amendment which the Senate is now considering is silent on the issue of how it will be enforced.

The amendment itself provides simply that total outlays cannot exceed total receipts in a fiscal year, unless each House of Congress approves a specific deficit by a three-fifths vote. The amendment, however, does not specify what action can be taken if an unconstitutional deficit arises, either because of the inaction of the legislative and executive branches, or because of unforeseen changes in economic factors.

At the same time, proponents argue that the balanced budget amendment is self-enforcing. The Judiciary Committee report states, ''both the President and Members of Congress swear an oath to uphold the Constitution, including any amendments thereto.''

As to how the President is expected to carry out that responsibility, particularly in the case of a recalcitrant Congress, the committee report simply states that it is not their intent to grant the President any impoundment authority, and that, in any event, Congress has the power under section 6 of the amendment to pass legislation that specifically denies impoundment powers to the President.

The implication of these passages in the committee report is clearly that the proponents of the amendment recognize the very real risk that the proposed amendment opens the door to a President acting to impound funds or raise taxes to meet the constitutional mandate of a balanced budget and that they hope that Congress will proscribe that authority in implementing legislation.

That is a thin argument upon which to rest such a profound issue as maintaining the constitutional balance of powers.

If Congress failed to pass legislation to preclude a President from taking unilateral action to bring a budget into balance by either impounding funds or raising taxes or Congress passed such legislation, but a President vetoed it and his or her veto was not overridden, there is every reason to believe that such authority would be there for a strong executive to take under the guise of carrying out his or her constitutional obligations.

Indeed, a President might well feel compelled to veto such legislation for the very reason that it would tie his or her hands in seeking to comply with the constitutional mandate to prevent outlays from exceeding revenues in any given fiscal year.

The Constitution, article II, section 3, obligates the President of the United States to ''take care that the Laws be faithfully executed.'' A commonsense reading of the proposed balanced budget amendment and the obligation of the President to faithfully execute the law means that the President must act to either impounds funds or raise taxes if the total outlays of the Federal Government exceed the total revenues in any fiscal year.

A broad range of respected legal scholars have reached that conclusion.

Assistant Attorney General Walter Dellinger testified before the Judiciary Committee that the proposed constitutional amendment would authorize the President to impound funds to insure that the outlays did not exceed revenues.

Harvard University law professor Charles Fried, who served as Solicitor General during the Reagan administration, testified that section 1 of the proposed amendment ''would offer a President ample warrant to impound appropriated funds'' in a year when actual revenues fell below projects and a bigger than authorized deficit occurred.

Other legal scholars who have reached similar conclusions include former Attorney General Nicholas de B. Katzenbach, Stanford University Law School Professor Kathleen Sullivan, Yale University Law School Professor Burke Marshall, and Harvard University Law School Professor Laurence Tribe.

Mr. President, I think it is important to stress that we are not talking here about the President exercising something along the lines of a line-item veto. Legislation which would give the President line-item veto authority to remove spending items from appropriation bills and provide Congress the opportunity to override those vetoes has passed the other body and will soon be debated in the Senate. The Judiciary Committee has also already held hearings last month on proposed constitutional amendments to provide the President with line-item veto authority.

What we are talking about here, however, is not a line-item veto, but the power of the President to take whatever steps he or she deems necessary, including impounding funds and raising taxes without any review by Congress in order to meet the constitutional mandate of a balanced budget. That is a very different process from a line-item veto authority and one which would vest the executive branch with unprecedented fiscal powers.

Mr. President, although much of the discussion regarding the Presidential powers to faithfully execute the requirements of a balanced budget amendment have focused upon the issue of impoundment authority, there is no reason to conclude that a President would not have equal powers to achieve a balanced budget by unilaterally raising taxes, duties or fees in order to generate the revenues needed to avoid an unconstitutional deficit. That is certainly not a result most proponents of the balanced budget amendment would like to see happen. The only sure way to prevent it is to adopt the pending amendment which would foreclose that option.

Mr. President, the best way to ensure that the balanced budget amendment is not interpreted to give Presidents the power to unilaterally impound social security checks or raise taxes on middle class workers is simple—put it in writing.

Adoption of this amendment will make it clear that the balanced budget amendment does not, in fact, authorize the President to exercise this kind of unprecedented power. Those who oppose this amendment have given no good reason why they are not willing to accept this amendment.

They ask that the American people accept, on good faith, that they ''do not intend'' to give the President these powers. The American people should

not have to rely upon ''good intentions.'' Why take the risk? Let's write it into the amendment.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session to Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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–33. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Armed Services.

''SENATE JOINT RESOLUTION 1

''Whereas, the Department of the Navy has maintained the Portsmouth Naval Shipyard since June 12, 1800; and

''Whereas, the Portsmouth Naval Shipyard has performed in an exemplary manner throughout its almost 2 centuries of history; and

''Whereas, the Portsmouth Naval Shipyard is one of the most modern facilities available in the United States for the repair, overhauling, and refueling of naval vessels; and

''Whereas, the communities located near the Portsmouth Naval Shipyard, in Maine, New Hampshire, and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

''Whereas, the Portsmouth Naval Shipyard is uniquely and strategically located for the continued defense of our country; and

''Whereas, the Portsmouth Naval Shipyard is known for its leadership in the environmental field and has worked hard to be a partner with the surrounding communities; and

''Whereas, the Portsmouth Naval Shipyard has an aggressive pollution prevention program which determines how to eliminate pollution at its source by preventing hazardous waste from entering the waste system; and

''Whereas, the previous closure of Pease Air Force Base has had an extremely negative economic impact on the seacoast region with recovery from that loss taking much longer than anticipated; and

''Whereas, the Portsmouth Naval Shipyard contributes approximately $594,700,000 in personal income and this loss would contribute to the further contraction of the economic base of the region; and

''Whereas, the closure of the Portsmouth Naval Shipyard would have a devastating impact on an area much larger than the seacoast with that impact being much greater than that caused by the closure of Pease Air Force Base; and

''Whereas, the state of New Hampshire is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Portsmouth; now, therefore, be it

''*Resolved by the Senate and the House of Representatives in General Court convened:*

''That the general court of New Hampshire respectfully recommends and urges the Congress of the United States to continue to operate, develop, diversify, and make fullest use of the United States Naval Shipyard at Portsmouth, New Hampshire;

''That the general court further urges the Congress of the United States to take all necessary action to ensure that the Portsmouth Naval Shipyard remains an integral component in a post-cold war defense strategy; and

''That copies of this resolution signed by the governor, the president of the senate and the speaker of the house be forwarded by the senate clerk to the President of the United States, Speaker of the United States House of Representatives, President of the United States Senate, the Secretary of Defense, and to each member of the New Hampshire and Maine Congressional delegations.''

POM–34. A resolution adopted by the Municipal Assembly of Morovis, Puerto Rico relative to Presidential elections; to the Committee on Energy and Natural Resources.

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. WELLSTONE:

S. 473. A bill to establish as the nuclear energy policy of the United States that no new civilian nuclear power reactors shall be built until adequate waste emplacement capacity is available, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 474. A bill to provide a veterans bill of rights; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. SIMON):

S. Res. 79. A resolution designating March 25, 1995, as ''Greek Independence Day: A National Day Celebration of Greek and American Democracy''; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. REID):

S. Res. 80. A resolution expressing the sense of the Senate on the impact on the housing industry of interest rate increases by the Federal Open Market Committee of the Federal Reserve System; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 473. A bill to establish as the nuclear energy policy of the United States that no new civilian nuclear power reactors shall be built until adequate waste emplacement capacity is available, and for other purposes; to the Committee on Energy and Natural Resources.

THE NUCLEAR ENERGY POLICY ACT OF 1995

• Mr. WELLSTONE. Mr. President, today I address a subject that has received too little attention here. I'm talking about nuclear waste. Since the Senate's last major action on this issue, 8 years have passed, extremely little progress has been made, and more questions have been raised than resolved. I propose an approach designed to keep us from ending up embroiled in another nuclear waste crisis, and to that end today I introduce the Nuclear Energy Policy Act of 1995.

The nuclear waste issue is coming to a boil throughout our country. We all know that—and hear every day about—the Department of Energy's difficulties in figuring out what to do with our high-level nuclear wastes.

My own State of Minnesota has been at the forefront of this complex issue. The legislature last year decided to allow some dry-cask storage of high-level nuclear waste on the site of the Prairie Island nuclear plant. During the debate, people were confused by the advertisements and varying claims the different sides made about the permanency and safety of such a waste dump, and about alternatives to nuclear power electricity generation. And the Federal Government did not help Minnesotans make that decision. In fact, while the battle was raging in Minnesota, the Director of DOE's Office of Civilian Radioactive Waste Management was telling the Senate Energy and Natural Resources Committee that if Minnesota was to allow dry-casks at Prairie Island, he could not guarantee that the waste would ever leave. And Minnesotans were then and still are all too aware that if Yucca Mountain fails to qualify as a permanent repository, there is no Federal policy for what to do with the waste then.

And we also have no policy concerning future nuclear power plants. We have no policy protecting us from a second nuclear waste crisis.

Today I introduce a bill that provides that policy. It should have been the first law Congress passed upon entering the Atomic Age. It is nothing short of common sense.

The bill I introduce today simply requires that we build no more nuclear power plants until we have some place to permanently store the waste they will generate. That's all there is to it.

There is nothing radical about this idea. It is not a partisan idea—just look at the list of original cosponsors: two Democrats and two Republicans. All this bill does is put the nuclear cart back behind the horse, where it belongs.

It is true that no utility has yet stepped forward to site a new nuclear

power plant, and that is exactly why now is the time to pass this law. Once utilities make a huge investment in siting, licensing, and building new plants, the pressure upon Congress to provide a waste-disposal option for them becomes immense. Unfortunately, if Congress acts under such pressure, it might not come up with the best resolution. Let's ensure that for future plants, we deal with the waste issue in a deliberate way, free from pressure applied by utilities with vested interests.

I want to make this point crystal clear: this bill would not impact any existing plants. It would apply only to plants that would be constructed after the date of enactment. It would, therefore, not apply to renewal of existing licenses.

Here is the current commercial high-level nuclear waste situation in a nutshell: we have DOE, by Congressional mandate, putting all of its eggs in the Yucca Mountain basket. Even when Yucca Mountain is on-line—if ever—it will be able to hold only the waste that has been and will be generated by our current generation of reactors.

Where will the waste from a new generation of reactors be disposed of? This bill requires that we answer this question before that second generation is born.

This bill does not judge the deep geologic repository approach that the DOE is currently pursuing. Nor does it make any mention of a monitored retrievable storage facility. It only says that we ought to always have enough permanent storage capacity to take care of the waste that will be generated by a new nuclear power plant.

It is not enough to have a plan for adequate storage. It is also not enough to have begun construction on a storage facility. It is not even enough to have finished building but not yet licensed a storage facility. The permanent storage facility must be sited, built, and licensed for operation before construction may begin on a new plant under this bill.

The bill is written that way because of the huge difference between the planning and building of a waste facility on the one hand, and its actually accepting waste on the other. With politically charged issues like nuclear waste, it is wise to make absolutely certain that there is water in the pool before jumping in, rather than just turning on the spigot, taking a deep breath, and diving.

I urge Senators to support this important legislation. It is time to use a little common sense.

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. 473

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 ''Nuclear Energy Policy Act of 1995''.

SEC. 2. FINDINGS.

Congress finds that—

(1) a national energy policy that allows the construction and operation of new civilian nuclear power reactors may serve to aggravate the problem of management of high-level nuclear waste including spent nuclear fuel from the reactors;

(2) the creation of the nuclear waste has a direct effect on the amount of nuclear waste transported in interstate commerce; and

(3) it is not in the public interest, and it should not be the policy of the United States, to allow the construction or operation in the United States of any additional civilian nuclear power reactor unless a facility for the permanent emplacement of the waste exists with enough capacity for the waste that the reactor is reasonably expected to generate in its lifetime.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure that the United States does not aggravate the nuclear waste problem by permitting the creation of a new generation of civilian nuclear power reactors without adequate capacity in a permanent waste emplacement facility by establishing as the nuclear energy policy of the United States that no new civilian nuclear power reactor shall be built until adequate waste emplacement capacity is available.

SEC. 4. NUCLEAR ENERGY POLICY OF THE UNITED STATES.

(a) ADEQUATE EMPLACEMENT FACILITY.—No civilian nuclear power reactor shall be built after the date of enactment of this Act until—

(1) there is a facility licensed by the United States for the permanent emplacement of high-level radioactive waste (including spent nuclear fuel) from the reactor; and

(2) there is an adequate volume of capacity within the emplacement facility to accept all of the high-level radioactive waste (including spent nuclear fuel) that will be generated by the reactor during the reasonably foreseeable operational lifetime of the reactor.

(b) GENERATION OF SPENT FUEL.—At no time shall the aggregate volume of high-level radioactive waste (including spent nuclear fuel) that is generated, or reasonably expected to be generated, by all civilian power reactors on which federally authorized construction was begun after the date of enactment of this Act exceed the total volume of capacity available in facilities licensed by the United States for the permanent emplacement of the high-level radioactive waste (including spent nuclear fuel).

SEC. 5. ENFORCEMENT.

Any affected citizen may enforce this Act by bringing a civil action in the United States district court for the district in which the person resides or in the United States District Court for the District of Columbia.●

By Mr. MACK (for himself and Mr. GRAHAM):

S. 474. A bill to provide a veterans bill of rights; to the Committee on Veterans' Affairs.

THE VETERANS BILL OF RIGHTS ACT OF 1995

● Mr. MACK. Mr. President, today my colleague from Florida, Senator BOB GRAHAM, and I are introducing legislation to ensure that all veterans have access to the same care and benefits provided by the U.S. Department of Veterans Affairs regardless of race, ethnicity, sex, religion, age, or geographic location.

Under the Veterans Bill of Rights Act, veterans in all States will have equal access to such services as VA medical facilities, treatment, and personnel; VA home loan guaranty assistance, job training assistance, the administrative claims process, and equal treatment in the handling of claims for benefits.

While equal access to these essential veterans benefits and services is implied, in reality, it is not always the case. My home State of Florida, for example, has the most 100 percent service-connected disabled veterans in the United States. It is also home to the second largest overall veterans population. Consequently, the demand for services from the Department of Veterans Affairs is far greater than other States. Florida's veterans population, however, has far less access to medical care and other benefits than nearly every other State. In fact, veterans in Florida are forced to wait months for appointments at VA medical centers and outpatient clinics while veterans in other States have no waiting lines. That's wrong, and it must be changed.

Our Government made a contract with the men and women who bravely served our country in times of need. The contract guaranteed that the Federal Government would provide for them in return for their service. Many who honored this contract were injured or disabled. The Federal Government must live up to its' end of the contract by providing equitable treatment regardless of where the veteran lives.

Veterans in many States, like those who reside and vacation in Florida, do not receive their fair share of benefits. The Veterans Bill of Rights corrects this inequity, and I strongly urge my colleagues to cosponsor this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 474

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 ''Veterans Bill of Rights Act''.

SEC. 2. ADMINISTRATION OF RIGHTS AND BENEFITS.

The Secretary of Veterans Affairs shall take any action necessary to ensure that any rights and benefits provided under title 38, United States Code, to veterans who qualify for the rights and benefits—

(1) are made available to the veterans in any one State or geographic location to the same extent as the rights and benefits are made available to the veterans in any other State or geographic location; and

(2) are not denied to any veteran on the basis of race, ethnicity, sex, religion, age, or geographic location.

SEC. 3. DEFINITION.

For purposes of this Act, the term ''State'' has the same meaning given such term in

section 101(20) of title 38, United States Code.●

ADDITIONAL COSPONSORS

S. 197

At the request of Mr. BUMPERS, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 197, a bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes.

S. 216

At the request of Mr. INOUYE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 256

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 269

At the request of Mr. SIMPSON, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 269, a bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel; improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedures; instituting a land border user fee; and to reduce use of welfare by aliens.

S. 270

At the request of Mr. SMITH, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 270, a bill to provide special procedures for the removal of alien terrorists.

S. 305

At the request of Mr. WARNER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 305, a bill to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes.

S. 426

At the request of Mr. SARBANES, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 439

At the request of Mr. THOMAS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 439, a bill to direct the Director of the Office of Management and Budget to establish commissions to review regulations issued by certain Federal departments and agencies, and for other purposes.

AMENDMENT NO. 274

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of amendment No. 274 proposed to House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

At the request of Mrs. FEINSTEIN the name of the Senator from Arkansas [Mr. BUMPERS] was withdrawn as a cosponsor of amendment No. 274 proposed to House Joint Resolution 1, supra.

SENATE RESOLUTION 79—RELATIVE TO GREEK INDEPENDENCE DAY

Mr. SPECTER (for himself, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. SIMON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 79

Whereas, the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas, the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas, these and other ideals have forged a close bond between our two nations and their peoples;

Whereas, March 25, 1995 marks the 174th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas, it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved by the Senate of the United States of America assembled, that March 25, 1995 is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

● Mr. SPECTER. Mr. President, today I am submitting along with Senators LAUTENBERG, D'AMATO, and SIMON a resolution to designate March 25, 1995, as "Greek Independence Day: A Celebration of Greek and American Democracy."

One hundred and seventy-four years ago, the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to is democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science, and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.●

SENATE RESOLUTION 80—RELATIVE TO THE FEDERAL OPEN MARKET COMMITTEE

Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. REID) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 80

Whereas the Federal Open Market Committee of the Federal Reserve System has increased interest rates 7 times during the 12 months preceding the date of adoption of this resolution, despite the absence of any serious threat of inflation;

Whereas the inflation rate declined to very modest levels during the 4 years preceding the date of adoption of this resolution;

Whereas the Board of Governors of the Federal Reserve System maintains that the Consumer Price Index overstates the true rate of inflation by as much as 50 percent;

Whereas increases in short-term interest rates have been accompanied by increases in long-term interest rates, reversing the downward trend that helped strengthen the national economy;

Whereas such higher interest rates will have a devastating impact on the economy, including home builders, homebuyers, and homeowners;

Whereas higher interest rates will increase the Federal deficit by adding $171,000,000,000, over 5 years, to pay the interest on the national debt;

Whereas the housing industry is one of the most interest rate sensitive sectors of the economy;

Whereas some home mortgage payments have increased by hundreds of dollars per month because of the increase in interest rates by the Federal Open Market Committee;

Whereas the interest rate on a 30-year fixed rate mortgage increased from approximately 7 percent since February 4, 1994, to the level of 9 percent 12 months later, increasing the monthly payment on a $100,000 home mortgage loan by more than $140 per month;

Whereas homeowners with adjustable rate mortgages will spend an estimated aggregate increase of $12,000,000,000 to $15,000,000,000, in monthly payments during 1995;

Whereas the National Association of Home Builders estimates that a 1 percentage point increase in mortgage interest rates means that approximately 4,000,000 households could not qualify to purchase a median-priced home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) additional interest rate increase at this time could risk throwing the economy into a recession;

(2) the Board of Governors of the Federal Reserve System should act with caution so as not to risk another recession; and

(3) the Board of Governors of the Federal Reserve System should carefully weigh the effects of interest rate increases on homeowners, homebuyers, home builders, and American taxpayers when evaluating interest rate policy.

Mr. DORGAN. Mr. President, yesterday Federal Reserve Board Chairman Alan Greenspan testified before Congress that the Fed's recent actions to increase interest rates were achieving their intended goal: to put the brakes on economic growth in this country. He also left room for the Fed to raise interest rates even further to deal with inflationary pressures. Well, I say enough is enough. No more interest rate hikes.

The Fed says it has raised short-term interest rates by a full three percentage points this past year to combat inflation. But what inflation? Like Don Quixote on a mission to root out an imaginary enemy, the Fed has made inflation the invisible foe it seeks to defeat. In fact, the evidence shows that inflation has actually been falling for the past four years.

What the Fed has actually accomplished with higher interest rates is to put at risk those most vulnerable to interest rate change including homeowners, homebuyers, and home builders.

Just look at what's happening to middle-income Americans in communities all across this country as a result of the Fed's actions.

The interest rate on a 30-year fixed rate mortgage has jumped from 7 percent to 9 percent in less than a year.

A homeowner carrying a $100,000 fixed mortgage is paying almost $150 more a month now for that loan than just a year ago.

Homeowners with adjustable rate mortgages will spend an estimated $12 to $15 billion more in total monthly payments this year.

The National Association of Home Builders estimates that a one percentage point increase in mortgage rates will prevent four million families from realizing their dream of owning their own home. That is 4 million broken dreams.

Higher interest rates will increase the Federal deficit by adding $171 billion, over 5 years, to pay the interest we must pay on the national debt.

That's why I am submitting today a sense-of-the-Senate resolution, which puts the Fed on notice. Stop the interest rate increase. Do not risk another recession. Consider the interests of the homeowners, homebuyers, home builders, taxpayers, and others who wind up bearing the burden of these actions.

If you're as exasperated as I am with the Federal Reserve Board actions that put a hammer lock on middle-income families and the businesses that serve them, I hope that you will join me in cosponsoring this resolution. The threat is not inflation, which has decreased four years in a row. The threat we face is that of throwing our economy into another recession.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I have previously announced a hearing scheduled before the full Committee on Energy and Natural Resources on Thursday, March 2, 1995, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC, for the purpose of receiving testimony regarding S. 433, the Electric Consumers and Environmental Protection Act of 1995, and S. 167, the Nuclear Waste Policy Act of 1995. I would like to announce that the committee will also consider S. 429, the Independent Spent Nuclear Fuel Storage Act of 1995 and S. 473, the Nuclear Energy Policy Act of 1995.

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 Karen Hunsicker at (202) 224–3543.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing on Forest Service appeals has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, March 8, at 2 p.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, Subcommittee on Forests and Public Land Management, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–2878.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss ''Farm Programs: Are Americans Getting What They Pay For?''. The hearing will be held on Thursday, March 9, 1995, at 9:30 a.m. in SR–332.

For further information please contact Chuck Conner at 224–0005.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, U.S. Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Friday February 24, 1995, at 9:30 a.m., in Senate Dirksen room 226, on S. 243, the Comprehensive Regulatory Reform Act of 1995 and regulatory Relief.

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

ADDITIONAL STATEMENTS

IN SUPPORT OF THE PORTSMOUTH NAVAL SHIPYARD

• Mr. SMITH. Mr. President, I recently learned that the New Hampshire State Senate and House of Representatives adopted a joint resolution in support of keeping the Portsmouth Naval Shipyard in New Hampshire open at its full operating capacity. As we approach the release date of the Department of Defense's base closure list for the 1995 round, I would like to take this time to associate myself with the strong support expressed in the resolution passed by my State's legislature and signed by Gov. Stephen Merrill. Furthermore, I ask that the full text of that resolution be printed in the RECORD.

The State resolution follows:

SENATE JOINT RESOLUTION 1—STATE OF NEW HAMPSHIRE

Whereas, the Department of the Navy has maintained the Portsmouth Naval Shipyard since June 12, 1800; and

Whereas, the Portsmouth Naval Shipyard has performed in an exemplary manner throughout its almost 2 centuries of history; and

Whereas, the Portsmouth Naval Shipyard is one of the most modern facilities available in the United States for the repair, overhauling, and refueling of naval vessels; and

Whereas, the communities located near the Portsmouth Naval Shipyard, in Maine, New Hampshire, and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

Whereas, the Portsmouth Naval Shipyard is uniquely and strategically located for the continued defense of our country; and

Whereas, the Portsmouth Naval Shipyard is known for its leadership in the environmental field and has worked hard to be a partner with the surrounding communities; and

Whereas, the Portsmouth Naval Shipyard has an aggressive pollution prevention program which determines how to eliminate pollution at its source by preventing hazardous waste from entering the waste system; and

Whereas, the previous closure of Pease Air Force Base has had an extremely negative economic impact on the seacoast region with recovery from that loss taking much longer than anticipated; and

Whereas, the Portsmouth Naval Shipyard contributes approximately $594,700,000 in personal income and this loss would contribute to the further contraction of the economic base of the region; and

Whereas, the closure of the Portsmouth Naval Shipyard would have a devastating impact on an area much larger than the seacoast with that impact being much greater than that caused by the closure of Pease Air Force Base; and

Whereas, the state of New Hampshire is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Portsmouth; now, therefore, be it *Resolved by the Senate and House of Representatives in General Court convened;*

That the general court of New Hampshire respectfully recommends and urges the Congress of the United States to continue to operate, develop, diversify, and make fullest use of the United States Naval Shipyard at Portsmouth, New Hampshire;

That the general court further urges the Congress of the United States to take all necessary action to ensure that the Portsmouth Naval Shipyard remains an integral component in a post-cold war defense strategy; and

That copies of this resolution signed by the governor, the president of the Senate and the Speaker of the House be forwarded by the Senate clerk to the President of the United States, Speaker of the United States House of Representatives, President of the United States Senate, the Secretary of Defense, and to each member of the New Hampshire and Maine Congressional delegations.●

TRIBUTE TO FRANCIS MARION ''FRANK'' HENDLEY II

● Mr. LUGAR. Mr. President, I rise today to pay tribute to the late Francis Marion ''Frank'' Hendley II, on the occasion of his 78th birthday on February 24, 1995.

Frank was born on February 24, 1917, in Birmingham, AL. After distinguished service with the Coast Guard in the South Pacific during World War II, Frank moved to Indiana, where he lived from 1946 to 1952. As regional manager for Gordon Foods Co., he ws instrumental in changing the Gordon Foods Co. slogan from ''Trucks Serving the South'' to ''Trucks Serving the Best.''

Frank was elected the first national president of the Hendley Family Association, Inc., on November 22, 1975. He led the association with distinction during his tenure as president from 1976 through 1977. Subsequent to his passing on November 15, 1986, he has been honored by the legislatures of the seven States in which he resided, including Kentucky, California, Georgia, Tennessee, and Florida, as well as the cities of Indianapolis and Beech Grove.

It is with pleasure that I offer this tribute to a loyal and true patriot who served his family and his country with great distinction.●

RETIREMENT OF MAJ. GEN. DARRELL V MANNING

● Mr. KEMPTHORNE. Mr. President, on February 25, 1995, Maj. Gen. Darrell V Manning will retire as the adjutant general of Idaho and the commanding general of the Idaho National Guard. The State of Idaho and the Nation will lose the service of a true patriot when General Manning retires.

A native of Idaho, General Manning has an accomplished record of service to Idaho and the Nation. He has served in the active duty Air Force, the Idaho Air National Guard, the Idaho House of Representatives, the Idaho State Senate, and the Idaho Transportation Department as director. As a member of the Idaho Legislature, General Manning was a noted master of parliamentary procedures.

As commanding general of the Idaho National Guard, General Manning has overseen the transformation that has resulted in the Idaho National Guard being recognized as a world-class organization for the training and preparation of soldiers and airmen. Under General Manning's command, the Idaho Air National Guard has flown two unprecedented 6-month tours of duty to Saudi Arabia to enforce the no-fly-zone over southern Iraq. In addition, on December 1, 1994, the Idaho National Guard flew to Turkey for a 4-month deployment to enforce the no-fly-zone over northern Iraq. As a result of the first of these three deployments, Dr. Sheila Widnall, the Secretary of the Air Force, traveled to Gowen Field 1 year ago to present the Idaho Air National Guard with the Air Force's Outstanding Unit Award.

And, too, under General Manning the Army National Guard has proven its readiness and competence in annual training exercises time and time again. For example, the Idaho National Guard's Apache Battalion was stood up and certified combat ready in record time under General Manning's watch. In addition, the 116th Armor Brigade was selected as one of Army's 15 enhanced combat brigades. The Idaho Army National Guard also completed the development of one of the Nation's most technologically advanced armor ranges in an environmentally sensitive and balanced way.

While General Manning has shown himself to be an exceptional military leader, he has also demonstrated a strength of character and discipline I have come to know and respect. Let me give you one example. Every year, the Adjutant Generals Association of the United States [AGAUS] meets to discuss issues confronting the National Guard. At these annual meetings, a number of adjutant generals deliver lectures on special topics. At the 1993 meeting, General Manning delivered a lecture on ethics and morality. In my mind, the Adjutant Generals Association could not have found a better speaker.

Since that meeting of the AGAUS, I have met with a number of National Guard leaders, including the current director of the National Guard Bureau, and each of these officers has praised the content and relevancy of General Manning's lecture.

In my view, the Nation will not only say goodbye to an outstanding commanding officer when General Manning retires, but we will also be saying our farewells to a man of principle, character, and integrity. For these reasons, I want to pay a special tribute to Maj. Gen. Darrell V Manning.●

ORDERS FOR MONDAY, FEBRUARY 27, 1995

Mr. HATCH. Let me get the unanimous-consent requests that need to be done and I will preserve the Senator's rights.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon on Monday, February 27, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, there then be a period for the transaction of routine morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for not to exceed 10 minutes each.

I further ask consent that at the hour of 12:30 p.m. the Senate resume consideration of House Joint Resolution 1, the balanced budget amendment, and at that time Senator BYRD be recognized for up to 1 hour.

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

PROGRAM

Mr. HATCH. For the information of all of my colleagues, as previously announced there will be no rollcall votes during Monday's session. As a reminder, under the consent agreement all debate time during Monday's session will be equally divided between the two leaders. In addition, 23 amendments or motions have been offered under the terms of the consent agreement. Those votes will occur beginning at 2:15 p.m. on Tuesday, February 28.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the appointment of the following Senators as members of

the Senate Arms Control Observer Group: the Senator from Rhode Island [Mr. PELL], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Mr. SARBANES], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Ohio [Mr. GLENN].

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Alabama [Mr. HEFLIN] as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the 104th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Connecticut [Mr. DODD] as Vice Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the 104th Congress.

Mr. HATCH. If there is no further business to come before the Senate, and no other Senator is seeking recognition I now ask that the Senate stand in recess under the previous order.

RECESS UNTIL MONDAY, FEBRUARY 27, 1995

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until Monday, February 27, 1995, at 12 noon.

Thereupon, at 7:53 p.m., the Senate recessed until Monday, February 27, 1995, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 24, 1995:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

KIRSTEN S. MOY, OF NEW YORK, TO BE ADMINISTRATOR OF THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND. (NEW POSITION)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

THE FOLLOWING OFFICER, NOAA, FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (0-8), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U:

REAR ADM. (LOWER HALF) WILLIAM L. STUBBLEFIELD, NOAA.

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. STEPHEN HALL BAKER, 000–00–0000, U.S. NAVY.
CAPT. JOHN JOSEPH BEPKO III, 000–00–0000, U.S. NAVY.
CAPT. JAY ALAN CAMPBELL, 000–00–0000, U.S. NAVY.
CAPT. ROBERT CHARLES CHAPLIN, 000–00–0000, U.S. NAVY.
CAPT. JAMES CUTLER DAWSON, JR., 000–00–0000, U.S. NAVY.
CAPT. MALCOLM IRVING FAGES, 000–00–0000, U.S. NAVY.
CAPT. THOMAS JAMES FLANAGAN, 000–00–0000, U.S. NAVY.
CAPT. VERONICA ZASADNI FROMAN, 000–00–0000, U.S. NAVY.
CAPT. SCOTT ALLEN FRY, 000–00–0000, U.S. NAVY.
CAPT. EVERETT LEWIS GREENE, 000–00–0000, U.S. NAVY.
CAPT. GREGORY GORDON JOHNSON, 000–00–0000, U.S. NAVY.
CAPT. STEPHEN IRVIN JOHNSON, 000–00–0000, U.S. NAVY.
CAPT. JOSEPH JOHN KROL, JR., 000–00–0000, U.S. NAVY.
CAPT. STEPHEN ROBERT LOEFFLER, 000–00–0000, U.S. NAVY.
CAPT. JOHN THOMAS LYONS III, 000–00–0000, U.S. NAVY.
CAPT. JAMES IRWIN MASLOWSKI, 000–00–0000, U.S. NAVY.
CAPT. RICHARD WALTER MAYO, 000–00–0000, U.S. NAVY.
CAPT. MICHAEL GLENN MULLEN, 000–00–0000, U.S. NAVY.
CAPT. LARRY DON NEWSOME, 000–00–0000, U.S. NAVY.
CAPT. RICHARD JEROME NIBE, 000–00–0000, U.S. NAVY.
CAPT. WILLIAM WILSON PICKAVANCE, JR., 000–00–0000, U.S. NAVY.
CAPT. PAUL SCOTT SEMKO, 000–00–0000, U.S. NAVY.
CAPT. ROBERT GARY SPRIGG, 000–00–0000, U.S. NAVY.
CAPT. ROBERT TIMOTHY ZIEMER, 000–00–0000, U.S. NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. OSIE V COMBS, JR., 000–00–0000, U.S. NAVY.
CAPT. GEORGE RICHARD YOUNT, 000–00–0000, U.S. NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. JEFFREY ALAN COOK, 000–00–0000, U.S. NAVY.

EXTENSIONS OF REMARKS

TRIBUTE TO MIGDALIA PEREZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1995

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of Indiana's First Congressional District, Ms. Migdalia Perez. On Monday, February 27, 1995, Ms. Migdalia will be honored as one of the recipients of the National Association of Private Industry Councils [NAPIC] 1995 distinguished participant awards. This event will take place at the NAPIC's conference in Washington, DC.

Ms. Perez, a resident of Portage, IN, is the only individual in the State of Indiana who is being honored, and 1 of 10 throughout the country. This is the first time a Hoosier is being honored by NAPIC. Moreover, on August 30, 1994, Migdalia was honored for successfully completing training programs through Kankakee Workforce Development Services. This award was part of an annual award ceremony honoring statewide graduates of the Indiana Workforce Development System.

Migdalia came to the United States from Puerto Rico with her husband, Alex, who suffers from muscular dystrophy. In order to succeed in the United States, Migdalia learned to read English. She then entered school at IVY Tech in the respiratory technician program while continuing to receive tutoring through the Portage Adult Education Center. At IVY Tech, Migdalia made the dean's list three consecutive semesters. Currently, she is employed as a respiratory technician at Methodist Hospital in Gary, IN. Migdalia and her husband how have two children, Alex and Danny. She is an excellent role model for her children and family.

Mr. Speaker, I ask you and my colleagues to join me in honoring this amazing woman, not only for her commitment to betterment of her self and her family, but for becoming a remarkable role model for her community.

BROOKLYN IRISH-AMERICAN PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to recognize the Brooklyn Irish-American Parade Committee on the occasion of its 20th annual parade.

The Irish-American community in Brooklyn is one of the oldest and most active groups in the borough. The annual parade highlights the cultural, educational, and historical accomplishments of the Irish community and fosters an appreciation of Irish heritage. It is a festive event that is among the most important traditions in Brooklyn.

This parade is dedicated to the memory of Kaye Brideson, a member of the parade founding committee and a former columnist of the Home Reporter newspaper. The theme of this year's parade is ''An Gorta Mor''—The Great Famine—which struck Ireland from 1845 to 1850. The parade committee and the Irish-American community will remember and honor the millions who died in Ireland of hunger and disease during The Great Famine and the thousands more that perished on coffin ships in their escape to America.

I would like to thank the parade committee for organizing this truly outstanding event.

BLACK HISTORY MONTH

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Ms. PELOSI. Mr. Speaker, I thank my distinguished colleagues from Ohio and New Jersey, Messrs. STOKES and PAYNE, for calling this special order on Black History Month and choosing this year's appropriate theme; Reflections on 1895: Douglass, DuBois, Washington.

This theme sets forth the resolve, dedication and commitment of three giants, Frederick Douglass, W.E.B. DuBois, and Booker T. Washington, who were profound scholars and leaders.

Their determination to change the course of history for African-Americans have inspired peoples of all races to continue fighting for freedom, equal access, and justice—without regard to skin color.

The goals that these leaders championed in the 19th century remain every bit as significant today. The only thing that has changed is the scope of their dreams and the new challenges that face the African-American community.

Like Frederick Douglass, African-American community leaders and organizations are united in their efforts to achieve greater political equality for all citizens of color.

In the city of San Francisco, Eva Patterson has worked as a tireless advocate for political, economic, and social justice. As the executive director of the Lawyer's Committee for Civil Rights, Ms. Patterson continues to be an eloquent spokesperson on human and civil rights issues, and leads an organization which is known nationwide for its effective advocacy on behalf of the poor, the oppressed, and the ignored of our society.

As the first African-American to receive a Ph.D in history from Harvard University, W.E.B. DuBois understood that education represented the key to economic advancement and remained an activist for expanded educational opportunities for African-Americans until he died in 1963.

Like Dr. DuBois, Larry Gray, of the San Francisco Midnight Basketball League, has also worked to expand educational opportunities for young African-American men in San Francisco's western addition. Larry Gray, an ex-NBA player, is a role model to the youth of San Francisco, emphasizing the value of education, job training, and peer support in the development of African-American youth.

Also like Dr. DuBois, another African-American, Cmdr. Richard Holder, has stressed the importance of self-sufficiency and achievement in his career.

Commander Holder, the head of San Francisco's Special Operations Division, is the highest-ranking African-American in the San Francisco Police Department. He is known for his commitment to assisting his community through initiating community policing, participating in neighborhood organizations, and serving as a role model to all young people in San Francisco.

Like Booker T. Washington, who concentrated on the economic development of African-Americans, Etienne Le Grande has developed an organization devoted to economic empowerment. As executive director and founder of WISE—Women Initiatives for Self-Employment—Etienne has become a leader in small business creation and incubation in the San Francisco Bay Area. Through her efforts, hundreds of women, primarily low-income and minority, have been helped in finding and realizing their dreams of ownership and self-sufficiency.

Mr. Speaker, I am fortunate to represent California's 8th Congressional District and to work with the many outstanding African-American leaders and community organizations based in the city of San Francisco.

I have had the privilege of extolling the achievements of other African-American leaders on previous occasions, and there are many more yet to recognize. But recognizing them for their work is not enough: we, as Members of Congress honoring Black History Month, must pledge to support their efforts and enable them to continue their efforts until true economic, social, and political justice is achieved.

As we work toward greater equality and freedom in our society, we must remind ourselves that the efforts of Mr. Gray, Ms. Patterson, Mr. Holder, and Ms. Le Grande, and their predecessors, represent struggles that deserve credit and appreciation every day—not just during Black History Month.

ROLLING BACK THE REGULATORY TIDE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PACKARD. Mr. Speaker, yesterday marked day 50 of our Republican Contract With America. Today we continue to move forward to carry out our mandate with the people. We promise to work to make Government smaller, less costly, and less intrusive. The

people are fed up. They want big government out of their lives.

Extensive bureaucratic redtape suffocates American businesses and individuals. The Regulatory Transition Act, H.R. 450, represents a crucial first step in lifting the regulatory burden. This moratorium will stop the flood of new Federal regulations while we work to ensure that future regulations will benefit the American people, not smother them.

The American taxpayers, small business owners, property owners, and local governments have waited too long for Congress to take commonsense action. We must work now to lift the burden of excessive and costly Government regulation.

The Republican regulatory reform provisions of the Contract With America promote economic growth, roll back the regulatory tide, restore the rights of property owners, and make Government bureaucrats accountable for the economic load they force upon American taxpayers. Out of control Federal regulation impose hidden taxes on American families. The Heritage Foundation estimates that Federal regulations cost each American household $5,000 per year.

A temporary moratorium on new Federal regulations and real regulatory reform will help get Government off the backs of the people and their businesses. Mr. Speaker, restoring common sense to the regulatory process will enable employers to invest in their workers and the future of America, not Government bank accounts.

BLACK HISTORY MONTH

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. RANGEL. Mr. Speaker, I wish to congratulate my dear friend and colleague LOUIS STOKES who once again has called upon the Members of the House to come together to pay tribute to the deeds and accomplishments of African-Americans during Black History Month.

It is a great history we have to remember, one that could take us back to the first slave ship that arrived on the American shores. But even as we would rejoice over those many positive developments, from the Emancipation Proclamation to the Voting Rights Act, we must now look around us and consider that many of the gains of our recent history are now threatened by a wave of scapegoating that is sweeping the country.

How sad it is that, because of economic frustration and doubts about the future, so many Americans are now pointing fingers of blame to those who are the weakest among us. How unfortunate it is that by doing so, we are allowing many of our political leaders to destroy the safety net that has been erected to protect the poor, the sick, the children, and the aged. It is as if, in their partisan zeal, they would do away completely with the legacy of the great President Franklin Roosevelt..

The first victim in this misguided crusade is affirmative action. It is no secret that even some of our Presidential candidates have made it their target, one even saying that if elected he will make it the first item on the national agenda.

Just this week in the House of Representatives, a vote was taken to take down the first plank of the affirmative action structure. No, it was not that well-known or popular because few minorities or women could benefit directly from it. But it was important. By providing tax incentives for the sale of radio and television stations to minorities and women this provision in the law gave those groups a chance to improve the horrendously negative images that prevail in the media.

How tiresome and insulting it has been over the years to see nothing but Amos 'n Andy, buffoons and now criminals as the stereotypes of blacks in the movies and on television. This provision was meant to give minority broadcasters a chance to reflect images that would elevate rather than denigrate their children and their families, to broadcast something different from the killers, pimps, and drug dealers that have become the latest stereotypes of black males portrayed on television.

This action by the House was the first assault on affirmative action. In California next year, it will be followed by a referendum that would outlaw any preference in the areas of employment, education, and business. That movement promises to be adopted in other States around the country, and may well be addressed by the U.S. Congress even before that.

What an outrage it is that in our great country, the home of every minority group, every race and religion, that we should now be taking steps away from having everyone represented in all our institutions. Indeed, we are all Americans, and if affirmative action is what it takes to have us all represented, then affirmative action it must be. What are we doing, after all, but making our institutions better, including the best of every group, painting the gorgeous mosaic, that makes America what it is.

The assault on affirmative action is only the tip of the iceberg in what is clearly a broad campaign of scapegoating. The focus is now on African-Americans, but it is expanding to include other minorities, the poor and immigrants. This is a campaign that began in the last election, where the principle themes were crime and welfare. These appeals were not so blatant as the infamous Willie Horton ads in the first Bush campaign, but the objective was the same.

The assault has intensified since last November, and has been broadened to include a generalized campaign against high ranking Black officials from Surgeon General Joycelyn Elders to Commerce Secretary Ron Brown. Both of these officials without being charged with any crime came under the attack of right wing Republicans who found them easy targets for political attacks.

Also in the political arena, the U.S. Supreme Court has weighed in with the strong input from Justice Clarence Thomas, and is now widely expected to shatter, not only affirmative action but the very laws which have made it possible to elect thousands of Blacks and Latinos to public office, from local sheriffs to Members of Congress. The alleged constitutional offense involves the use of gerrymandering to create electoral districts that have made it easier to elect minorities to office. It is the same system that no one challenged when used to enhance the chances to elect Republicans or Democrats.

The attacks on Black Americans in some cases has reverted to the cruder forms. Hate crimes reported to the FBI almost doubled between 1991 and 1993, with Blacks accounting for 57 percent of the 1,689 victims. On the cultural front, three books were published in 1994 that renew claims that Blacks are genetically inferior.

The current challenge to affirmative action in the Congress, therefore, is only part of a broader effort to turn back the clock on Civil Rights while unraveling the entire safety net that has protected those in our society who have the least.

The current campaign to cut $780 billion in taxes over the next 10 years while maintaining defense, Social Security, Medicare and payments on the national debt used to be called Voodoo economics. Now, in the context of the Contract With America, of balanced budget amendments, block grants and welfare reform, it is a recipe for savaging the poor, minorities, the aged, the sick and the children.

Indeed much of the Contract With America will trample on the poor, but particularly on African-Americans who disproportionately rely on these benefits. The contract targets not only teen-age mothers who are so bereft of hope that only having a child—in or out of wedlock—will provide any sense of accomplishment.

But cutting back on crime and drug prevention programs, the contract turns it back on the youths, especially young, untrained, unemployed Black males who are being left to the whims of streets, with nothing more to look forward to than more jails. The balanced budget amendment puts at risk programs in education, public transportation and other programs most needed by the poor and minorities.

During this Black History Month, we must rejoice in the accomplishments of the past, but we must remain vigilant of the challenges in the present. The threat to affirmative action, education, employment and to the social safety meant may be only the beginning.

HUMAN RELATIONS COMMISSION OF SANTA CLARA COUNTY'S 15TH ANNUAL AWARDS BANQUET

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Ms. LOFGREN. Mr. Speaker, as a former member of the Santa Clara County Board of Supervisors, I rise, today, to acknowledge and extend my heartfelt congratulations to the human relations commission and the friends of the human relations commission of Santa Clara County on the occasion of their 15th Annual Human Relations Awards Banquet being held on February 23, 1995.

This event pays tribute to all members and friends of the commission who have given of themselves to serve others. Their dedication to the citizens of Santa Clara Country has enabled hundreds of individuals to realize their full human and civil rights.

In looking through this year's award recipients, 53 in all, I see such a diversity of backgrounds—business people, teachers, administrators, retired individuals, mothers, grandmothers, fathers. This diversity of individuals, individuals who have shown true dedication and commitment to building a community of unity and equality, has made the human relations commission and the friends of the human relations commission truly successful in Santa Clara County.

It is with great honor that I commend the following individuals receiving special recognition for their dedication and service:

Mr. Glenn Liptak, recipient of the Robert H. Gonzales Memorial Award. For his commitment that all people will join together for a better community, through work, school, and home.

Ms. Sherri R. Sager, recipient of the Betty Ann Sellers Memorial Award. For her unselfish service for the causes of youth, ethnic and religious communities, and the disabled.

Mr. Raymond B. Orozco, recipient of the Edna M. McGhee Memorial Award for his countless hours devoted to both the young and old through his community to various organizations.

Ms. Samantha Marks, recipient of the Friends of H.R.C. Special Recognition Award for her service on many local boards that serve the needs of the homeless.

Mr. Joe Coto, recipient of the Special Recognition Award Human Relations Commission for his work as an educational and civic leader for the betterment of youth in our community.

The following individuals are recipients of the Friends of Human Relations Special Merit Awards:

Mr. Mark Bonine, for his service and dedication in the gay community and his efforts on behalf of HIV/AIDS prevention and services.

Ms. Sandi Douglas-Michel, for her volunteer service to the senior community.

Ms. Gilda Carlsen, for her tireless service to the Edenvale Community Center.

Mr. Juvenal Castro, for his time given to serve youths as a mentor.

Mr. William John Dusel, for his volunteered time, as a retired educator, to the seniors at the Live Oak Adult Day Care Center.

Mr. Jose Rafael Espiritu, for his active involvement in the Filipino Community and devotion of countless hours volunteering his services.

Mr. Todd Evans, for bringing together neighbors who now work toward the betterment of their community through his work with the Edenvale Community Association.

Mr. George Garcia, for his volunteered time and work at St. Maria Goretti's meal site, loaves and fishes.

Mr. Gilbert A. Garcia, for his commitment to the welfare and rights of working people and seniors in the community at large.

Ms. Leslee Hamilton, for his hundreds of hours volunteering on environmental, governmental and gay and lesbian issues.

Mr. Ian I. Hinckson, for his volunteering at the ''Touch of Love'' Prison Ministry and his community service of visiting and helping a disabled man.

Ms. Carole Holmes, for her service to and gift of her time to the Loaves and Fishes Family Kitchen. This she has done for 7 years.

Mr. Domingo N. Hurtado, for his devoted 8 years in working with the homeless through the Emergency Housing Consortium.

Dr. Guity S. Jam, for her dedication of time to the children in her community by volunteering in a speech club and in Baha'is children's classes.

Mr. Gary Jones, for his work, as president of the Edenvale Community Association, in assisting the businessmen of the Edenvale area to bring them together for the purpose of improving the community.

Ms. Jacqueline Kessel, for her work with the Dispute Resolution Program of the Human Relations office and doing a much-valued job of bringing peace and harmony to the community.

Ms. Mary L. Lang, for her volunteered time of more than 5,000 hours over 2 years serving a variety of organizations, such as the Braille Transcription Project and Sixth District PTA, to name only a couple.

Ms. Martha M. O'Connell, for her work to protect individuals' rights in whatever she is doing. She has helped coordinate the Gay and Lesbian Awareness Week at San Jose State and in 1994 cochaired the Names Project Memorial Quilt.

Ms. Rena Modell, for her volunteered time of many hours advocating for midlife and older women by teaching them to advocate for themselves, and also her tireless commitment to working with the Children and Family Collaborative, as well as various Jewish organizations.

Ms. Laura L. Murray, for her gift of time to serve children youth of the Eastside Union High School district, the Evergreen school district, and the Antioch Baptist Church.

Mr. Larry Paschoal, for his volunteer time and talent serving the needs of epileptics in the community, through his involvement with the Epilepsy Society.

Mr. Carl Ray, for his strong commitment to young people. He, along with Vera and Isaac Shaw, have developed Black College Tours making it possible for 250 students to participate over a 7-year period.

Ms. Arlene Rusche, for her gift of time to the gay and lesbian community. She is active in BAYMEC and has worked on equal rights legislation.

Vera and Issac Shaw, for working tirelessly on Black College Tours for high school students from San Jose. Over 200 students have been able to participate through their work.

Mr. Scott Simon, for operating his own vocational rehabilitation program and still having time to volunteer on the Dispute Resolution Program as mediator and program developer.

Ms. Pilar Tanga, for her giving over 18 years of service on the Dispute Resolution Program as a mediator.

Mr. Manuel Velasquez, for volunteering as a mediator with the Dispute Resolution Program and also working with El Comite, an association of Hispanic county social workers.

Ms. Anne Wilkensen, for serving the most needy of the community and being instrumental in creating a Feed the Homeless Program sponsored by St. Christopher's Parish Ladies Guild.

Ms. Idalia Willbanks, for volunteering with the Dispute Resolution Program and giving of her time as a bilingual case developer and mediator.

Mr. Roosevelt Yates, for being an inspiration to all by visiting and caring for an older disabled individual on a weekly basis, taking him out into the community.

Mr. William Zaner, for his volunteering in different homeless programs, as a member of the Emergency Housing Consortium board of directors programs.

The following are the individuals receiving Human Relations Commission special merit awards:

Mr. Anthony W. Alexander, for continuously working on issues concerning youth and the community, as president of the local NAACP and always striving to fight racism and promoting unity.

Mr. Manuel R. Austin, for being very active in East San Jose's growth and development by demanding changes for the good of the community.

Ms. Donna M. Bartelink, for her volunteering of many years of service to the community and above all bringing together people to better serve the students of Shoreline High School.

Ms. Gloria J. Baxter, for devoting her life to the betterment of youth and families in the community, and working tirelessly building understanding and cooperation in our multiethnic community.

Ms. Yolanda Bentancourt, for spending many hours volunteering and sharing her expertise with at-risk youth in the community.

Mr. Elias Chamorro, for his work and dedication, as the principal at Overfelt High School, in making the school with its high ethnic minority enrollment a model of how to serve the needs of a diversified community.

Mr. Jim Cruze, for his volunteered time of continuing to serve the youth of the Fremont Union High School district and willingness to help students at home if necessary.

Ms. Rolayne Edwards, for bringing her expertise to the Dispute Resolution Program of the Office of Human Relations, as a San Jose Attorney.

Ms. Lydia Castillo Fontan, Ph.D., for her giving of herself to the service of the Filipino American Community by focussing on education.

Dr. Ronald La Mar, for his devotion, as a former educator in the Cupertino School District, of his time to the Pacific Autism Center for Education.

Ms. Michele McKay-McCoy, for devoting her time to educating people of various communities on all topics related to child abuse.

Mr. William F. Neves, for his work with FISH, an Eastside Emergency Food Program for the needy and currently serving on the advisory board of the Second Harvest Food Bank.

Mr. Thomas Quilty, for his taking the time to teach others how the law can be enforced in a fair and compassionate manner and adding a new facet to the Human Relations Commission Observer Program at the Santa Clara County Fair through his peace officer background.

Mr. Gabe Reyes, for his involvement and commitment to seeing full participation of Latino students in educational program.

Ms. Minnie Rodriguez, for working tirelessly as a volunteer in the Overfelt High School community to seeing that all youth have the same opportunities.

Armand Sanchez, Ph.D., for his deep commitment to his students and community, particularly the mental health community, as professor of social sciences at San Jose State University.

Ms. Phyllis Seidman, for overcoming many obstacles in her life and becoming an inspiration to many others, in spite of having a progressive disability caused by multiple sclerosis.

Mr. Russell J. Tershy, for his commitment to providing individuals with the necessary training to find meaningful and well-paying employment, as the cofounder of the Center for Employment Training [CET] and its executive director.

Ms. Norma Williams, for finding the time to tutor Vietnamese and Chinese speaking people in English and instructing ESL classes, by using her background as a teacher.

Ms. Erica R. Yew, for devoting her time to providing emotional support, educational help, and fun outings for three young girls, as a child advocate for the past 3 years.

To all of these individuals who have given of themselves for the service of others, I ask my colleagues to join me in extending heartfelt congratulations.

INTRODUCTION OF LEGISLATION TO EXCLUDE UNEMPLOYMENT COMPENSATION FROM TAXATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mrs. KENNELLY. Mr. Speaker, Mr. OLVER and I rise today to introduce legislation that would exclude from gross income unemployment compensation benefits.

All the newspapers tell us that the economy is strong and that unemployment is down. Such headlines, however, mask a number of other things going on in the economy. First, in some regions of the country, including my home State of Connecticut, the recovery has lagged. In addition, the low unemployment rate belies the uncertainty and seemingly never ending corporate restructuring that continues despite the recovery. Second, while more Americans may have a job now than in the past few years, they are faced with paying income tax on unemployment compensation benefits at the same time they struggle to make ends meet.

In these 100 days we will debate tax cuts of all kinds. And we will debate who will benefit and who won't. I happen to think not taxing unemployment compensation is just about the most important tax cut we could provide for American families. The old days of working for a corporation for life are gone forever. A good deal of the unease felt by American families today stems from living in this global economy where you don't know from day to day where you have a job despite good performance reviews. This isn't a tax cut we have to debate because on any given day, any American could find him/herself unemployed.

We can't change the global economy but we can make commonsense changes to help every American breathe a little easier. I would urge my colleagues to cosponsor and support this legislation.

SALUTE TO TONI MORRISON: NATIVE DAUGHTER AND NOBEL LAUREATE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, at the close of the 103d Congress, the members of the Congressional Black Caucus paused to salute the much celebrated Nobel Prize winner in literature, novelist Toni Morrison. Our colleague CAROL MOSELEY-BRAUN preserved for posterity a fitting tribute to the life work and literary excellence of the Nation's most recent winner. As Howard University brings together on Friday, March 3, hundreds who gather to celebrate the extraordinary legacy of Toni Morrison; the members of the Congressional Black Caucus return to the words so eloquently spoken of her by Senator MOSELEY-BRAUN.

Ms. Morrison is the first American woman to win this signal honor in 55 years, the third American over a period of more than two decades, and the only African-American ever. As an element of this historic backdrop, it is noted that the Nobel Committee of the Swedish Academy has selected only two other African-American Laureates since the inception of this momentous ceremony—Dr. Martin Luther King, Jr. and U.S. Ambassador Ralph Bunche—who both were awarded the Nobel Peace Prize.

Of the numerous tributes which followed the announcement of 1994's prize for literature, the most animated have been those of her peers. In the words of contemporary novelist Alice Walker: ''No one writes more beautifully than Toni Morrison. She has consistently explored issues of true complexity and terror and love in lives of African-Americans.'' Indeed the Nobel Committee's announcement stated that ''Ms. Morrison gives life to an essential aspect of American reality'' in novels ''characterized by visionary force and poetic import.''

Calling her ''a literary artist of the first rank'' the Academy's statement went further to say that ''She delves into the language itself, a language she wants to liberate from the fetters of race. And she addresses us with luster of poetry.''

A Princeton University professor, Morrison is the author of ''Song of Solomon'' winner of the National Book Critics Award, the Pulitzer Award winning ''Beloved'' published in 1987, the critically acclaimed 1992 work entitled ''Jazz,'' along with other lyrically narrated novels on African-American life. The 1993–94 Nobel Laureate in Literature was born Chloe Anthony Wofford in Lorraine, OH, shortly after the onset of the Great Depression—the second of four children of sharecroppers and granddaughter of an Alabama slave. Reared in a low-income, integrated neighborhood, Morrison drew from this experience and the nurturing of her parents and inherited a gifted legacy and sense of history which permeates her works. Ms. Morrison, not surprisingly, learned to read at an early age and was the only child in her class to enter first grade with that skill. She would later earn a bachelor's degree in English from Howard University in Washington, DC, and a master's degree in English from Cornell University.

Her academic career would touch both historically black colleges and universities including Texas Southern University in Houston, and Howard University, as well as New York State University campuses at Albany and Purchase, NY, and as a prolific essayist and playwright.

Toni Morrison, through her creative genius and vision has shown us how our culture teaches us and how our past can influence our future. She gives us the promise of good things to those who are true to their cultural ancestry.

As the chairman and on behalf of the Congressional Black Caucus, I join in this salute to her literary excellence and inspiration. The tribute that is made by the establishment of an endowed chair and professorship in the name of her mentor and the gifted writer and author, Sterling Allen Brown, is an appropriate gift to the African-American community and our Nation as a whole. Toni Morrison is indeed Howard's, the continent of Africa and Black America's native daughter. For, Mr. Speaker, in ways that few others have, Toni Morrison gives us inspiration to prevail in times where there is only the beauty and integrity of our language, our spirit, and our history to sustain us.

IN HONOR OF RAFAEL, ONE OF LATIN AMERICA'S MOST TALENTED PERFORMERS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute and honor to one of Latin America's greatest performers, Rafael. A true symbol of Spanish culture, Rafael has dazzled and entertained us with his magnificent talent.

A native Andalucian, Rafael moved to Madrid at a very tender age. While in Madrid Rafael began singing at the age of 5, thus began a singing career that would entertain and awe audiences worldwide. He won first prize for Best Voice in the children's category at the Salzburg Music Festival in Austria, an award that is of great prestige and acclaim. He began his professional singing career at the age of 14 and since then he has starred in several films, TV series, and innumerable musical specials. He has entertained and sung to millions of adoring fans.

Rafael is the only Latin American singer to win the Uranium Record Award. He has built one of the most successful singing careers selling over 78 million records, an achievement that made him one of the highest selling entertainers in the world. He has also been awarded 318 gold records and 46 platinum records. He has recorded a total of 70 LP's, 55 of them in Spanish.

His unique singing style has won him much praise. He has received countless standing ovations from crowds all over the world, from Russia to the United States. He has sung before sold out crowds at Madison Square Garden, the place where he made his first American appearance. Rafael has also appeared in other renowned theaters such as the Opera House in Sydney, Australia, the Kennedy Center in Washington, Carnegie Hall in New York City, the Theatre of the Opera in Leningrad and Moscow just to name a few. He has won

praise and recognition from world leaders, especially from the King of Spain, Juan Carlos I.

Rafael has enjoyed a long and distinguished career. He is one of the most unique individuals to grace the stage. His contributions to the Hispanic community are second to none. I am very honored to be recognizing such a wonderful individual.

THURGOOD MARSHALL HIGH SCHOOL DEDICATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to recognize the accomplishments of Mr. Charles Baxter, proviso township trustee, and Ms. Marilyn Thurman, school board member of district 88 of Bellwood, IL, and the alumni, faculty, students and parents of the Thurgood Marshall High School, on the occasion of the dedication and renaming of their high school.

Choosing a name or changing an existing one is an act of great significance for there is more force in names than most men dream of.

I commend you on your choice of Thurgood Marshall, the first African-American to serve on the U.S. Supreme Court, the only Justice who experienced segregation in the back of the bus. Thurgood Marshall demonstrated leadership and vision in the pursuit of liberty, conscience, and freedom from oppression, ignorance and deprivation throughout his life.

From his early life in Baltimore to the turn of the century to his retirement in June of 1991, after serving 24 years on the Court, Marshall was a man of passion and fury, a pioneering lawyer who became America's most prominent civil rights attorney, winning 29 of the 32 civil rights cases he argued before the Supreme Court. His crowning achievement was the decision reached in Brown versus Board of Education, which struck down the ''separate but equal'' doctrine that had upheld racially segregated schools throughout America.

Mr. Speaker, I would like to say to the alumni, faculty and students, you have chosen one of this century's greatest American Patriots, Thurgood Marshall, to rename your school after, and it is my hope that Thurgood Marshall will serve as an inspiration to each of you and to future students.

I hope that each of you will not forget these remarks from Justice Marshall's 1992 Fourth of July speech at Philadelphia's Independence Hall on our Nation's 216th birthday:

> The battle has not yet been won; we have barely begun, Americans can do better * * * America has no choice but to do better to assure justice for all Americans, Afro and white, rich and poor, educated and illiterate * * * Our futures are bound together.

Mr. Speaker, Justice Thurgood Marshall was the legal conscience of Americans, not just African-Americans.

RECOGNITION OF NATIONAL ENGINEER'S WEEK

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. HOSTETTLER. Mr. Speaker, this week marks the 45th year that National Engineer's Week has been celebrated, and I would like to take this opportunity to recognize the value of engineers in our society.

National Engineers Week is celebrated during this time of George Washington's birthday for a reason. Washington had the educational background of an engineer and land surveyor and is considered the Nation's first engineer. While President, Washington led a growing society toward technical advancements, invention and education. He promoted the construction of roads, canals, the U.S. Capitol, docks and ports and the development of manufacturing resources. I have been a registered professional engineer for only 3 years, but I have seen this country's technology and quality of life advance tremendously, largely due to its 1.8 million engineers.

An engineer's skills allow him or her not only to develop wonderfully creative ideas, but to bring them to the marketplace where they can solve problems and improve our standard of living. This is why we should strongly encourage the seventh and eighth graders who compete in the National Engineers Week future city competition. The students who participate in this national competition present their designs for cities in the 21st century using computer simulations and scale models. Many of these seventh and eighth graders will likely become the talented engineers of the future, and they will go on to lead this country well into the 21st century.

Mr. Speaker, it is encouraging to know that many of my congressional colleagues are engineers. This fact alone goes to show that whether they are building a stronger bridge, designing a safer car or more efficient city, discovering a helpful drug manufacturing process, or making policy in our Nation's Capital, engineers contribute to advancing our technology, promoting the quality of our lives, and improving our society.

APPLY SPENDING CUTS TO DEFICIT REDUCTION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. ROEMER. Mr. Speaker, like most Americans, I am deeply concerned about the Federal budget deficit and the need to get our fiscal house in order in Washington.

Every family and business in America has learned to live within their means, and it is time for the Federal Government to do so as well.

Clearly, the best way to balance the budget is to cut spending. There are many programs on the books right now which we do not need or cannot afford, such as the $10 billion space station. I intend to continue my efforts to eliminate these programs, so we can get Federal spending under control and move toward a balanced budget.

Spending cuts are not going to do the job, however, unless we are diligent about applying the savings we achieve through spending cuts to deficit reduction.

For that reason, I am strongly opposed to the so-called middle-class tax cuts which have been proposed in recent weeks by both the President and the Congress. Deficit reduction should be the priority.

If these tax cuts are approved, they will add approximately $200 billion to the budget deficit over the next 5 years—more than double the current budget deficit. In return, most American families can expect to receive a tax cut of about $400 a year, or little more than a dollar a day.

Put another way, the typical American family could increase its buying power by about a cheeseburger a day. That might be good for McDonald's, but I am not sure it is so good for our country at this time.

In fact, given the choice, I am sure that most families would be willing to forgo a tax cut at this time if they knew the savings were being applied to deficit reduction, and not squandered on other spending programs.

Mr. Speaker, in the long run, deficit reduction is the best tax cut we can offer the American public. Keeping up the deficit fight means lower interest rates, lower inflation, and steady job growth. It means a stronger economy and a brighter future for our children and grandchildren.

For that reason, I have today introduced a resolution which expresses the sense of Congress that deficit reduction should be a top priority, and that the savings we achieve from spending cuts should be applied primarily to deficit reduction.

I urge my colleagues to support this resolution.

HOUSE ACTS TO REVITALIZE OUR NATIONAL DEFENSE AND REEVALUATE OUR RELATIONSHIP WITH THE UNITED NATIONS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. YOUNG of Florida. Mr. Speaker, last week, the House, with my strong support, approved H.R. 872, the National Security Revitalization Act, legislation to maintain our national defense's strength and credibility, and to ensure that no U.S. troops are forced to serve under foreign commands.

This legislation which we have approved, 1 of the 10 points of the Contract With America, is designed to refocus our Nation's military priorities. The measure counters the policies of an administration that has cut the defense budget too deep, spread U.S. forces too thin on peacekeeping missions irrelevant to U.S. security interests, and subordinated U.S. policy to United Nations dominated goals.

As the chairman of the National Security Appropriations Subcommittee, I deal on a daily basis with the costs of providing for our Nation's defense. In my service on the subcommittee, I have fought cuts to our defense budget that I believe place it in dangerous decline. If steps are not taken to reverse this alarming trend, our ability to defend vital U.S.

interests will continue to deteriorate with potentially disastrous consequences.

While our Armed Forces have been forced to work within greatly increased budget restraints, they have been deployed on more peacetime and humanitarian missions per year than ever before—missions that were often unplanned and unbudgeted. Besides humanitarian and peacekeeping operations already underway in Rwanda, Bosnia, and the Middle East, the U.S. faced several new missions including military intervention in Haiti, preemptive buildups in Kuwait and Korea and the movement of forces off the coast of Somalia to assist the withdrawal of U.N. personnel. Nearly 100,000 troops have been deployed on these operations in just the past 4 months, and almost 50,000 remain deployed today. The costs of such demanding efforts totals over $2.5 billion.

Mr. Speaker, such costs do not begin to reveal the effects of these deployments on troop morale and readiness. In fact, to finance these operations the Department of Defense uses operation and maintenance accounts which results in funds being diverted from critical tasks such as training, base support operations and equipment maintenance. I am pleased that today we approved a supplemental appropriation to cover these costs and to prevent damage to the readiness and training of our troops.

However, today's appropriation does not address the manner in which this President and the civilian leadership at the Pentagon are committing our diminishing defense resources both unilaterally and through multilateral operations with the United Nations. Haiti is just a recent example of our military forces being placed at serious risk in pursuit of ill-defined objectives outside the scope of their traditional and essential mission of protecting the national security interests of the United States. H.R. 872 will drastically reform our Nation's contributions to the United Nations and U.N. operations, and gives Congress a greater say in committing troops abroad.

The National Security Revitalization Act recognizes a fundamental reality about U.S. involvement in the United Nations—while the price tag for peacekeeping has skyrocketed, the United Nation has had little success making any country more peaceful. In fact, the term ''U.N. peacekeeping'' has virtually become a cruel oxymoron. There is no better illustration of this than the war in the former Yugoslavia. It is the United Nation's most expensive operation at $1.6 billion a year, of which the United States is billed for about 31.7 percent or about $500 million annually. Money which has purchased little in the way of peace.

H.R. 872 will fight the growing influence of the United Nation's over America's troops and budget. The measure would deduct from our Nations' annual United Nation peacekeeping dues the extra costs the Pentagon incurs in United States-let military missions that receive the blessing of the United Nation—like Haiti. In addition, the bill prohibits American troops from serving under U.N. commanders unless the President cites a national security need.

Mr. Speaker, approval of the National Security Revitalization Act is good news for U.S. foreign policy and U.S. taxpayers. It is high time we reaffirmed our Nation's commitment to a strong national defense and reigned in U.N. peacekeeping which is out of control.

NO INVITATION EXTENDED TO KURT WALDHEIM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to bring to the attention of my colleagues the decision of Secretary General Boutros Boutros-Ghali not to invite Kurt Waldheim to speak at the festivities surrounding the 50th anniversary celebration of the United Nations. I applaud the Secretary General's decision that such invitation would not be appropriate in light of the fact that the information revealed about Waldheim's past would certainly have disqualified him from service at the United Nations. I also salute the International Association of Jewish Lawyers and Jurists, American Section, a not-for-profit professional association whose mission is to promote the rule of law, precepts of Judaism, and human rights around the world, for the leadership role it has taken in denouncing efforts to invite Waldheim to participate in the celebration. For the record, I have attached a copy of a letter written by Nathan Lewin, president of the IAJLJ, American Section to Secretary General Boutros Boutros-Ghali which describes their position and their gratitude for the Secretary General's action.

THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS,
Washington, DC, February 22, 1995.

Re 50th Anniversary of the U.N. and Waldheim.

Secretary General BOUTROS BOUTROS-GHALI,
United Nations Headquarters, New York, NY.

DEAR MR. SECRETARY GENERAL: On behalf of the International Association of Jewish Lawyers and Jurists, American Section (''IAJLJ''), a non-governmental organization member of the United Nations, I applaud your decision not to invite Kurt Waldheim to participate in the festivities surrounding the 50th anniversary celebration of the United Nations.

Our Board of Governors resolved to oppose Mr. Waldheim's participation in the celebration. The IAJLJ's grave concern with honoring Mr. Waldheim is rooted in his well documented links to Nazi activities during World War II. The information that has been revealed about Mr. Waldheim's past would certainly have disqualified him from service at the United Nations if it had been known at the time. It would, therefore, have been totally inappropriate for the United Nations, which was created to prevent a recurrence of the horrors of World War II, to honor an individual who has been tied to those very horrors.

Accordingly, we applaud the decision to ensure that Mr. Waldheim will neither attend nor participate in the 50th anniversary celebration.

Sincerely yours,

NATHAN LEWIN,
President, American Section.

HONORING TRIO PROGRAMS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to praise a series of Federal education programs, known as TRIO, which allow students from needy families overcome barriers that often prevent them from attending college.

This weekend in my district, Fordham University is holding a TRIO Day to spread the word about these worthwhile programs. I commend Dr. Eliot Palais and his staff at Fordham University for the fine work they do in promoting these programs.

TRIO programs include Upward Bound, which assists students from families with incomes under $24,000 where neither parent graduated from college, and Talent Search, the early intervention program that targets young people in grades 6 through 12. Other TRIO programs provide information on academic and financial aid programs and assistance in applying to colleges.

More than 1,200 colleges and agencies now offer TRIO programs serving nearly 700,000 low-income Americans between the ages of 11 and 27. The common bond in all TRIO programs is empowerment. While student financial aid programs help students overcome financial barriers to higher education, TRIO programs help students overcome class, social and cultural barriers to higher education.

Indeed, I know at least two of my distinguished colleagues, Representative CLEO FIELDS of Louisiana and Representative ALBERT WYNN of Maryland, who participated in TRIO programs. They are among thousands of Americans who can attest to the power and effectiveness of TRIO.

I am deeply committed to maintaining and expanding programs of this nature. They represent the highest aspirations of our Nation and enjoy the support of the American people. When we allow all our citizen access to education and economic opportunity, we lift our entire Nation to a higher level.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

SPEECH OF

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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 for other purposes.

Mr. EWING. Mr. Chairman, I rise today in support of H.R. 889, as amended, to include the rescission language of H.R. 845, and to commend House Appropriations Committee Chairman LIVINGSTON for including offsetting rescissions from current expenditures to pay for this, much needed, Department of Defense supplemental appropriations package. I would also like to thank the members of the conservative Opportunity Society who joined me in supporting termination of the U.S. Air Force's SR–71 Blackbird reconnaissance aircraft reactivation program, which the Appropriations Committee has included in the rescissions package.

Reactivation of the SR–71 was not supported by the House conferees during the House-Senate conference on the National Defense Authorization Act for fiscal year 1995. Furthermore, the U.S. Air Force does not consider reactivation of the three existing SR–71 planes to be a national defense priority or cost effective.

The Defense Airborne Reconnaissance Office's [DARO] ''Report to Congress on Reactivation of the SR–71'' concluded:

(1) The SR–71 is a capable good weather Broad Area Coverage collector but adds value only in pre-hostilities crisis or peacetime and only if overflight is authorized.

(2) The SR–71 adds little benefit in a hostilities situation since it does not meet timeline requirements. The early achievement of air superiority and suppression of air defenses would permit existing systems to achieve better coverage.

(3) The SR–71 is an extremely limited crisis surveillance platform since it does not have a near-real-time or loiter capability.

(4) The SR–71 in a stand-off mode (pre hostilities crisis) is much less capable than existing reconnaissance assets (e.g., U–2).

In its conclusion, the DARO report expressed the Air Force's concern ''that as the remaining spares are depleted or shelf life expires, the cost to acquire parts that have been out of production could cause expenses to climb rapidly.'' Simply stated, the SR–71 reactivation is truly a low-priority defense program and it does not deserve funding at this time.

Congress authorized and appropriated $100 million for reactivation of the SR71 in fiscal year 1995, and DARO estimates the 6-year cost of the program to average $95.6 million per year. Unfortunately, the Appropriations Committee is only able to recover $80 million at the present time. Nevertheless, Mr. Chairman, I want to thank the Appropriations Committee for including the SR–71 rescission in the bill.

INTRODUCTION OF CHILD SUPPORT ENFORCEMENT LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today, Mr. TORKILDSEN and I introduced legislation to increase the effectiveness of child support enforcement by requiring the imposition and execution of liens against the property of person past due on child support obligations. Under the current system, many who owe child support enjoy real estate, boats, luxury cars, and other assets while they do not support their children.

Current law allows the imposition of liens by processing orders through the judicial system. This is a difficult process for an out of State parent. This legislation would improve the current system by ordering States to give full faith and credit to any lien imposed by another State in the pursuit of child support collection.

My home State of Massachusetts has been very successful in improving child support and should serve as a role model for the rest of the country. Massachusetts has increased its child support collection rate from 51 to 67 percent over a 3-year period. Massachusetts has improved its child support collection by issuing administrative liens in every case where an obligor owes more than $500 in past child support. This type of provision on the Federal level would raise the rate of compliance in interstate cases.

Currently, the potential for child support collection is approximately $48 billion per year. However, only $14 billion is actually collected. This leaves a $34 billion gap. Requiring administrative liens for all cases would help reduce this gap. Child support enforcement is an essential aspect of welfare reform. I urge you to support this legislation.

IN SUPPORT OF THE TECHNOLOGY REINVESTMENT PROJECT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. MARKEY. Mr. Speaker, I rise today in strong support of the Technology Reinvestment Project [TRP], an innovative government-industry partnership which deserves continued funding within the Federal budget.

This year, as we mark the anniversaries of important battles of World War II and pay tribute to those who fought so bravely some fifty years ago, the realities of the post-cold-war world have compelled us to make dramatic changes in our military, economic, and political thinking. While we commemorate the monumental events of the past, we also look toward the future and the approach of the 21st century. Today we are presented with tremendous opportunities for creating lasting peace in historically volatile areas such as the Middle East, while at the same time we are faced with new challenges such as how best to curb the spread of weapons of mass destruction which threatens our security and the security of generations to come. As we enter this new era, the enormous opportunities and challenges which await us apply also to our industrial competitiveness and economic security.

Since its inception in 1992, the Technology Reinvestment Project has been an important part of our military and economic strategy for the next century. It is clear that the collapse of the Soviet Union and the end of the cold war did not bring an end to the need for a strong U.S. military. Instead of a potential confrontation with a global nuclear superpower, however, we now must prepare for regional conflicts and protect our position as a world leader in technology development for both military and civilian uses. The TRP has been a key tool for maintaining the future readiness of our Armed Services by ensuring that cutting-edge technologies continue to be developed in support of U.S. soldiers around the world. As the first comprehensive post-cold-war approach to defense technology, the TRP has greatly expanded the ability of our forces to utilize the creativity and strength of the commercial marketplace to affordably obtain the technology needed today and in the future.

Mr. Speaker, the U.S. Army now is the seventh largest in the world and is heading towards eighth place. Leading edge technology always has permitted our Armed Services to be the world's best fighting force. Over the years, our technological superiority has made it possible for our soldiers to work smarter, not harder. The TRP is crucial for the maintenance of our leadership in both the military and civilian sectors. As such an important transition point in world history, when we are adjusting to the changes brought about by the fall of communism and measuring national security not merely in military terms, but also in economic terms, the need for the TRP never has been greater. I urge my colleagues to support full funding for the TRP and similar programs aimed at bolstering our military and economic strength.

THE ASSOCIATION OF EQUALITY IN EDUCATION CELEBRATES THE 30TH ANNIVERSARY OF FEDERAL TRIP PROGRAMS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SERRANO, Mr. Speaker, I rise to bring to my colleagues' attention the 30th anniversary of our Federal TRIO programs, which in my South Bronx district will be celebrated this Saturday by the Association of Equality and Excellence in Education at Fordham University's Rose Hill Campus.

Mr. Speaker, title IV of the Higher Education Act of 1965 created a trio of programs to assist students in overcoming class, social, and cultural barriers to higher education. Expanded to five programs—Upward Bound, Student Support Services, Talent Search, Educational Opportunity Centers, and Ronald E. McNair Post-Baccalaureate Achievement—TRIO provides vital assistance to disadvantaged youth at all stages of the quest for higher education.

From academic preparation and application counseling for secondary school students, to support services for enrolled college students and guidance for undergraduates considering doctoral study or a career in college teaching, TRIO programs are a highly effective, proactive effort to put advanced study within the reach of poor and minority students. I was pleased to have had the opportunity, as a member of the conference committee that crafted the final version of the higher education amendments of 1992, to play a direct role in expanding and improving this already successful program.

Mr. Speaker, among the many outstanding individuals who benefitted from TRIO are two of our colleagues, Mr. ALBERT WYNN of Maryland and Mr. CLEO FIELDS of Louisiana. I ask all of my colleagues to join us and the Association of Equality and Excellence in Education in celebrating the 30th anniversary of this exceptional program.

TRIBUTE TO MARIO AND MADELINE JASON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Mario and Madeline Jason, who have given tirelessly of their time and resources to Shaarey Zedak Congregation of North Hollywood and the Jewish community of

the San Fernando Valley. Since 1978, the year the Jasons joined the congregation at Shaarey Zedek, they have been committed to the growth of the synagogue and the cause of Jewish education. It is the efforts of people such as the Jasons that has guided the Orthodox Jewish community of North Hollywood to such remarkable growth in recent years.

For example, the Jasons have been closely involved with the development of Jewish day schools in their neighborhood. They have done so both as devoted Jews and parents who enrolled their three children in Emek Hebrew Academy. In addition, the Jasons' two sons, Howard and Mark, attended Valley Torah High School. Today the Jason children—who are in their mid and late 20s—remain passionately involved with Judaism and the Jewish community. Their parents taught them well.

There is another side to the Jasons, one that further illustrates their zest for life. Since 1984, when he sold his business, Mario has become a noted sculptor whose work has been exhibited in 14 galleries across the United States. Madeline, who has a degree in education from Cal State Northridge, today works at her alma mater as administrative assistant for the summer academic program for elementary school students. She also volunteers as a docent at the Simon Wiesenthal Museum of Tolerance.

Mr. Speaker, I ask my colleagues to join me in saluting Mario and Madeline Jason, who have worked tirelessly on behalf of Shaarey Zedek Congregation and the Jewish community. They are a shining example to us all.

TRIBUTE TO GWENDOLYN A. BROWN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday February 23, 1995

Mr. DIXON. Mr. Speaker, on March 1, 1995, Ms. Gwendolyn A. Brown will be sworn in as the Deputy Assistant Secretary of Defense for Health, Budgets, and Programs at the Pentagon. Although her departure from my office creates a void that will be difficult to fill, I am delighted to have this opportunity to announce her well-deserved selection to this exciting and challenging new position.

Gwen arrived on Capitol Hill in August 1984 as a LEGIS fellow from the International Trade Administration of the U.S. Department of Commerce. At Commerce, she served as a country specialist for North Africa, and was responsible for the promotion of United States commercial interests in that region of the world. Her considerable expertise in international trade affairs proved of invaluable service to me in my work as a then-member of the Appropriations Subcommittee on Foreign Operations. I was so impressed with her knowledge and performance that I offered her the senior legislative position in my office upon completion of her fellowship.

Thus it was that on April 22, 1985, Gwen officially became my legislative director. Over the course of the next several years, Gwen provided exceptional service as the principal member of my staff responsible for appropriations issues and the direction of my legislative program. She did an outstanding job and proved an invaluable asset to my office.

For her last 4 years on the Hill, Gwen handled all of my defense appropriations work. She immersed herself in the arcane and intricate details on a panoply of military matters. In time, she developed considerable proficiency in defense material, working tirelessly and gaining support for programs important to the California economy, including preservation of the Los Angeles Air Force Base and the Long Beach Naval Shipyard. Her keen intellect, knowledge about the appropriations process, and her rapid ability to grasp complex issues, were of immeasurable benefit as we sought to preserve programs important to the southern California area.

Mr. Speaker, it is indeed an honor and a pleasure to have this opportunity to salute the exemplary work of Ms. Gwendolyn A. Brown. Employees of her caliber do not come along often, and I am especially grateful to her for her years of selfless dedication and commitment to me and the citizens of Los Angeles. I ask my colleagues to join me in congratulating her as she embarks on a new chapter in a distinguished career of public service. Please join me in wishing her and her husband, the Reverend Dr. Cameron Byrd, best wishes for continued success and happiness in the future.

NATIONAL SECURITY REVITALIZATION ACT

SPEECH OF

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 7) to revitalize the national security of the United States.

Mr. WATT of North Carolina. Mr. Chairman, H.R. 7 didn't come out of a committee on which I sit. So I'm sure my colleagues are happy that I have not been especially active in debating or trying to amend this bill. Before I exit stage right following my high level of involvement on the series of crime bills, however, I want to talk about this bill and about the outrageous inconsistency of my Republican colleagues.

First, last week my Republican colleagues told the Congress and the courts to get out of the way of police and let the police kick in the doors of American citizens, search and seize their homes and papers whenever police officers thought that reasonable. They said the 4th amendment and the rules the Supreme Court took years to spell out micromanaged the police. Today, under H.R. 7, my Republican colleagues want us to micromanage the Secretary of Defense, the Secretary of State, the Joint Chiefs of Staff and even the Commander in Chief, the President of the United States.

Second, for weeks my Republican colleagues have told us here on this House floor and have told the American people that the top national priority we have is getting rid of the national deficit. Yet this bill (H.R. 7) sets the stage for revitalization of the outdated cold war, star wars program at a cost of $40 billion or more.

Well, I've concluded that there are two things my Republican colleagues are consistent about:

First, they don't believe in the principle that debate and deliberation are important parts of democracy. That's evident from the rule under which H.R. 7 is being considered which deprives the Members, and more importantly the American people, of the kind of debate and deliberation such important matters as the safety and security of our Nation deserve.

Second, they'll do anything to undermine, not uphold, the Constitution of the United States. Last week it was the 4th amendment and habeas corpus. Today, it's an attack on the principle that the President is the Commander in Chief of our military forces. I thought it was the Soviet Union which had a central committee. This is the United States of America. My Constitution doesn't provide for a central committee or for any kind of commission to govern our military. Mine says in article II, section 2 that ''The President shall be Commander in Chief of the Army and Navy of the United States * * *''.

I can't help but believe that we're doing our Nation and our Constitution a major disservice today by the passage of this bill. I can't help but believe that this is a political decision, that there is no way this bill would be passed if we had a Republican President today. But, again, my Republican colleagues don't worry about consistency. For them, politics is far more important than public policy and politics is far more important than consistency.

National defense should never be a partisan issue. This is a truly sad day for America.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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 for other purposes.

Mr. FAZIO. Mr. Chairman, I was disappointed that I could not support final passage of defense supplemental appropriations which I strongly believe is vital to our combat readiness. However, as presented to me yesterday, I was forced to choose between programs which I consider critical to long-term defense security as well as my district versus providing needed funding to pay for our foreign operations.

I support replenishing the defense funds used in various peacekeeping and humanitarian operations so our force structure remains strong. That is not the problem with this bill. The problem is the way in which this legislation seeks to pay for this replenishment—by hamstringing efforts to ensure military security through promotion of a strong economic and industrial base.

There are two ways in which our industrial base is jeopardized. The first is the attempt to gut a program designed to allow the private industry and the defense industry to work together on high-technology projects. Certain defense requirements in the future will depend on innovative approaches, and by allowing the commercial sector to create dual use technologies that serve both defense and private industry needs we create a stronger defense.

The value of the Technology Reinvestment Program can be demonstrated by the joint venture ongoing at McClellan Air Force Base in my district with the U.S. auto industry to develop metal casting processes that will meet the Clean Air Act standards. Locally, the joint venture has the potential to create as many as 180 jobs over 5 years, most of which will be high-paying jobs for metallurgists, chemical engineers, industrial engineers, chemists, and foundry workers.

Add to this the proposal in the bill to take away money needed for environmental cleanup activities at military installations. The cost to clean up McClellan Air Force Base, for example, could be as high as $10 billion. The long-term military value of bases like McClellan is diminished if cleanup is not addressed. Even worse these costs could be passed along to local communities through the base closure process to avoid the liability. The lack of cleanup would prevent any reuse of the facility, and the combined economic impact of job loss and no defense conversion would devastate the local economy.

These spending cuts are shortsighted. If we care about long-term defense readiness this is not the way to go. I consider both technology development and defense cleanup to be high priorities which we can not afford to sacrifice when other options exist.

TRIBUTE TO McCARTER & ENGLISH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, today I have the honor of acknowledging the law firm of McCarter & English during its sesquicentennial celebration. Originally founded in 1845, and headquartered in my congressional district in the city of Newark since 1865, McCarter & English has the unique distinction as the State of New Jersey's oldest and largest law firm. McCarter & English has a distinguished past that is synonymous with the legal and business activities of the State. A majority of the attorneys with the firm have played a role in the civic life of the State or have been appointed to State and Federal benches.

McCarter & English has had several famous clients including Annie Oakley and the great inventor, Thomas A. Edison. I am pleased that I was able, with the help of my colleagues, to secure an appropriation from Congress to preserve the endangered Thomas Edison Historic Site in West Orange, NJ, which houses important papers and artifacts.

McCarter & English has always supported charitable, educational, cultural, and civic organizations including area hospitals, universities, and theaters. Many of the firm's partners have taught at area law schools and provided pro-bono services for many of my constituents.

In closing, I ask my colleagues to join me in congratulating McCarter & English on its 150th anniversary. The firm has never wavered in its commitment to the city of Newark, despite the difficult challenges the city has experienced in the last 25 years. McCarter & English has played an important role in the revitalization of downtown Newark. The firm has made donations to the new arts center in Newark as well as several other projects. I wish McCarter & English continued success and prosperity for another 150 years to come.

IN HONOR OF THE DOMINICAN RECREATIONAL AND CULTURAL SOCIETY OF ELIZABETH, NJ, AND THE DOMINICAN INDEPENDENCE DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to pay tribute to the participants of the Third Annual Flag Raising Event being held on February 25, 1995, by the Dominican Recreational and Cultural Society. I would also like to recognize all my Dominican-American constituents who celebrate the independence of their homeland on February 27, 1995.

The Dominican Recreational and Cultural Society has dedicated itself to helping the Hispanic community. This organization serves its community well by organizing events throughout the year that emphasize the contributions of Dominican-Americans to this great Nation. It strives to bring a little of the Dominican Republic into the lives of area Hispanics.

The flag raising will not only be an opportunity to honor the Dominican Republic, but also to celebrate the life of Juan Pablo Duarte. Duarte is not only the father of this great Nation but is considered a hero throughout Latin America. A young idealist and nationalist, he provided the inspiration and courage for the Dominican independence movement. He began a resistance movement called La Trinitaria, or The Trinity, that would eventually help topple Haitian rule in the Dominican Republic.

Duarte left his beloved home in search of support from other Latin American nations. Unfortunately, Duarte fell ill while in the island of Curacao and was not able to see his homeland gain independence. However, under the leadership of Francisco del Rosario and Ramon Mella, a group of rebels launched their own uprising which succeeded on February 27, 1844.

Today, the Dominican Republic is a beautiful nation and a good neighbor to the United States. Its cultural vitality and rich heritage has contributed to the mosaic painting that is the Hispanic community. It is my honor to salute such a great nation on its Independence Day and a great organization, the Dominican Recreational and Cultural Society on this most joyous event.

ON THE REINVENTION OF GOVERNMENT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, during the past year, the American public has seen some remarkable changes in the Federal Government: It works better and costs less. Those two achievements are directly attributable to an initiative undertaken by the Clinton administration, which has been spearheaded by Vice President AL GORE. Its called the National Performance Review [NPR].

At the heart of this initiative has been the Federal employee. These employees brought their intellect, industry, and initiative to the task of reinventing Government. The result has been a smaller but more service-oriented workforce, the consolidation of programs to eliminate redundancy, cut costs, and increase efficiency. People are talking about what the Government did for them rather than what the Government did to them.

The NPR capitalized on the desire and ability of workers to eliminate waste, cut red tape, and produce a higher quality product. Teams of workers at agencies throughout the Government formed reinvention labs and began generating ideas for how to improve customer service. The labs' successes have been recognized in countless ceremonies across the Nation honoring the heroes of reinvention. Let me share a couple of examples of what they have accomplished:

First, in my own city of Chicago, the Chicago District of the U.S. Customs Service found a way to put their customers in inspection lines by airline passengers entering the United States at O'Hare International Airport. They put new informed compliance procedures in place which decreased the intrusion into the lives of the law-abiding travelers, while at the same time increasing the effectiveness of their law enforcement operation. The time spent waiting in line is down, the district now collects over $4 million a day in duties, and the number of wanted felons apprehended has dramatically increased.

Another example from the Chicago area can be found at the North Central VA Medical Center. Last fall, the center's managed care system development group won one of the Vice President's Hammer Awards. They got it for implementing a new method of patient care which made customer satisfaction the No. 1 priority. They adopted a managed care approach based on the primary care team concept, monitored through an integrated information and accounting system. Essential support services were incorporated and those not initially available, such as surgery, were created through innovative collaborations and partnerships with external providers.

Since 1993, the number of enrollees in the Center's managed health care plan has increased fivefold and the number of acute days of hospital care per 1,000 enrollees fell 85 percent. The annual potential savings associated with these changes are estimated to exceed $15 million.

Its clear from these examples and the others you will hear that Federal workers know how to change the Government so that it works much better. They just needed to be

empowered to make change. That's what the NPR has done. Its given Government workers the freedom to try something new.

Eliminating bureaucracy through reengineering Government programs reflects just one area for action set out in the NPR report. There are 384 innovative recommendations contained in the report, covering such matters as work force restructuring, agency streamlining, reforming procurement practices, expanding the use of information technology, and improving regulatory systems.

While many of the NPR recommendations were the type that could be acted upon immediately at the agency level, 173 required congressional action to be fully implemented.

During the 103d Congress, 30 bills containing NPR action items were signed into law. Among the most notable are the Government Management Reform Act of 1994 (Public Law 103–356), the Federal Acquisition Improvement Act of 1994 (Public Law 103–335), the Federal Workforce Restructuring Act (Public Law 103–226), and the Federal Employee Family Friendly Leave Act (Public Law 103–338).

While it will take several more years to see the NPR agenda fully enacted, the measures I have listed were passed by wide margins and with bipartisan support. This is a clear indication that a government that works better and costs less is something we all seek.

I certainly hope that Republicans will continue to cooperate with this Democratic initiative and work with us to get more NPR legislation passing during the 104th Congress. The American people deserve the continued results it will bring.

The September 1994 report on the NPR's first year included 1,500 customer service standards which constitute a major step toward a results-driven Federal Government. Let me share just a few examples of these standards. The IRS has promised that taxpayers will receive their tax refunds within 40 days if they file a paper return and 21 days if they file electronically. The SBA has promised to complete reviews of loan applications within 3 days, based on a newly developed one page application.

The Consumer Product Safety Commission promised that the public will be able to report on and learn about unsafe products 24 hours a day by calling an 800 number. The Commerce Department has promised to provide the latest information on overseas markets on a compact disc which it will mail within 24 hours of a customer making contract.

Each of these reflects a standard that is clear and measurable. Knowing just what to expect from Government is becoming a new and rewarding experience for many, thanks to the NPR.

During the months ahead, the Government Reform and Oversight Committee will closely examine the changes the NPR has wrought, as well as the new administration proposals that make up the second phase of its reinvention effort.

While much has already been accomplished, there are still Americans who are dissatisfied with how their Government works. They present the challenge to all of us—rank-in-file Federal employees and Members of Congress alike—to improve the responsiveness of Government and the quality of service our Government gives.

TRIBUTE TO AMBASSADOR LAURENCE W. ''BILL'' LANE, JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Ambassador Laurence W. ''Bill'' Lane, Jr., an outstanding citizen of California's 14th Congressional District who has been selected to receive the National Parks and Conservation Association's 1994 William Penn Mott, Jr., Conservationist of the Year Award in honor of his lifelong commitment to parks.

From the moment Ambassador Lane arrived in California in 1928, he has distinguished himself in the fields of conservation, government, and commerce.

While a student at Stanford University, he was a packer and mountain guide in Sequoia and Yosemite National Parks. Over the years, his love of nature led him to chair the California Desert Conservation Area Advisory Committee, serve on the President's National Advisory Committee on Oceans and Atmosphere, chair the President's National Parks Centennial Commission, and serve as the Secretary of the Interior's representative on the Steering Committee for the 75th anniversary of the National Parks. Most deservedly, he is a recipient of the Secretary of the Interior's Conservation Service Award.

In government, he has served at the international level as U.S. Ambassador to Australia and Nauru, as well as Commissioner General and Chairman of the Foreign Delegation of the International Ocean Exposition in Japan with the rank of Ambassador. I am also very proud of the service he provided closer to home as the first elected mayor and councilman of Portola Valley, where he currently resides.

Ambassador Lane became well known to many people as the publisher of Sunset magazine and chairman of Lane Publishing Co., now merged with Time Warner. He is still a consultant to Time Warner and a member of the board of Time, Inc.

Despite all of his activities, he has still found time to be a devoted husband to his wife, Jean, and a caring father for their three children—Sharon, Bob, and Brenda.

Mr. Speaker, Ambassador Lane is truly an exceptional individual who has performed outstanding work for our nation and our national parks. I urge my colleagues to join me in saluting him for being awarded the prestigious William Penn Mott, Jr., Conservationist of the Year Award.

HEALTH CARE REFORM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SOLOMON. Mr. Speaker, I would like to bring to the attention of my colleagues an article in yesterday's Washington Post by John Solomon outlining those who profited from the health care debacle last year. Once again, the Clinton administration has demonstrated that those in their inner circles can benefit while the rest of middle-class America wrestles with the ongoing problems associated with the lack of health care coverage. According to this article, there are some who made as much as $100,000 in consulting fees. It seems to me that we as a Congress can and will do better—and at no extra cost to the American people.

I hope my colleagues will take the time to read this informative and enlightening article.

[From the Washington Post, Feb. 22, 1995]

HEALTH CARE REFORM PLANNERS: INNER CIRCLE, TOP FEES

(By John Solomon)

The White House touted the long hours and sacrifices of those who crafted its ill-fated health care plan, but it turns out that the work brought healthy rewards for a small cadre of advisers and contractors.

Some businesses got six-figure contracts. For select advisers, there were consulting fees as high as $49 an hour, allowing some to be paid up to $100,000, according to a review of records released this week.

The payments were made in spite of a warning from White House lawyers to use full-time government employees, not consultants.

The Clinton administration has declined to say how much was spent developing its health care plan. But amid the ruins of President Clinton's Health Security Act, records obtained by the Associated Press under the Freedom of Information Act lay bare a multimillion-dollar hired bureaucracy.

The Republican Congress has begun its own review.

The primary beneficiaries were professional consultants, with specialties ranging from projecting long-term health costs to writing legislation.

In all, the White House tapped about 1,000 people for work and advice on the plan. Most of the high-profile experts worked for free.

The few who were paid were members of a White House inner circle, hired as consultants for an extended period to work on Hillary Rodham Clinton's health task force and working groups and beyond, although White House lawyers cautioned against it.

''To avoid ethical difficulties, the members of the cluster groups, and especially the heads of issue working groups, must be full government employees,'' aide Atul Gawande wrote health adviser Ira Magaziner in a Feb. 2, 1993, memo.

Gawande said the White House counsel's office had advised that payments were ''not clearly in violation of any law'' but it ''would give antagonists leverage for attacking us in the press and possibly in legal channels.''

Avis LaVelle, assistant secretary for public affairs at the Department of Health and Human Services, said the consultant payments were necessary to attract top caliber advice without expanding the permanent federal work force.

Critics disagree. ''I think it is a very dangerous trend to have this kind of private-public partnership where it insinuates into the very process of government corporations and individuals that stand to profit from it,'' said Jane Orient, head of the Association of American Physicians and Surgeons, which successfully sued to force the White House to disclose task force working documents.

HHS paid at least a dozen advisers to Hillary Clinton between $33 and $49 an hour in consulting fees. Among the highest paid was Walter Zelman, a former California state official and activist for the citizens group Common Cause. He received $101,649 in consulting fees between January 1993 and March 1994, at a rate of $48.39 an hour, according to HHS records. Zelman left the administration after the plan's defeat.

Another top consultant was Brian Biles, who was paid $97,950 over the same period. Biles, a former congressional staff aide, began as a consultant and eventually was hired as a deputy assistant secretary at HHS. He recently left for the private sector.

The AP identified at least 18 members of the working groups as receiving $851,620 as HHS consultants. They included:

Clifton Gaus, former director of Georgetown University's Center for Health Policy Studies: $87,336 at $357 a day. He now heads the Agency for Health Care Policy and Research at HHS.

Roz Lasker, a University of Vermont medical professor and former analyst with the Physician Payment Review Commission: $85,151 at $46.48 an hour. She works full time at HHS.

Lawrence Levitt, a former California state insurance official: $70,429 at $33 an hour. He has left the administration.

Arnold Epstein, a Harvard University medical professor: $47,999 at $48.78 an hour. He has returned to his job.

At the same time, some medical professionals who volunteered their time to advise the task force could not even get their travel costs reimbursed. ''I paid for the privilege,'' said Norman Fost, a University of Wisconsin researcher who absorbed $7,000 in travel expenses.

He wrote a letter in March 1993 seeking reimbursement for colleagues who were ''experiencing more severe hardship.'' His plea fell on deaf ears.

Several contractors also were hired for technical tasks. Some work multiple hats.

VHI Lewin, a Washington-based consulting firm, did numerous studies for both proponents and opponents of health reform. At the same time, the company was paid by the government to analyze the Clinton plan's impact on long-term care and academic hospitals.

Meantime, VHI Lewin produced what it called an independent study of the economic assumptions in the administration plan. The company picked up the tab for the study, touted repeatedly by Cabinet officials as independent proof that the plan was solid.

The company maintains it did not have a conflict in doing both jobs, saying the personnel who worked on the federal contracts were kept separate from those who did the public analysis.

''We were doing studies for a wide variety of people, including people who opposed the Clinton plan very ardently as well as people in the government,'' founder Larry Lewin said. ''And we tried to do that and maintain the balance so no one side could make the claim they were exerting influence over our objectivity.''

CONTRACT WITH AMERICA LACKS TRUTH IN CONTRACTING CLAUSE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PASTOR. Mr. Speaker, as you, more than anybody, are aware, today marks the start of the second half of the Contact With America's 100-day campaign. Even though we are 50 days into the legislative process, only now are the details beginning to surface of how the contract will impact on the lives of working people and hinder the ability of our Nation's cities and towns to meet the demand for local services.

Yesterday, the Phoenix Gazette featured a preview of the difficulties the city of Phoenix will face if the legislative proposals contained in the contract are enacted into law. According to the Phoenix's city manager, the program cutbacks called for under the contract will reduce the city's finances by $10 to $20 million. The budget items at risk in the city include funding for mass transit, job training, meal programs for the elderly, and emergency utility bill assistance.

Mr. Speaker, what the Contract With America lacks is a ''truth in contracting'' clause. The contract is being billed as a program that will get the Government off the backs of the people. What communities like the city of Phoenix are beginning to discover is that it will force local governments to abandon the people they seek to serve.

I commend my colleagues to read the Phoenix Gazette article.

[From the Phoenix Gazette, Feb. 22, 1995]

GOP CONTRACT CLOUDS CITY'S FINANCES—$20 MILLION AT STAKE FOR PHOENIX WHEN FEDERAL CUTS ARE ENACTED

(By Russ Hemphill)

In recent years, Phoenix has survived a slumping economy, layoffs and cutbacks.

But the Republican Congress' Contract with America could be one of the city's biggest challenges yet, officials said Tuesday as they began work on next year's estimated $1.27 billion municipal budget.

''There really is an extraordinary cloud over us,'' City Manager Frank Fairbanks said, referring to potential cuts in federal funding.

Fairbanks said ''even a conservative guess'' would peg federal cuts of Phoenix funds at $10 million to $20 million.

''It's not a question of if they cut, it's a question of how much they cut and where they cut,'' Vice Mayor Craig Tribken said.

''Actually this year's city budget is much improved,'' Fairbanks said. ''If we didn't have some other situations, we would be in a very strong position . . . to respond to some of the community service needs.''

Fairbanks said before potential federal cuts are considered, the City Council will have an estimated $4.7 million for favored projects.

But Phoenix officials estimate at least $20 million to $52 million of the city's $99 million in annual federal funding is at risk.

The highest-risk funding, they said, include $8.4 million to $8.9 million for mass transit, job training and human service grants that include meals centers for the elderly and emergency utility bill assistance.

Medium-risk funding includes $11.9 million to $42.8 million for programs that include public housing assistance and community development block grants.

President Clinton and Congress have made ''strong declarations that the budget needs to be cut,'' Fairbanks said. His administration understands that, but any significant federal cuts in funding will mean a substantial cut in services to the community,'' he said.

Councilman Sal DeCiccio said the city should accept the federal cuts without complaint. ''The bottom line is the federal government is spending money it doesn't have,'' DeCiccio said.

''The United States of America is having some problems right now and we all have to chip in,'' he said.

Fairbanks urged the council to use restraint when committing money to new programs, in anticipation of federal cuts.

''Together, we must prepare for that situation,'' he said.

Complicating the council's job is timing.

The city will wrap up its budget this summer for the 1995–96 fiscal year. However, some of the federal budget cuts won't be known until September, city officials said.

''The challenge of this is, you not only don't know the amount, you also don't know'' which program will be cut, Fairbanks said.

THE INTEGRATED SPENT FUEL MANAGEMENT ACT OF 1995

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. UPTON. Mr. Speaker, yesterday I introduced the Integrated Spent Nuclear Fuel Management Act of 1995. This is comprehensive legislation designed to address our national problem with high-level nuclear waste by providing workable solutions for managing used nuclear fuel from America's commercial nuclear powerplants.

Nuclear powerplants currently provide more than 20 percent of America's electricity. They do so by harnessing the heat from uranium filled fuel rods to produce steam that turns electric turbines. When the energy in these fuel rods is depleted, the rods are removed from the reactor's core and placed in pools of water.

Where they go next is the focus of this legislation. In Sweden, used fuel rods will eventually go directly to underground storage. In France, the rods are chopped up; the radioactive materials within them are separated and then reprocessed into new fuel rods. These completely different approaches meet both the energy and the environmental needs of their respective countries.

In America, spent fuel rods go nowhere because there is nowhere for them to go. This eliptical sentence accurately describes the nexus of our peculiar problem with nuclear waste: We have been producing thousands of tons of post-reactor wastes over a period of decades without providing a place for their ultimate disposal. The wastes from over 100 nuclear powerplants have accumulated and continue accumulating at 70 sites in more than 30 States.

Nuclear wastes didn't come as a surprise problem like DDT or ozone depleting compounds. We have known from the earliest days of the nuclear era that spent fuel and other nuclear wastes would need the most careful attention. In those early days, however,

planners foresaw a different nuclear cycle or system than the one we now have. They envisioned many more nuclear power plants than exist today, enough to warrant an enormous reprocessing system similar to but larger than the system currently operating in France.

For reasons that I won't go into today, this reprocessing sector did not develop in this country. Rather than following the French reprocessing model, we are now pursuing the once through Swedish approach. This means a home must be found for thousands and thousands of highly radioactive fuel rods.

It was assumed from the outset that the Federal Government would be responsible for these wastes and that some Federal entity would construct and operate the facilities this obligation would require. This assumption became law 13 years ago, with passage of the Nuclear Waste Policy Act of 1982.

The 1982 act set up a nuclear waste trust fund which was and is funded from a special fee on nuclear generated electricity. The fund was established to pay for a Federal nuclear waste repository. The Department of Energy was to begin accepting nuclear waste by January 31, 1998.

Despite the passage of the 1982 act and significant amendments to it in 1987 and the passage of 13 years, the Department of Energy has made little progress toward construction of a repository. The Department announced last year that it could not foresee completion of a repository any earlier than 2010, 16 years hence. Thus, Mr. Speaker, the repository that was 16 years away in 1982 is still 16 years away and half the $10 billion paid into the nuclear waste fund by electricity consumers has been spent.

We have talked at length in this Congress about unfunded mandates, but this is a prime example of a funded mandate that the Federal Government has not honored. Small wonder that the Department's announcement generated great consternation among public utilities and utility regulators and two separate lawsuits against the Secretary of Energy. Consumers and electric utilities have upheld their end of the 1982 agreement. It's time for the Government to honor its side of the bargain.

Much time has been lost. Much criticism has been directed at the Department of Energy for its failure to achieve the 1982 act's objectives. I will not add to this criticism. As is so often the case in ambitious Federal programs, we have asked good people to do something or to build something that has never been done or built before.

As much as we may appreciate the difficulty of the task, however, I cannot accept the Department's assertion that it ''does not have a clear legal obligation under the Nuclear Waste Policy Act to accept spent nuclear fuel absent an operational repository or other facility.'' This may represent a lawyer's narrow interpretation of statutory language, but it is not what the act's sponsors said in first presenting it to the Congress on this floor in the fall of 1982:

> The primary objective of this legislation is development of licensed facilities to be constructed deep underground for the permanent disposal of high level nuclear waste. * * * We have put into place the most thoughtfully planned out roadmap for what will be a 15-year site investigation and construction program that we could devise.

On the strength of such unambiguous public commitments, scores of electric utilities entered into contracts with the Department. As in all contracts, one party agreed to do certain things if the other party or parties agreed to do certain other things.

In this case, the utilities agreed to collect special fees from electricity consumers and to remit those fees to the Department. The Department's reciprocal responsibility, in the words of the standard contract signed by all, was ''To accept title to all spent nuclear fuel and/or high level wastes, of domestic origin, generated by the civilian power reactors. * * *''

The Department's lawyers may quibble, as lawyers do, about the precise nature of DOE's obligations and responsibilities. They are even free to argue that no inescapable legal obligation exists, but they cannot argue that no moral obligation or expectation exists about the Department's responsibilities. The bill I am introducing today makes unambiguously clear what we expect to be done and, most important, when we expect it to be done.

My interest in this stems from our experience in western Michigan. The Palisades nuclearpower plant, owned and operated by Consumers Power, ran out of storage space in its pools. Because there is nowhere to send the spent fuel rods, Consumers has had to use so-called dry cask storage in 130-ton concrete and steel containers a stone's throw from Lake Michigan. The four other nuclear powerplants in Michigan and more than 100 in other States will ultimately have to follow suit if the Federal Government doesn't live up to its responsibilities.

Both dry cask and pool storage are safe but there can be no question that centralized storage in one or several remote areas is better than leaving wastes at 70 sites sprinkled across the American continent. I am also concerned that the Federal Government's continued failure to honor this commitment undermines the Government's standing in the eyes of its own citizens.

HONORING CHARLES K. DEVALL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to a great civic leader and newspaper publisher, Charles K. Devall, of Kilgore, TX, who passed away January 28, at the age of 86. For decades, Charles Devall was a guiding light and driving force in Kilgore. Like other newspaper publishers in small towns across America, Charles Devall was a man of stature in his community, and his influence was felt far beyond his professional position.

Born on July 11, 1908, in Mount Vernon, TX, to Charles Robert and Leila Milam Devall, Charles Devall grew up to work for his father's Mount Vernon newspaper. He received a journalism degree from the University of Texas and assumed responsibility for the newspaper in 1931 following his father's death. Within 4 years he was elected mayor of the city and a member of the State Democratic Executive Committee. During that period he acquired newspapers at Daingerfield and Hughes Springs and established the weekly Kilgore Herald, in competition with the 4-year-old Kilgore Daily News.

In 1939 he married Lyde Williford of Dallas, and in 1940 he and Lyde purchased the Kilgore Daily News, consolidating their two papers as the Kilgore News Herald. He then served for 39 months in the U.S. Navy during World War II and attained the rank of lieutenant commander, while his wife directed operations of their newspapers.

As publisher of the Kilgore News Herald from 1935 to 1979, Devall was committed to making Kilgore ''America's No. 1 Small City.'' He served as president and highway chairman of the Kilgore Chamber of Commerce, president of the Lions Club, organized the Kilgore Improvement and Beautification Association, and originated and secured historical designation as ''world's richest acre'' in downtown Kilgore. He was instrumental in improving the city's highways, including establishing the 4-lane U.S. 259 through Gregg and Rusk Counties. He was active in efforts to establish the Kilgore Ceramics Corp. and Kilgore Community Hotel-Motel Co., the Industrial Foundation, and East Texas Treatment Center. He and his wife also were credited for helping in locating the prestigious East Texas Oil Museum on the Kilgore College campus.

Devall also was active at the State level. He was the youngest to serve as president of the Texas Press Association and was a director of the Texas Daily Newspaper Association. He served two terms as president of the Texas Good Roads Association and served two terms as a director of the Texas Election Bureau. He also was appointed director of Texas Southern University. His wife, who preceded him in death in 1987, served as a member of the board of regents of the University of Texas system and served on the first Texas Commission on Higher Education.

Devall also was an advocate for independent oil producers in his community. He represented the Independent Petroleum Association of America before a Senate committee in Washington as a witness seeking the reduction of excessive oil imports. He waged a long and successful editorial campaign in the News Herald in support of independent operators and royalty owners who opposed efforts to legalize mandatory unitization of Texas oil and gas fields. The fight in the Texas Legislature continued for 30 years until every major Texas field was unitized—except the east Texas field.

Devall received numerous recognitions during his lifetime. He was named Kilgore's Man of the Year, received the Taggart Award from the Texas Daily Newspaper Association for being ''Texas Newspaper Leader of the Year'' in 1979, received the Sam C. Holloway Meritorious Service Award from the north and east Texas Press Association, and was named an honor member of Kappa Tau Alpha—honorary Phi Beta Kappa of journalism—by its University of Texas chapter. On nine occasions his Kilgore News Herald won the Texas Press Association sweepstakes for best all-around daily in cities under 15,000 and won the top award seven times from the north and east Texas Press. The Texas Chamber of Commerce awarded the paper its Community Service Award six times, and it received the Texas School Bell Award twice from the Texas State Teachers Association. Upon the sale of the News Herald in 1979, Devall was named publisher emeritus.

Devall also was an elder and trustee of First Presbyterian Church, a commissioner to the U.S. Presbyterian Church General Assembly in 1973, and in 1984 was named trustee emeritus. He was a member of Sigma Delta Chi, national professional journalism society, American Legion, and Veterans of Foreign Wars. He is survived by one sister, Mrs. Ruth Heywood of Fort Worth, a nephew, two nieces, and a cousin.

Mr. Speaker, America is enriched by the lives of those citizens like Charles Devall, who have devoted their energy and their talent to the betterment of their communities. As a newspaperman and civic leader who strived for excellence in his community, he will be forever remembered in Kilgore, TX, for his efforts to make it ''America's No. 1 Small City.'' Many would attest that he accomplished that goal.

Mr. Speaker, I join his family and many friends in paying our last respects to Charles Devall and thanking him for a job well done. His legacy will be felt for many generations to come.

TRIBUTE TO TOM EVANS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. SKELTON. Mr. Speaker, local public service the cornerstone of democracy. The country depends on the willingness of good people who will stand for election and assume the responsibility of public office.

The Blue Springs R IV School District in Jackson County, MO, is honoring one of its leaders who is completing two terms of service on its board of education. Tom Evans' leadership potential was recognized early in his tenure and he served as treasurer, vice president, and twice as president of the board in his 6 years on the board.

During the time Tom Evans served on the Blue Springs Board of Education the district was in a dynamic period of growth in its physical facilities and its programs. The district opened a second high school, conducted a patron survey, established an alternative school, initiated a homework hotline, developed a business/patron/school partnership program, initiated a Saturday school detention program, established the CHOICES program and a youth offender unit, initiated an Air Force ROTC program, originated a senior seminar class, established a community education program, was selected as the first Missouri Goals 2000 community, established a school of economics and implemented the TechNet 2000 computer program. In addition the district passed a levy and four bond issues in his tenure.

Clearly, the public had justified faith in the leadership of its school board. It is fitting for the board to pause and reflect on the outstanding record of service and leadership established by Tom Evans.

I am pleased to note that record and offer it into the CONGRESSIONAL RECORD that others may be aware of it and seek to emulate this man's accomplishments.

REGULATORY REFORM FOR THE PEOPLE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. PACKARD. Mr. Speaker, the American people are tired of drowning in a sea of red tape. America's regulatory regime has grown into an out of control tidal wave. The Republican Regulatory Transition Act, H.R. 450, represents the first step in turning back the flood of costly and excessive Federal regulation.

We must attempt to control this regulatory wave before the American people suffocate from bureaucratic do's and don'ts. Government regulations and guidelines restrict personal freedom and economic prosperity. Big government intervention more often represents the problem rather than the solution. Our Republican Contract With America includes regulatory provisions to get Government out of the people's lives while promoting economic opportunity. We will roll back taxes on investments that create jobs, not smother them.

Small businesses represent the heart and soul of our economy. American taxpayers work hard for every dollar they send to Washington. Republicans know this. We continue to work to free America from the economically burdensome bureaucratic red tape.

Mr. Speaker, Government exists to serve the needs of everyone, not the interest of a special few. The regulatory reform proposals within our Contract With America work to restore Government accountability and responsibility. Republicans promise to continue working for what the people want—a smaller, less costly and less intrusive Government.

CONGRATULATIONS LADY BRAVES

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to the Mt. Zion eighth grade girls basketball team. In true championship style the Lady Braves recently won their second straight I.E.S.A. class 8AA State championship.

This remarkable accomplishment may only be overshadowed by the dramatic fashion by which they won the trophy. In a nailbiter of a contest the Lady Braves traded baskets and held on to defeat a fine Lake Zurich South team, by the score of 35–34. With this victory the Lady Braves became the only team in Illinois' history to have two consecutive, undefeated I.E.S.A. State championship seasons.

As a former coach I understand the hard work and dedication it takes to develop a winning team. I applaud the coaches and athletes for their dedication and commitment to excellence. At this time, I would like to enter the names of the coaches and team members into the CONGRESSIONAL RECORD. The coaches are Richard Marshall, Greg Blakely, and Dick Jones. The team members are Arielle Bradley, Dottie Bradley, Nikki Bricker, Laura Dukeman, Kristin Jackson, Angie Jenkins, Carlin Long, Lindsay Lukowski, Emily McDonald, Michelle Morganthaler, Jackie Pate, Tiffany Powers, Krista Schwartz, Rachel Severe, and Alexis Wright.

I am proud to represent these fine coaches and athletes in Congress. Congratulations Lady Braves, for being one of the best basketball teams in Illinois' history.

TRIBUTE TO JACK CALLAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. HALL of Texas. Mr. Speaker, I rise today to honor Jack Callan, a legendary newspaperman and civic leader in Kaufman, TX, who died January 17, 1995, following a long illness. Jack Callan's career spanned a lifetime in the newspaper profession, from the days when newspapers were printed on hot type presses to today's offset operation. He was publisher of the Kaufman Herald from 1931 to 1971 and was one of Kaufman's leading citizens.

Born July 16, 1920 in Brady, TX, to Louis G. and Clara McAdams Callan, Jack Callan began his newspaper career as a young reporter for the Winters Enterprise in Winters, TX. His brother, L.E., was publishing the Antlers American in Antlers, OK, at the same time. In 1931 to two brothers purchased the Kaufman Herald. Callan worked as a reporter and then became editor of the paper, while his brother, noted as an excellent printer, took care of most of the newspaper's production work.

As editor, Callan helped earn the Herald a place of prominence among Texas community newspapers. In 1944 the paper was named Texas' ''Best All-Round Weekly Newspaper'' and through the years also captured State and regional awards for news writing, column writing, typography, and advertising. In 1952 Callan purchased his brother's interest in the newspaper and continued to run its operations for the next two decades with the help of his family and pressman J.W. Melton. In 1962, in tribute to his outstanding contributions to journalism in North and East Texas, Callan was awarded the Sam C. Holloway Memorial Award by the Northeast Texas Press Association. He was a member of the Dallas Press Club, a member of Sigma Delta Chi journalism fraternity, the Texas Press Association, and was a member and president of the Northeast Texas Press Association.

In 1972 Callan sold his newspaper but began a ''second'' career in community service. He was a substitute teacher in the Kaufman school system for several years and managed the Kaufman Chamber of Commerce for 6 years. A long-time member and past president of the Lions Club, he often served as an installation officer of out-of-town clubs. In 1980 he was named ''Senior Citizen of the Year'' and also received the President's Award from the Chamber of Commerce. In 1984 he was named ''Outstanding Citizen of the Year'' by the Chamber.

Callan is survived by his wife of 53 years, Wynelle Callan, two daughters and sons-in-laws, five grandchildren, one great granddaughter, and numerous nieces and nephews. Services were held in the First Christian Church of Kaufman on January 19.

Callan devoted his life to the betterment of this community through his commitment to excellence as publisher of the Kaufman Herald and through his selfless efforts as a civic leader. He will be remembered and missed by all those who knew him. Mr. Speaker, as we adjourn today, I would like to pay tribute to this outstanding citizen of Kaufman County, TX—Jack Callan.

TRIBUTE TO BILLY ROSSER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of Indiana's First Congressional District, Billy Rosser. On Saturday, February 25, 1995, Mr. Rosser, along with his friends and family, will celebrate his retirement from public office. The celebration will take place at Rosser Hall in Hobart, IN.

Billy has dedicated a substantial portion of his life to the betterment of northwest Indiana, particularly Hobart Township.

After a 30-year career with Inland Steel's accounting department, Billy retired to pursue a life of public service. In 1970, Billy was elected Hobart Township Trustee, and throughout his 24-year role in this position, Billy has successfully led Hobart Township into one of the only debt-free townships in the county. With an emphasis on the improvement of education amongst Hobart Township's youth, as chief administrator of Hobart, and as a member of the Lake County Board of Education, Billy was instrumental in the restructuring of the Hobart Township school system from 1971 through 1974. During his tenure as Hobart Township Trustee, Billy procured funds to establish Rosser Hall, which is utilized for various celebrations, and Rosser Park. The moneys generated from these structures flow back into Hobart Township, and are applied directly to the township's assistance fund.

Billy has held past presidencies of the Lake County Township Trustee Association, the East Gary Police Association, and the Hobart Township Lake Ridge Community Services. He served as chairman of the Lake Station-Hobart Township Precinct Organization, and director of the East Gary Democratic Club. Billy holds memberships in the Hobart Elks, the Lions Club, the Shriner's organization, the Fraternal Order of Police Associations of Hobart and Lake Station, as well as membership on the advisory board for the Regional Lake Station Bank of Indiana Board of Directors. This year, Billy was recognized by the Indiana Township Trustees Association for his years of service and success as the Hobart Township Trustee and as the original president of the Lake County Township Trustee Association.

Mr. Speaker, I ask you and my colleagues to join me in honoring this amazing person for his commitment to the betterment of his community. However, as one great public servant leaves, I am sure that Ms. Barbara Rosser will continue to carry on her father's legacy as the new Hobart Township trustee. I truly hope that the Rosser's celebration this Saturday proves to be a most joyous occasion.

INTRODUCTORY STATEMENT, H.R. 1026

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. HEFLEY. Mr. Speaker, yesterday, I introduced legislation, H.R. 1026, to designate the U.S. Post Office building located at 201 East Pikes Peak Avenue in Colorado Springs, CO, the Winfield Scott Stratton Post Office.

This designation will honor the memory of a man who contributed greatly to the community of Colorado Springs. Working as a carpenter and prospector for over 18 years, Winfield Scott Stratton was one of the many adventurers who came to Colorado looking for their fortune. In his case, the fortune was a rich deposit of gold in Cripple Creek, CO.

Mr. Stratton's lifestyle changed little after his gold strike. He believed it was the duty of anyone who made a fortune to use his wealth in the development of his community. In keeping with that philosophy, Mr. Stratton dedicated the rest of his life to helping others less fortunate and to advancing the development of Colorado Springs and Colorado.

He purchased and gave Colorado Springs the ground for its city hall; he helped finance a new courthouse; he purchased and upgraded the street railway system; he built the first privately funded building at the Colorado School of Mines; and he endowed the Myron Stratton Home, a foster home for children and impoverished elderly which is still serving the Colorado Springs community today. Thousands of Coloradans today are the direct beneficiaries of Mr. Stratton's generosity.

Regarding H.R. 1026, it is noteworthy that Winfield Scott Stratton also purchased the property at 201 East Pikes Peak Avenue and sold it to the Federal Government for half its value on the condition that the Federal Government build the post office which stands there today.

In view of Mr. Stratton's contribution to the existing post office and to Colorado as a whole, it is an entirely fitting and appropriate gesture to name this U.S. Post Office the Winfield Scott Stratton Post Office. He was a man who shared his riches with an entire State, and he left a legacy of love and care which continues today.

TRIBUTE TO CAPT. EMMANUEL L. ''MANNY'' JENKINS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to recognize Capt. Emmanuel L. ''Manny'' Jenkins, U.S. Maritime Service, on the occasion of his retirement from service at the U.S. Merchant Marine Academy.

Manny Jenkins served on active duty in the U.S. Navy from 1957 to 1960 at the Third Naval District Headquarters. He joined the staff of the U.S. Merchant Marine Academy [USMMA] in 1970, after spending 10 years with Dryfuse & Co., a member of the New York Stock Exchange.

Manny Jenkins' career included distinguished service as the USMMA director of admissions. Under his stewardship, USMMA's ranking in Barrons' Profiles of American Colleges elevated to the top category of most competitive in 1979, a position occupied by only 32 other select institutions.

In May 1992, Captain Jenkins was appointed as the USMMA Congressional Liaison Officer by the Superintendent of the Academy.

Captain Jenkins graduated from Howard University in 1956. He holds a masters in education degree from C.W. Post College, and a masters in science degree from Long Island University. He is a Commander (retired) in the U.S. Naval Reserve.

Captain Jenkins has received numerous awards from the Maritime Administration, including the Special Achievement Award, the Medal for Superior Service, and the Equal Opportunity Award. He also received the Maritime Administration's Bronze Medal, the top honor award granted in recognition of extremely competent performance of official departmental duties over a long period of time.

Mr. Speaker, Manny Jenkins' service to his country has touched the lives of countless young men and women entering the United States Merchant Marine Academy in pursuit of careers in the maritime service. His integrity and his commitment to excellence are the trademarks of his career.

I ask my colleague to join me in thanking him for his distinguished and selfless service to the U.S. Navy and the U.S. Merchant Marine Academy, and to wish him well as he enters this new and exciting time in his life.

AMENDING GOALS 2000

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. GOODLING. Mr. Speaker, today I am introducing legislation to amend Goals 2000 and the Improving America's Schools Act of 1994 [IASA] to eliminate the National Education Standards and Improvement Council [NESIC] and to remove references to opportunity to learn standards or strategies, provisions that interfere with traditional state and local control of education. Twenty-six Members are joining as original cosponsors of this legislation.

Public education in this country is the constitutional and historic responsibility of the States and of local school districts. Federal involvement in education is conditioned on respect for that relationship and, consequently, is limited. Occasionally, Congress enacts legislation that fails to respect these limitations on Federal action. When that happens, it is our responsibility to revisit those laws and to remove the provisions that intrude on state and local control.

The Goals 2000 legislation and the Improving America's Schools Act of 1994 [IASA], both passed in the 103d Congress, contain provisions that violate the traditional limits on Federal involvement in education. The National Education Standards and Improvement Council [NESIC], created by Goals 2000, is a body to be appointed by the President that has the mission of reviewing and certifying national education standards and State standards that are voluntarily submitted to it. The distance between standards and curriculum is not very great. There is a prohibition on the

Federal Government dictating curriculum to States and school districts in the legislation creating the Department of Education, and there is also good reason to be wary of Federal involvement in certifying education standards. The seriously flawed and justifiably controversial history standards illustrate how the standards-setting process can go awry and point out the dangers of having a Presidentially appointed, unaccountable body certifying standards.

Standards-based reform remains one of the most promising strategies for improving education for all children in our Nation. Of course, these must be rigorous academic standards and not vague and fuzzy attempts to shape students' attitudes and values, matters that should be left to parents. The most important standards development must take place in our communities and school districts. States and national organizations can assist this process by creating model standards. However, Federal certification of these standards is not necessary for this process to be effective or constructive.

In addition, both Goals 2000 and IASA contain references to ''opportunity to learn'' [OTL] standards, including funds for the development of model national opportunity to learn standards and a requirement that states develop opportunity to learn standards or strategies. OTL is nothing more than a euphemism for decisions about spending and resources in schools and school districts. Nothing could do more injury to state and local control of education than injecting the Federal Government into dictating decisions about the allocation of funds and other resources in local school districts.

This legislation, which eliminates the National Education Standards and Improvement Council and strikes all references to opportunity to learn standards or strategies from both Goals 2000 and IASA, will put a stop to an unwarranted Federal intrusion into education and preserve traditional State and local control of this vital enterprise. I urge my colleagues to support and cosponsor this bill.

SALUTE TO THE OGONTZ AVENUE REVITALIZATION CORP.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute the Ogontz Avenue Revitalization Corp. of Philadelphia.

The Ogontz Avenue Revitalization Corp. was established in 1983 to improve the quality of life in communities throughout the city of Philadelphia. The OARC has initiated programs which have created affordable housing, combated community deterioration, and curbed juvenile delinquency. Some of the OARC's contributions include the development of projects such as the Southeastern Pennsylvania Regional Employment and Training Center which provides essential training to dislocated workers and young people. The OARC has also assisted the community through the establishment of the Ogontz Avenue Business Association and the Police Mini Station which serve the many neighborhoods around Ogontz Avenue. The OARC has also been responsible for the sponsorship of an annual community festival, which has promoted a sense of community pride among the residents of West Oak Lane in Philadelphia. There is no doubt that the OARC has contributed greatly to the revitalization of these northwest Philadelphia communities and has restored hope to the city.

I am proud of the contributions of the OARC to the city of Philadelphia and I congratulate the OARC and the members of the OARC board on their accomplishments.

TRIBUTE TO BOB BURY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Bob Bury, an outstanding citizen of California's 14th Congressional District who was honored as the 1995 Outstanding Citizen of the Year at the Sequoia Awards in recognition of his extraordinary contributions and commitment to our community and our country.

Bob Bury served with distinction for six terms on the city council of Redwood City, including several terms as mayor. He has also served as a city port commissioner, a member of the housing and community development board, the Casa de Redwood Senior Housing Project, and the San Mateo County Convention and Visitors Bureau.

Bob Bury is an exemplary civic leader and volunteer who is a model for others to emulate. He has given decades of generous service to such worthy groups as the Kainos program for mentally challenged adults and the Boy Scouts. He was an early supporter of the Fair Oaks Community Center, and has been a tireless advocate for the development of a park on the east side of Redwood City. Over the years, he has become a beloved community figure, an advocate for community services for all who need them and an effective, humane and generous leader. His lifelong partner in life, June Bury, and their children and grandchildren have helped make our community the special place it is today.

Mr. Speaker, Bob Bury is an exceptional individual who has strengthened our Nation as he has worked to build in every way his own community. I am privileged to call him my friend and urge my colleagues to join me in saluting him for receiving the Outstanding Citizen of the Year Award and for his incomparable generosity and tireless service to our country.

AT-BIRTH ABANDONED BABY ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. FAWELL. Mr. Speaker, today I am introducing, along with Congressman PETER VISCLOSKY and Congresswoman DEBORAH PRYCE, the At-Birth Abandoned Baby Act of 1995. The bill guarantees all babies abandoned at birth, or shortly thereafter, the right to immediate placement and bonding with preadoptive parents. The preadoptive parents are then given the right to immediately initiate proceedings for an expeditious adoption of the abandoned baby.

Something must be done about the terrible plight faced by babies abandoned at birth. Our present system, in effect, leaves our most vulnerable babies—those who are abandoned at birth and often drug addicted and/or HIV infected—without access to immediate bonding with loving parents or any chance for a permanent home, both of which they so desperately need.

Worst of all, they have no one to represent them for a chance to find loving parents and a permanent home.

The At-Birth Abandoned Baby Act of 1995 amends title IV(E) of the Social Security Act. The bill simply requires State welfare authorities to immediately place at-birth abandoned babies with suitable preadoptive parents who, in turn, will be allowed to immediately file for an expeditious adoption of the abandoned baby in the State court of proper jurisdiction. The State court will be responsible for the final decision of adoption, taking into account the legal rights of all parties involved, including the infant abandoned at birth, the natural parent(s) and the preadoptive parents. The bill gives babies abandoned at birth at least a fighting chance for immediate parental bonding and a permanent home.

Mr. Speaker, we must take action here and now in Congress. I want to urge all of my colleagues to join me in cosponsoring this vital measure.

NATIONAL ENGINEERS WEEK

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. SKEEN. Mr. Speaker, it gives me great pleasure to pay respect today to the 1.8 million engineers who work in the United States. Engineering is the Nation's second largest profession. And this week, February 19–25, we are marking their contributions by celebrating National Engineers Week.

As an agriculture engineer myself, and as chairman of the House Agriculture Appropriations Subcommittee, I have particular respect for the work that is being done in the area of food engineering. The same professionals who introduced TV dinners to the American marketplace more than 40 years ago, and more recently, thrilled schoolgoing children with the invention of juice boxes for their brown bag lunches are now working to produce more environmentally friendly food packaging. Engineers understand America's concern with our quickly filling landfills and they are working to reduce the throwaway byproducts of food consumption.

Food engineers can be credited with the invention of decaffeinated coffee, as well as microwavable food, freeze-dried foods, even dehydrated products. Most recently, they have developed a way to keep milk fresh longer, even at room temperature.

Food engineers are also involved in cutting-edge technologies like genetic engineering to produce crops more resistent to pests or more durable for processing. And they are constantly working to improve established products by enhancing overall flavor, reducing manufacturing costs, improving nutrition, or making the packaging more recyclable.

I'm intrigued about the future of our food products, knowing that so many hard-working, professional engineers are working to improve the food products we will consume in the next generation. Today, I join my colleagues in saluting the work of all engineers who work to improve the technologies that enhance the quality of our lives.

TRIBUTE TO UNIVERSITY OF TENNESSEE

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. BRYANT of Tennessee. Mr. Speaker, the University of Tennessee celebrated its bicentennial last year. For 200 years this excellent institution has provided a quality education to Tennesseans and to people from around the Nation and the world. The history of the university is tied to the history of my State and I would like to submit for the RECORD an article by Mr. Harold C. Streibich which illustrates how this flagship institution is rooted in the rich history of Tennessee.

[From the Daily News, Aug. 18, 1994]

ON UT'S COLORS: THE LEGEND OF ORANGE AND WHITE

(By Harold C. Streibich)

Over the years, particularly during football season, people wonder, ''Where did the University of Tennessee get the colors of orange and white?''

Now, there are many tales of how and why UT selected orange and white, from the color of mountain daisies to stories involving General Neyland's choosing them for a promotional package, but you must hear the whole story of the orange and white. So let's start at the beginning:

On July 12, 1690, William of Orange, husband of Mary Stuart, defeated Ex-King James II at the Boyne River in Northern Island, and established the right of William and Mary to the British throne. James had his ''Green'' Catholic Irish, and William had a conglomerate bunch of mercenaries and the Dutch Blue Guard, who wore orange and white cockades in honor of William. Since that time, the Protestant Irish have worn orange whereas the Catholic Irish have worn green.

The next chapter takes place when the ''over-the-mountain'' men of Western Carolina (today's East Tennessee) were proud to be Protestant or Scotch Irish and wanted everyone to know it. When they march out to help defend North Carolina proper during the American Revolution at the battles of King's Mountain and Cowpens under Uncle Dan'l Morgan and General Issac Shelby (for whom Shelby County, Tennessee is named), the only uniform part of their apparel was an orange and white cockade. This untrained group of militiamen gained fame for their value in holding the battle line, and being excellent sharp-shooters.

After the Revolution and statehood, the orange and white cockade became a part of the tradition of the now Tennessee militia, which fought the Indians at Moccasin Bend (Sam Houston fought as a young Lieutenant and was wounded there) and other places throughout Tennessee, Georgia and Alabama.

Later when Major General Andrew Jackson left to defend New Orleans, the only way you could tell the difference between the Kentucky and Tennessee militia was that the boys from Tennessee wore their orange and white cockades.

Next came a man by the name of Davy Crockett who with 23 Tennesseans rode into the Alamo wearing their orange and white. After the Alamo fell, the rally cry of ''Remember the Alamo'' was used by Sam Houston and his boys in their charge of Santa Anna at the Battle of San Jacinto. They also wore their orange and white cockades.

During the Mexican War so many men volunteered from the State of Tennessee that it is remembered as ''the Volunteer State,'' and Tennessee Volunteer Regiments colors were orange and white.

When the Civil War came, Tennessee regiments of both the Federal and Confederate armies honored the tradition of orange and white to such an extent that when people saw the colors, they just knew it was a Tennessee outfit. It just so happened that this was not true. A Confederate regiment fighting in Northwest Tennessee were very proud of their orange and white colors, but they were Texans under General Hood, and Texas Rangers to boot.

Now when the University of Tennessee took the nickname ''Volunteers,'' it only goes to reason that the colors would be orange and white.

What about Texas? The University of Texas also had colors of orange and white, which were the same as the Tennessee colors until Coach Darrell Royal changed them to ''burnt orange and white,'' colors which are still used today. University of Texas and the University of Tennessee even have agreement on the use of the ''UT,'' the colors and trademarks.

So, this Fall, when the UT Band is playing ''The Spirit of the Hill'' and 90,000 fans are screaming for the success of the Tennessee football team, I wonder how many will know the history of the colors and remember that they were also worn at Kings' Mountain, Moccasin Bend, New Orleans, the Alamo, San Jacinto, Shiloh and Missionary Ridge. The boys for ''the hill'' again wear orange and white in remembrance of the volunteers of old.

PASSAGE OF PAPERWORK REDUCTION ACT AND MORATORIUM ON REGULATIONS WILL REDUCE RED TAPE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. PORTMAN. Mr. Speaker, this week, the House of Representatives completed action on two important items which are a part of the Contract With America's Wage Enhancement and Job Creation Act, intended to relieve individuals and businesses of the burden of onerous Federal regulations, paperwork, and red tape.

On Wednesday, the House passed H.R. 830, legislation to strengthen the Paperwork Reduction Act, which would reduce the volume of reports, forms, applications, and other paperwork required by the Federal Government.

The House also passed the Regulatory Transition Act which prohibits Federal agencies from imposing any new rules until December 31, 1995, or the date Congress enacts reforms requiring cost/benefit analysis and scientific risk assessment as part of the process.

American taxpayers, small business owners, ranchers, farmers, property owners, and local governments have waited too long for Congress to take common sense action to lift the burden of excessive and costly Government regulation and paperwork. That's why the Contract With America includes provisions which promote economic growth by forcing us to halt ill-conceived regulations and make Government bureaucrats accountable for the burdens they impose on American taxpayers and workers.

Business owners spend millions of hours a year filling out Government forms at an annual cost of $100 billion. And it is not only businesses who are overwhelmed with paperwork, it is estimated that the American people spent more than 6.5 billion hours filling out forms and compiling records for the Federal Government in 1994.

Why is this a problem? Because regulations, red tape, and excessive paperwork are essentially hidden taxes. Employers waste time and money complying with these burdens and cannot hire new employees or invest in machinery and equipment to make workers more productive. Onerous regulations and paperwork create jobs for lawyers but destroy jobs for business—especially small businesses that generate a vast majority of the new jobs in our economy. That is why it is imperative that we take action to stop this counter-productive trend now.

The regulatory moratorium is necessary while we sort out what regulatory reforms are appropriate. It does, of course, exempt rules that are necessary to prevent an imminent threat to health or safety or to enforce criminal laws.

I supported H.R. 830 and H.R. 450 because I believe these measures demonstrate a continuing commitment to the American people that Congress is finally willing to turn back the tide of paperwork and regulatory red tape burdening the American people.

SUPPORT SUNSHINE ON THE FEDERAL OPEN MARKET COMMITTEE ACT

HON. JAMES A. TRAFICANT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. TRAFICANT. Mr. Speaker, recently the Chairman of the Federal Reserve, Alan Greenspan, announced that transcripts of their Federal Open Market Committee [FOMC] meetings will be disclosed to the public—after 30 days.

Enough is enough. I urge my colleagues to cosponsor my ''Sunshine on the Federal Open Market Committee Act,'' which will apply the Government-in-the-Sunshine Act to FOMC meetings.

As you know, Mr. Speaker, the ''Fed'' is charged with duty of not only conducting the day-to-day banking for the entire Nation, but regulating the economy through the formulation of monetary policy. Needless to say, it wields immense power. In a typical month, it pumps anywhere between $1 billion and $4 billion into the economy while dangling the threat of higher interest rates over the American public. Even more intimidating, Mr. Speaker, is that half of all the banks in the country are members of the Federal Reserve System while all national banks must belong. All told, the Fed has holdings of over $300 billion—accounting for 7 percent of the national debt.

The entity within the Fed responsible for determining the country's monetary policy is the FOMC, which consists of the 7 member board of governors and 5 of the 12 district bank presidents. The FOMC meets every 6 weeks but, unfortunately for the general public, they meet in relative secrecy. I say relative because, in the wake of a FOMC meeting, members of the committee give speeches to business groups where, with a wink and a nod, they reveal specifics of the new policy. Meanwhile, the ordinary American gets a convoluted synopsis of the policy immediately after the meeting, an edited transcript 6 weeks later, and the full story 30 years later. It is time to open these meetings up to all.

Mr. Speaker, the Government-in-the-Sunshine Act, passed in 1976 to increase accountability of over 50 Federal agencies, opens closed meetings to private scrutiny. It requires that ''every portion of every meeting of an agency'' that is ''headed by a collegial body'' must be ''open to public observation.'' There are exceptions to the law, however, and the Fed has massaged the English language to the point where the Supreme Court overruled the lower courts and allowed one such exemption to apply to the FOMC meetings. Consequently, the Fed has the extraordinary timetable for disclosure that I mentioned.

Mr. Speaker, I understand the sensitivity with which the Fed must treat monetary policy. I also understand the need for apolitical decisionmaking during the FOMC meetings. But when a governmental entity can wield a $300 billion bludgeoning tool at will in the marketplace, it should be held accountable. The Sunshine on the Federal Open Market Committee Act will ensure such accountability.

I urge my colleagues to cosponsor this important measure.

GUAM COMMONWEALTH ACT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. UNDERWOOD. Mr. Speaker, it is my honor today to introduce the Guam Commonwealth Act, an act which embodies all the hopes and dreams for a better future for the people of Guam. The Guam Commonwealth Act would structure a better relationship between Guam and the Federal Government, and would ensure that Guam has sufficient political and economic tools to provide a secure future for our children and for future generations of Chamorros.

Today I call on the Federal Government to expand the Contract With America to include a contract with Guam. This contract with Guam would say that the indigenous people of Guam, the Chamorros, would reserve for themselves the decision over their future political status. This contract with Guam would say that Guam would be freed from economic constraints that have impeded our progress as a people. And this contract with Guam would say that our new relationship with the Federal Government would be based on mutual respect, and mutual consent.

I have chosen this bill as my first in the 104th Congress, just as it was my first bill in the 103d Congress, because the resolution of our political status must be the first priority of the Federal Government in its relations with Guam. And the desire to take our place as a new Commonwealth is the first and foremost goal of the representatives of the people of Guam.

The long road to Commonwealth began in January 1982 with the first political status plebescite that allowed the voters of Guam to choose a status from among: status quo, statehood, incorporation, commonwealth, independence and free association. Later that year a runoff plebescite was held between statehood and commonwealth. An overwhelming 73 percent of the voters chose commonwealth, launching us on a journey that leads to the 104th Congress, and the introduction of the Guam Commonwealth Act today.

I know that this bill still has a long road to travel, but this journey pales in comparison to the epic struggle of the Chamorro people that began 474 years ago with the first contact with the outside world. The culmination of that struggle still eludes us, but the creation of the Commonwealth of Guam begins a new era of self-reliance, self-respect and self-governance for the people of Guam. I am honored to introduce the Guam Commonwealth Act today, and I am ready to tell Guam's story to the Congress and the Nation.

BELMAR ST. PATRICK'S DAY PARADE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. PALLONE. Mr. Speaker, on the afternoon of Sunday, March 6, 1995, the 22d annual St. Patrick's Day Parade will move through the streets of Belmar, NJ.

Mr. Speaker, from its modest beginnings little more than two decades ago, the Belmar event has become the biggest and best-attended St. Patrick's Day Parade in the State of New Jersey, and one of the finest in the Nation. While not quite as big as the New York City parade, the Belmar event has steadily been attracting crowds of more than 100,000 people, drawn from the Jersey shore area and throughout our State, surrounding States and other nations, including Ireland itself. More than 4,000 marchers are expected this year, including members of community organizations, elected officials, 30 marching bands, including the award-winning Friendly Sons of Shillelagh Marching Band of Old Bridge, NJ, 20 floats, bagpipers, and leaders of Irish-American organizations. Both the participants and the many spectators always have a wonderful time.

The 1995 grand marshal is Msgr. Alfred D. Smith, pastor of St. Rose Roman Catholic Church in Belmar. The deputy grand marshal is Eileen P. O'Connell of Wall Township. A previous grand marshal, Monmouth County Freeholder Thomas J. Powers, has been selected by the parade committee to be this year's parade commentator. Mr. Powers underwent heart surgery shortly after Christmas, but he assures all of his friends and many well-wishers that he'll be ready for St. Paddy's Day.

The Belmar St. Patrick's Day Parade was established in 1973 by members of the Jerry Lynch Social & Athletic Club. Mr. Lynch is credited with being the parade founder. The first parade, held in 1974, had 50 club members marching in top hats and tails, followed by four marching bands and numerous fire engines. That year, the crowd of spectators was not much bigger than the contingent of marchers. The first grand marshal was my predecessor and a name well known to many of the Members of this body: the late Congressman James J. Howard, a lifelong resident of the Jersey shore who took great pride in his Irish heritage.

Mr. Speaker, it is a great honor for me to pay tribute to the Belmar St. Patrick's Day Parade, a great and proud tradition of the Jersey shore for Irish-Americans and people of all backgrounds.

INTEGRATED SPENT NUCLEAR FUEL MANAGEMENT ACT OF 1995

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. MANTON. Mr. Speaker, I am pleased to join my colleagues, Mr. UPTON and Mr. TOWNS, in cosponsoring H.R. 1020, the Integrated Spent Nuclear Fuel Management Act of 1995.

The Department of Energy is responsible for receiving shipments of spent nuclear fuel from America's nuclear powerplants beginning in 1998. They have received billions of dollars from America's electricity consumers to fund this program and were given clear direction from Congress in 1982 and 1987 to establish a Federal spent fuel management program.

The Government has less than 3 years to fulfill its end of this agreement, yet the Department of Energy is still 15 years away from operation of a permanent repository for spent fuel. Even more disturbing, the Department is not even considering interim steps to manage this radioactive waste.

Mr. Speaker, it is imperative that we begin consideration of H.R. 1020 in order to ensure that the Department of Energy is ready to accept spent nuclear fuel in 1998, and that it is prepared to do so in a manner that places the public health and safety above all other concerns.

In New York alone, electricity consumers have paid $584 million into the Nuclear Waste Fund. Consolidated Edison customers have paid more than $96 million, New York Power Authority customers nearly $220 million, Niagara Mohawk customers $162 million, and Rochester Gas & Electric customers $105 million.

If a federally centralized management facility is not operational by 1998, 26 nuclear power plants will be forced to build additional waste storage or shut down prematurely. One of those is operated by Niagara Mohawk Power Co. which is one of six nuclear power units that generates 25 percent of the electricity used in New York. Rochester gas will also need additional storage for spent fuel at their nuclear units in 1999 and Electric and New York Power Authority plants in the year 2000.

It is clear that New York can no longer wait for the Energy Department to voluntarily decide to fulfill its nuclear waste obligations. This bill would force the Energy Department to develop an integrated spent nuclear fuel management system, including an interim storage facility that the Federal Government can site and build by 1998. The Department of Energy

already has a conceptual design for such a facility which they could site on Federal Government property in Nevada.

I realize that the schedule proposed in this bill is ambitious, but we must consider the necessary adjustments to this program now so that the Federal Government can meet its obligations to electricity customers nationwide.

Mr. Speaker, time is running out for the Federal Government to fulfill its duty to consumers and the capacity to store spent nuclear fuel at nuclear power plants is quickly diminishing. Electricity customers will soon be confronted with spending millions of dollars in addition to their monthly payments to the Federal Nuclear Waste Fund.

We have received a number of comments on this legislation from Governors, State attorneys general, State public service commissioners as well as others, and we have attempted to incorporate these comments into H.R. 1020 in order to develop an integrated plan that will get this program on track.

Mr. Speaker, I am pleased to tell you that there is widespread support for this legislation. I would like to particularly site the efforts of the National Association of Regulatory Utility Commissioners [NARUC], which has spent the last few years examining this nuclear waste problem. I commend their efforts in sponsoring dialogue with affected parties to unearth and examine the different options. There have been a series of resolutions past by NARUC in the past few years which underscore the need for the four essential components of the integrated spent fuel management system.

Mr. Speaker, Congress must chart a new course for the Nation's spent fuel management program. I urge my colleagues to join me in supporting the Integrated Spent Nuclear Fuel Management Act of 1995.

CRIME PREVENTION THAT WORKS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. DORNAN. Mr. Speaker, the Local Government Law Enforcement Block Grants Act of 1995, section 101, authorized the Director of the Bureau of Justice Assistance [BJA] to make grants directly to units of local government for reducing crime and improving public safety. These funds can be used for hiring or training personnel, equipping law enforcement officers, enhancing school safety, or establishing crime prevention programs. The local jurisdictions have great flexibility as to how they used these funds.

An article by Chris Gersten, president of the Anti-Crime Alliance, in the November 28, 1994 issue of the Washington Times describes one new technology that has the potential to take a big bite out of crime. Mr. Gersten outlines how the use of video monitoring in Great Britain in the Washington, DC subway system has led to dramatic decreases in crime. Video monitoring is now employed in over 300 cities in Great Britain with virtually no complaints about civil liberties. The Prince George's County public school system in Maryland has recently pioneered in the use of video monitoring in some high schools.

I request that Mr. Gersten's article be placed in the RECORD and that jurisdiction around the country explore the potential uses of closed circuit video monitoring in their efforts to reduce crime.

[From the Washington Times, Nov. 28, 1994]

CRIME PREVENTION THAT WORKS

(By Chris Gersten)

Despite having a violent crime rate still a fraction of our own, British lawmakers have taken dramatic steps to reduce crime.

American observers were surprised to read of England's new Criminal Justice and Public Order Act which became law two weeks ago. The most controversial aspect of the new law is the modification of the right to silence. Now, anyone who remains silent after being arrested, can have his silence used against him in court. The new statement by police reads: ''You do not have to say anything. But if you do not mention now something which you later use in your defense, the court may decide that your failure to mention it now strengthens the case against you.''

The law also contains new powers for police to stop and search vehicles and pedestrians, to arrest squatters and trespassers, and to prevent or break up raves—drug-laden parties sweeping the country.

In addition to the new restriction on the right to silence and the increase in police powers, the British have employed new technology to curtail what they see as a dramatic increase in crime. At least 300 towns across great Britain have installed or are planning to install video surveillance of public spaces to catch and deter criminals, according to PhotoScan Ltd., a leading British video system installer. The pioneering British city, King's Lyn, and other towns have installed monitoring cameras in city centers, parking lots, streets, high-crime housing projects, industrial parks, sports complexes, churches and alleyways. Officials report a high rate of arrest and conviction since installation of the monitoring systems.

The British Home Office, which overseas the police, is promoting video monitoring as ''one of the most exciting and constructive applications of new technology in the fight against crime, according to Junior Home Minister David Maclean. A clear majority of citizens express support for the use of video cameras to stop crime.

Video monitoring has been utilized successfully in the United States for some time. The Washington D.C. Metro subway system has had a closed-circuit monitoring system since it opened in 1976. The system has a total of 1,200 cameras and an equal number of monitors with 10 to 30 cameras in each station, depending on station size. The entire system cost approximately $3 million to install with the cameras costing $2,000 to $2,500 each and the monitors $200 each. It costs roughly $250,000 per year to maintain the system.

The monitors for all the cameras in each station are housed in one enclosed booth where an official watches the screens. This creates a strong deterrent effect as potential criminals are aware that every movement in the station is being monitored. If a crime is committed, the station guards can usually reach the suspect within seconds.

The use of the camera system has made the Washington subway system the safest in the country, according to Patricia Lambe, spokesman for the Washington Metro Area Transit Authority. In 1993, only 33 violent crimes occurred in the system. From 1990 through 1993, only one murder. All the other violent crimes were classified as aggravated assaults. Many of these crimes were committed in parking lots and garages not covered by video cameras. This is an amazing record for a metropolitan area subway system serving over 4 million people.

Closed circuit camera technology has increased dramatically since the Washington subway camera system was installed. Cameras can be installed which rotate and tilt to cover a wide area and can zoom in on an individual up to a mile away. Cameras can be programmed to turn to any area where there is movement or noise. A camera covering a huge parking lot can detect someone breaking into a car or committing an assault and zoom in on the crime.

Police watching closed circuit monitors are alerted that a crime is being committed and move in on the suspects immediately. One person can watch up to 10 television monitors at a time. Police substations should be located within a short drive to the scene of any crime located by the monitoring system.

Closed circuit systems should be tested in high-crime inner-city areas such as public housing facilities, playgrounds, parking garages and lots, open air drug markets, and schools. The cameras should be mounted on inaccessible rooftops or street lights.

A pilot project in 10 cities, funded with federal dollars, could produce dramatic results for under $50 million. Each city could install 1,000 cameras in high-crime areas for a cost of $3 million each or $30 million for 10 cities. Upkeep and replacement costs would be approximately $250,000 a year per city or $2.5 million per year for the 10 cities. The city or state government would be expected to pick up the cost of the personnel to watch the monitors. The total cost of maintenance would be $12.5 million for five years for a total cost of $42 million.

This is less than the cost of midnight basketball, self esteem-building classes or a handful of other very dubious programs just passed in the federal crime bill. It is the cheapest way to reduce crime in our cities and make our urban residents feel free to go outside again.

While civil libertarians will complain about invasion of privacy, we are being monitored by video cameras already in a host of private establishments including banks, supermarkets, department stores, airports and subway systems. Such monitoring doesn't make most of us feel like big brother is watching. It makes us feel safer. If closed circuit monitoring works in Great Britain, in the Washington Metro subway and in a variety of private businesses, isn't it time to try this approach in our crime ridden inner-cities?

Get-tough legal changes are being enacted by the federal and state governments and through the voter initiative process. Many of these reforms, such as life sentences for third felony convictions (three strikes you're out), eliminating parole and longer sentences for violent offenders are important steps in reducing crime.

These get-tough laws will keep prisoners incarcerated for much longer periods, resulting in reduced crime rates in the years to come.

But installation of closed circuit video cameras and monitors will have an immediate and dramatic impact on the crime rate and on the lives of America's beleaguered inner city residents.

As the new GOP leadership in Congress contemplates serious changes in the recently passed Crime Bill, taking resources from the social programs and earmarking them for closed circuit cameras and monitors would be a good investment with an immediate payoff.

TRIBUTE TO LEON WINSTON AND RAY DEFRESS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. DAVIS, Mr. Speaker, I rise today to pay tribute to the winners of this year's Fairfax County Don Smith Employees Advisory Council [EAC] Award. The winners are Leon Winston and Ray DeFress. These two men are being honored for consistently going the extra mile for those around them. These two fine men will be honored on Monday, February 27, 1995, at ceremonies at the Fairfax County Government Center.

The Don Smith Award was established by the Fairfax County EAC in 1991 to honor Donald D. Smith, who retired in 1990 after devoting 16 years to the EAC. The award honors employees who have contributed to the well-being of their fellow employees. Recipients receive $1,000 and a plaque.

Ray DeFress, an employee in the real estate assessments office, is being honored for his timeless generosity. Employees know that they can turn to Ray DeFress for a lift or help with a move. He can be found on his lunch hour taking someone to the service station or fixing their car. He is always available to help employees moving from one place or another. He has also raised money for people in need and spent hundreds of dollars of his own money to help people in their darkest hour. He has been a county employee for 26 years, with an exemplary record.

Leon Winston, a custodian at Navy Elementary School in Fairfax, is being commended for his commitment, leadership, hard work, and contribution to a positive work environment, and concern for others. When another custodian became ill, Winston offered to share work hours. He is a favorite with the students at the school, who not only see him as a supervisor but, a friend. He is a man who can always be trusted to always have the school open, even during the strongest snow storms, and clean for the public.

Mr. Speaker, I know my colleagues join me in acknowledging and honoring these two fine men who exemplify all that is right with local government employees not only in Fairfax, but across the Nation. Their honor, voted by their peers, is one for which we can all be proud.

THE SAVINGS AND INVESTMENT LIBERATION BILLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. CRANE. Mr. Speaker, today I introduce a package of three bills designed to give Americans the freedom to invest and save, without interference from the IRS. Our current tax code acts as an obstacle for individuals to do what they have been counseled to do by their parents for generations—save and invest.

A study by the Tax Foundation revealed that effective tax rates on income from savings and investment are substantially higher than the effective tax rates on income from wages. As a result, the tax burden falls heaviest on those who earn a greater portion of their income from savings and investments—namely entrepreneurs and senior citizens. As a consequence, these high tax rates actually discourage Americans from saving and investing.

Again according to the Tax Foundation, the current estate laws have similar negative effects in the market. Amazingly, the current Federal estate taxes have the same punishing effect on Americans as doubling income tax rates.

As a member of the Ways and Means Committee, I am attempting to put some rationality back in the tax code, and as part of the effort to achieve fundamental reform of the code, I am introducing a package of three bills to do the following:

1. Eliminate dividend and interest taxes on individuals;
2. Repeal estate and gift taxes and the tax on generation-skipping transfers; and
3. Repeal the capital gains tax on individuals.

It is high time we stopped punishing those who save and invest. A typical taxpayer who chooses to save is taxed several times on the same dollar of earned income under the present system. As a result, savings and investment rates in the United States are among the lowest of the world's major industrial powers. Under this legislative package, taxpayers will finally be set free from these redundant taxes.

I encourage my colleagues to support these bills for the benefit of their constituents.

THE PENSION REFORM ACT OF 1995

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce the Pension Reform Act of 1995.

There can be no doubt that the status of women in America has changed dramatically in this century with these changes having profound implications for the long-term economic security of women. Whereas, heretofore extended families cared for the aged, both male and female; women today are increasingly likely to be alone as they age due to the disappearance of the extended family, mortality rates, and the increased incidence of divorce and single parenthood. And when one considers the average woman earns 68 cents for every dollar earned by the average man, it is easy to understand why the poverty rate is so much higher among older women than older men, 15 percent versus 9 percent. Even more striking is that the median income of women aged 65 and older is $6,425, 56 percent lower than the median income of older men—$11,544.

The Retirement Equity Act of 1984 made an important start. It improves the chance of widows actually receiving a pension by offering survivors protection to employees as soon as they become vested and requiring a wife's notarized signature before her husband can sign away her right to receive a survivor's benefit. The law also makes it easier for a divorced wife to get a share of a court-awarded pension directly from a former spouse's pension plan; lowers the age at which plans begin counting service for vesting credit, and extends the amount of time women can take off for child-rearing without losing credit for prior service.

But the Retirement Equity Act didn't go far enough. Women divorced before its passage have no pension rights. That means that a 56-year-old woman divorced in 1980 is now 65 and has no pension rights. That means we could have a whole new class of poor elderly women. The Pension Reform Act of 1995 would allow pensions not divided at the time of divorce, to be divided now, pursuant to a court order thereby effectively making the Retirement Equity Act retroactive. The Pension Reform Act of 1995 would also require the division of pension assets prospectively unless a domestic relations order provides otherwise.

The Tax Reform Act of 1986 continued the trend of enhanced retirement security for women. It reduced the vesting period, the period of service which must be completed before an employee has a nonforfeitable right to a pension, to 5 years for single employer pensions. This means that employees must be 100 percent vested after 5 years of service or, using an alternative vesting schedule, 20 percent vested after 3 years and 20 percent for each year thereafter. In general, therefore, employees who have been covered by an eligible pension plan for 5 years and work at least 1 hour after January 1, 1989 are automatically vested. This change is particularly important for women as it is estimated that approximately 1.9 million additional workers are now entitled to pensions. Multiemployer pension plans however, are not covered by these new vesting rules. The Pension Reform Act of 1995, would extend the 5 year vesting period to these types of plans as well. This provision was contained in H.R. 4210 and H.R. 11 in the 102d Congress—both were vetoed by the President. It was also contained in H.R. 3419, which was passed by the House of Representatives, but ultimately never reached the President's desk for signature. It is my hope that we can at least enact this provision this year.

Faster vesting also leads the way to greater portability; the ability to carry one's credit for service in an employer-sponsored pension plan from job to job. This is of particular importance to women as they are much more likely to change jobs and interrupt their participation in the work force at one or more times in their lives.

The Tax Reform Act of 1986 also limited integration, a little known, but potentially devastating, mechanism whereby employers may reduce pension benefits by the amount of Social Security to which an employee is entitled. Although originally intended to offset the employer contribution to Social Security, integration has often had the effect of eliminating an employee's entire private pension. In 1986, after much struggle, it was determined that Social Security benefits do not adequately replace the preretirement earnings of low- and middle-income workers. Today, therefore, the law limits integration and assures that all eligible employees receive some minimum level of benefits. However, this protection only applies to benefits earned in plan years beginning after December 31, 1988. The Pension Reform Act of 1995 would extend this protection to all benefits earned since January 1, 1987 and eliminate integration entirely by January 1, 2000.

Under current law of the Railroad Retirement Act a divorced spouse may receive a divorced spouse annuity at age 62 if the employee has attained age 62 and is receiving an annuity. The Pension Reform Act of 1995 would amend the Railroad Retirement Act by

eliminating the language that suspends the payment of a divorced spouse annuity when the employee although he or she is age-eligible, chooses not to receive an annuity.

I would urge my colleagues to support this vital piece of legislation.

Thank you.

THE FEDERAL ACQUISITION REFORM ACT OF 1995

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. CLINGER. Mr. Speaker, today I am introducing legislation, on behalf of myself, and National Security Committee Chairman Floyd Spence and International Relations Committee Chairman Benjamin Gilman, to simplify and streamline the Federal procurement process. This legislation will complement the work we started last year with the enactment of the Federal Acquisition Streamlining Act of 1994 [FASA].

There is no doubt that the almost $200 billion spent each year by the Federal Government has been done in an inefficient and Byzantine way. The current system has cost too much, has involved too much red tape, and has ill-served both the taxpayer and industry. FASA was a direct attack on a procurement system that had gone haywire—it applied some common sense approaches to the bureaucracy to reduce the inefficiencies of the system, get some real cost savings for the taxpayer by encouraging competition, and reduce the burdens on both Government contracting officials and those who sell to them.

Reforming the Federal procurement system is an extremely difficult and complex task because the procurement process is itself arcanely difficult and complex. Nevertheless, it is an issue of prime importance to both American business and the American taxpayer.

This bill we are introducing today will serve as the foundation for procurement reforms beyond those provided in FASA. The bill includes two issues which we were unable to resolve to our satisfaction during the development of FASA.

First, the bill would repeal current provisions of law known as ''Procurement Integrity'' and replace these provisions with simple prohibitions and clearer administrative standards. This proposal was developed originally by the Bush administration in 1989 and is supported by the Clinton administration.

The proposal more squarely addresses the same basic concern as current law: the unauthorized disclosure and receipt of procurement-sensitive information. But it does so by focusing on the information to be protected, not—as in current law—on the status of persons who might disclose or obtain the information or the particular stage of a procurement when sensitive information may be created.

The complexity of the current restrictions have frustrated the ability of the contracting workforce—both in Government and industry—to abide by them. Also, while our bill contains remedies similar to those available under the current law, it does not rely on the complex system of certifications demanded by current law to ensure compliance. We believe that statutory certification requirements are unlikely to deter conduct to be proscribed. Moreover, the certifications create considerable administrative burden that the system can no longer afford.

Our legislation also would remove remaining agency-specific post-employment restrictions. These provisions were made unnecessary when Congress passed the Ethics Reform Act of 1989 which included government-wide conflict of interest laws. The accumulation over time of several layers of tailored post-employment restrictions has complicated efforts to provide guidance and advice to those who must abide by the rules, and has frustrated Federal agencies in attracting the highest quality talent from industry and academia.

Second, our bill repeals a current provision of law which disadvantages U.S. companies when selling American products in international markets. Current law requires that a fee be paid to the U.S. Government on foreign sales of products and technologies developed under Government contracts. It may have been an appropriate policy when it was originally adopted in the early 1960's as a way of sharing development costs with U.S. allies. But today, our allies are our competition, and this current policy threatens the future of American workers by making it more difficult for their employers to compete for business in the world marketplace. The Bush administration recommended repeal of this provision, and the Clinton administration currently is recommending its repeal.

Beyond these reforms, we will be calling on the administration, industry and other interested parties to provide additional proposals which will assist us in developing the remainder of our legislative package. Although we do not intend a new procurement reform effort to be as comprehensive as FASA, we must continue to push for reforms which will make the Federal procurement system work better and cost less.

H.R. —

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 ''Federal Acquisition Reform Act of 1995''.

SEC. 2. PROCUREMENT INTEGRITY AMENDMENT.

(a) AMENDMENT OF PROCUREMENT INTEGRITY PROVISION.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

''SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

''(a) PROHIBITION ON DISCLOSING PROCUREMENT INFORMATION.—(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly and willfully disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

''(2) Paragraph (1) applies to any person who—

''(A) is a present or former officer or employee of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and

''(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

''(b) PROHIBITION ON OBTAINING PROCUREMENT INFORMATION.—A person shall not, other than as provided by law, knowingly and willfully obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

''(c) PROHIBITION ON DISCLOSING OR OBTAINING PROCUREMENT INFORMATION IN CONNECTION WITH A PROTEST.—(1) A person shall not, other than as provided by law, knowingly and willfully violate the terms of a protective order described in paragraph (2) by disclosing or obtaining contractor bid or proposal information or source selection information related to the procurement contract concerned.

''(2) Paragraph (1) applies to any protective order issued by the Comptroller General or the board of contract appeals of the General Services Administration in connection with a protest against the award or proposed award of a Federal agency procurement contract.

''(d) PENALTIES AND ADMINISTRATIVE ACTIONS.—

''(1) CRIMINAL PENALTIES.—

''(A) Whoever engages in conduct constituting an offense under subsection (a), (b), or (c) shall be imprisoned for not more than one year or fined as provided under title 18, United States Code, or both.

''(B) Whoever engages in conduct constituting an offense under subsection (a), (b), or (c) for the purpose of either—

''(i) exchanging the information covered by such subsection for anything of value, or

''(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than five years or fined as provided under title 18, United States Code, or both.

''(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a), (b), or (c). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

''(3) ADMINISTRATIVE ACTIONS.—(A) If a Federal agency receives information that a contractor or a person has engaged in conduct constituting an offense under subsection (a), (b), or (c), the Federal agency shall consider taking one or more of the following actions, as appropriate:

''(i) Cancellation of the Federal agency procurement, if a contract has not yet been awarded.

''(ii) Rescission of a contract with respect to which—

''(I) the contractor or someone acting for the contractor has been convicted for an offense under subsection (a), (b), or (c), or

''(II) the head of the agency that awarded the contract has determined, based upon clear and convincing evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting such an offense.

''(iii) Initiation of suspension or debarment proceedings for the protection of the Government for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation.

''(iv) Initiation of adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

''(B) If a Federal agency rescinds a contract pursuant to subparagraph (A)(ii), the United States is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

''(C) For purposes of any suspension or debarment proceedings initiated pursuant to subparagraph (A)(iii), engaging in conduct constituting an offense under subsection (a), (b), or (c) affects the present responsibility of a Government contractor or subcontractor.

''(e) DEFINITIONS.—As used in this section:

''(1) The term 'contractor bid or proposal information' means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

''(A) Cost or pricing data (as defined by section 2306a(i) of title 10, United States Code, with respect to procurements subject to that section, and section 304A(i) of Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(i), with respect to procurements subject to that section).

''(B) Indirect costs and direct labor rates.

''(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

''(D) Information marked by the contractor as 'contractor bid or proposal information', in accordance with applicable law or regulation.

''(2) The term 'source selection information' means any of the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

''(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

''(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

''(C) Source selection plans.

''(D) Technical evaluation plans.

''(E) Technical evaluations of proposals.

''(F) Cost or price evaluations of proposals.

''(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

''(H) Rankings of bids, proposals, or competitors.

''(I) The reports and evaluations of source selection panels, boards, or advisory councils.

''(J) Other information marked as 'source selection information' based on a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

''(3) The term 'Federal agency' has the meaning provided such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

''(4) The term 'Federal agency procurement' means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

''(5) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

''(6) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) or subchapter V of chapter 35 of title 31, United States Code.

''(f) LIMITATION ON PROTESTS.—No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging an offense under subsection (a), (b), or (c), of this section, nor may the Comptroller General or the board of contract appeals of the General Services Administration consider such an allegation in deciding a protest, unless that person reported to the Federal agency responsible for the procurement information that the person believed constituted evidence of the offense no later than 14 days after the person first discovered the possible offense.

''(g) SAVINGS PROVISIONS.—This section does not—

''(1) restrict the disclosure of information to, or its receipt by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

''(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

''(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

''(4) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

''(5) authorize the withholding of information from, nor restrict its receipt by, any board of contract appeals of a Federal agency or the Comptroller General in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

''(6) limit the applicability of any requirements, sanctions, contract penalties, and remedies established under any other law or regulation.''.

(b) REGULATIONS.—(1) Proposed revisions to the Federal Acquisition Regulation to implement this section shall be published in the Federal Register not later than 60 days after the date of the enactment of this Act.

(2) The proposed regulations described in paragraph (1) shall be made available for public comment for a period of not less than 60 days.

(3) Final regulations shall be published in the Federal Register not later than 150 days after the date of the enactment of this Act.

(c) REPEALS.—(1) The following provisions of law are repealed:

(A) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(B) Section 281 of title 18, United States Code.

(C) Subsection (c) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(2)(A) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking the items relating to sections 2397, 2397a, 2397b, and 2397c.

(B) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking the item relating to section 281.

(C) Section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

SEC. 3. INTERNATIONAL COMPETITIVENESS.

(a) REPEAL OF PROVISION RELATING TO RESEARCH, DEVELOPMENT, AND PRODUCTION COSTS.—Section 21(e) of the Arms Export Control Act (22 U.S.C. 2761(e)) is amended—

(1) by inserting ''and'' after the semicolon at the end of paragraph (1)(A);

(2) by striking out subparagraph (B) of paragraph (1);

(3) by redesignating subparagraph (C) of paragraph (1) as subparagraph (B);

(4) by striking out paragraph (2); and

(5) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective with respect to sales agreements pursuant to sections 21 and 22 of the Arms Export Control Act (22 U.S.C. 2761 and 2762) entered into on or after the date of the enactment of this Act.

IN SUPPORT OF FEDERAL FUNDING FOR THE ARTS AND PUBLIC BROADCASTING

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. VENTO. Mr. Speaker, as we consider Federal support of the arts and public broadcasting, we must recognize the full cultural and economic benefits of these activities. The nonprofit arts industry is an important part of the economy, constituting nearly 1 percent of the entire U.S. work force and contributing $36.8 billion to the national economy. In addition, Federal funding enhances the ability of specialized artists and musicians to keep unique cultural traditions alive for future generations. I would like to bring to the attention of my colleagues the following letter and editorial from the Mississippi Rag and editorial from the Minneapolis Star Tribune which provide further evidence of the positive effect of Federal funding for these programs.

[From the Minneapolis Star Tribune, Feb. 22, 1995]

THE ARTS—A PRAGMATIC CASE ONLY GOES SO FAR

As political rhetoric against the evils of federal arts funding heats up, arts organizations are working hard to offer compelling counter arguments—as well they'd better. But something important about the nature of the arts is getting missed.

If you've been listening to House Republicans lately, you've heard the arts portrayed as, variously, the playground of the elite, the domain of leftist counterculturists, the path to immorality and decadence. Recipient artists are seen as entrepreneurs on the dole—laggards who should, instead, submit themselves to the verdict of the marketplace. Each argument must be countered, and thoughtful folks are compiling facts and figures to do just that.

And yet the resulting defense, designed to persuade those who aren't attuned to the arts, falls short of expressing the value of the arts—and why Americans should make sure they flourish. Job statistics, investment payoffs, community growth potential—they're all meaningful, they're all true. they're even persuasive:

The nonprofit arts industry contributes $36.8 billion to the national economy each year.

The 1.3 million jobs supported by the arts industry resulted in $25.2 billion in paychecks earned by and paid to workers in every industry in the country. More than 20,000 people in Minnesota work in the arts industry.

The arts are an investment that will pay off in a better future work force. Arts have been shown to improve student learning, instilling self-esteem and discipline.

The NEA stimulates local economies and spurs urban renewal.

Jobs supported by the nonprofit arts industry represent, alone, nearly 1 percent of the entire U.S. work force.

Arts alliances are wise to underscore those points, given the current political landscape. Perhaps details about how the arts affect the economy will resonate with influential pragmatists who don't relate to flowery talk from people like actress Jane Alexander, the head of the National Endowment for the Arts. And yet. . . .

And yet for those who see the arts as an essential to life, not as a frill, all this is a little cold. To those who have felt the power of a film, an ethnic dance troupe or a good book, the value of the arts is as clear as a mountain stream.

Not surprisingly, that value is most succinctly put by an artist. Violinist and conductor Pinchas Zukerman told a lingering St. Paul Chamber Orchestra audience the other night (OK, so we'll admit to being part of the blue-jeaned ''elite'' at the ''Casually U'' series):

''It comes down to this: Do you want Beethoven's Ninth in your life or not? It all depends on what the hell kind of soul you want, as a society.''

That says it.

[From the Mississippi Rag, Feb. 1995]

MINNEAPOLIS, MN.

Public broadcasting must be saved. I base this opinion on the following background:

I have invested my career in over 50 years of American broadcasting as an employee, member of the military, free-lancer, and listener.

In the private sector as an employee, I researched, programmed, announced, and marketed broadcast services and sound products in New York City, Minneapolis-St. Paul, Denver, San Francisco, and Duluth-Superior.

In the public sector, I currently serve as programmer, spokesperson, and interviewer.

In the military, I was a member of a team developing radio broadcast concepts for hospital rehab programs during World War II.

I have also spent some 20 years studying and teaching in the area of electronic media. Here are some of the realities.

With some exceptions, it is my conviction that the profit-oriented broadcaster is not prepared to experiment, innovate, explore and expose new program concepts. I am willing to bet a microphone cord and a stack of classical and jazz CDs that few commercial broadcasters, if any, will rally to fill that specialized space in the bankrupt radio and TV spectrum should public broadcast funding be eliminated.

What will be the alternative? Again from experience in the revolving door of commercial broadcasting, I say do not count on the commercial licensee's sense of the public interest to pick up the slack.

Further from this half century perch and experience, I suggest most commercial broadcasters are electronic lemmings locked in battles of ratings and demographics. These broadcast marketers are hung up on formula TV and format radio. Operating a variety of musical ferris wheels, they dump on us everything from a repetitive load of adult contemporary, album-oriented rock, urban, and country music to what amounts to TV tabloid journalism. Add, if you will, sensation directed talk hosts whose topics are run as their counterparts program music in hit radio.

What will be the alternative to the audio-visual commodity business? I suggest again, with some exception, the commercial AM and FM TV dial will continue to program from the bland to the sensational and the violent. I contend the most creative investment in commercial broadcasting is reserved for spot advertising and promotions. Public broadcasting, for this debate, invests in new programs, concepts and people.

Slash those funds and there will be a giant ''sucking sound'' swallowing those unique voices and programs as the public broadcasting transmitters sign off because of lack of funds. Privatize public broadcasting and public broadcasting will be subject to the same demographics and rating game.

I ask you, don't we as Americans deserve a broadcast service which gives us an alternative system—a system which truly invests, innovates and experiments with new program concepts regardless of ratings, age, or background? No content warning for the most part! The CBC, BBC, and our own Voice of America are examples of innovators. So is American Public Broadcasting!

Time is of the essence. Join with me. Call your friends. Contact your congressman and senator. Public broadcasting must be saved for it is an important investment in . . . democratic debate, cultural understanding, family values, moral leadership and character.

Far from elitist, public broadcasting is a medium for breaking barriers and isolation. It is a catalyst for building unity and celebrating who we are as Americans.

LEIGH KAMMAN.

[The Mississippi Rag, February 1995]

EDITORIALIZING

In this issue, jazz broadcaster Leigh Kamman makes an impassioned plea in favor of continued government funding for public broadcasting, asking RAG readers to join in the fray. This editor has already done so, contacting my senators, congressman, the Speaker of the House and the Senate Majority Leader.

At approximately $1 per year per person, public broadcasting is a fantastic bargain for a jazz fan. My television is most often tuned to the local public television station where I've been able to view superlative programs on Duke Ellington, Louis Armstrong, Billie Holiday, Sarah Vaughan, and Benny Goodman, among others. I've also caught a few jazz festivals.

My car radio dial is set for four stations—all are public broadcasting stations which feature jazz (one exclusively). Every week, I make an effort to catch ''Riverwalk,'' Butch Thompson's ''Jazz Originals,'' Marian McPartland's ''Piano Jazz,'' ''Jazz at Lincoln Center,'' and Leigh Kamman's ''The Jazz Image,'' all on public radio stations.

Ask yourself what jazz programs you regularly listen to. Dollars to donuts, you're listening to public broadcasting rather than a commercial station. Stay silent during the hearings to drop, cut, and/or rescind funding for the Corporation for Public Broadcasting and be prepared to lose that programing.

One argument against funding is that public broadcasting is unnecessary now with all the options offered by cable. This argument ignores the obvious, however—cable is expensive, not available in many rural areas, and therefore not an option for many citizens.

Another argument is that commercial stations will pick up the slack. A perfect counter argument is to offer an example of a now-defunct jazz program on WCCO–AM, a major Twin Cities commercial radio station known as ''The Good Neighbor to the Northwest.'' The show, hosted by a fine, conscientious late night broadcaster, Joe McFarlin, actually inspired the launching of this newspaper. Joe (who was featured in an early RAG) spent hours preparing an eclectic collection of fine classic jazz, complementing the music with knowledgeable commentary. This weekly show ran in the wee hours of the morning, and many an early RAG was put to bed as we listened to him. Joe did this show on his own, with no support from the station—the show was not publicized, despite efforts on this editor's part to get the station's publicist to recognize the substantial following and respect Joe had earned. Eventually, with no budget for buying records (most he purchased on his own or brought from home), and no recompense or appreciation from the station for the hours he spent preparing the show, Joe gave up the good fight. I suspect that many of you can cite similar stories.

Traditional jazz and ragtime enthusiasts must realize that if we're going to keep this music alive for future generations, we have to fight for it on all fronts. It's no secret that most school music programs—elementary through college—go no further back in jazz history than Stan Kenton, choosing to ignore the roots of jazz and ragtime because the teachers themselves are not knowledgeable guides to this music. Some (not enough) jazz and ragtime societies are addressing this issue, making valiant efforts to get young people interested in the music through jazz education programs, jazz camps and scholarships, and they are to be commended for their work. The challenge, as the RAG sees it, is to educate the teachers as well as the students.

Public broadcasting has been and can be an effective medium for doing this. We document jazz and ragtime history in these pages, and we value the role public broadcasting has played in expanding our own knowledge. This educational role often seems to escape those who would privatize the programming of public broadcasting. They fail to appreciate that education is rarely ''market driven'' and is seldom profitable per se, but it's crucial in making us aware of the diversity of our culture. At its best, public broadcasting feeds the ''Gee Whiz'' factor, helping us to discover concepts that are not only new but exciting.

And, there is another consideration. The traditional jazz and ragtime recording business is more prolific than ever, but the recordings need exposure in order for the labels to justify the expense. Where are you most likely to hear a recording by jazz or ragtime performers who are eminently capable but hardly household words? Think about it.

Let's not close any doors that can be opened to spread the word about the music we love. Let your voice be heard now.

Sincerely,

LESLIE JOHNSON.

Daily Digest

HIGHLIGHTS

The House passed regulatory transition bill.

Senate

Chamber Action

Routine Proceedings, pages S3071–S3136

Measures Introduced: Two bills and two resolutions were introduced, as follows: S. 473 and 474, and S. Res. 79 and 80. **Page S3132**

Balanced Budget Constitutional Amendment: Senate resumed consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States. **Pages S3081–S3131**

Pending:

(1) Feinstein Amendment No. 274, in the nature of a substitute. **Page S3082**

(2) Feingold Amendment No. 291, to provide that receipts and outlays of the Tennessee Valley Authority shall not be counted as receipts or outlays for purposes of this article. **Page S3082**

(3) Graham Amendment No. 259, to strike the limitation on debt held by the public. **Page S3082**

(4) Graham Amendment No. 298, to clarify the application of the public debt limit with respect to redemptions from the Social Security Trust Funds. **Page S3082**

(5) Kennedy Amendment No. 267, to provide that the balanced budget constitutional amendment does not authorize the President to impound lawfully appropriated funds or impose taxes, duties, or fees. **Pages S3082, S3130–31**

(6) Bumpers modified motion to refer H.J. Res. 1 to the Committee on the Budget with instructions. **Pages S3082–90**

(7) Nunn Amendment No. 299, to permit waiver of the amendment during an economic emergency. **Page S3082**

(8) Nunn Amendment No. 300, to limit judicial review. **Page S3082**

(9) Levin Amendment No. 273, to require Congress to pass legislation specifying the means for implementing and enforcing a balanced budget before the balanced budget amendment is submitted to the States for ratification. **Page S3096**

(10) Levin Amendment No. 310, to provide that the Vice President of the United States shall be able to cast the deciding vote in the Senate if the whole number of the Senate be equally divided. **Page S3096**

(11) Levin Amendment No. 311, to provide that the Vice President of the United States shall not be able to cast the deciding vote in the Senate if the whole number of the Senate be equally divided. **Page S3096**

(12) Pryor Amendment No. 307, to give the people of each State, through their State representatives, the right to tell Congress how they would cut spending in their State in order to balance the budget. **Pages S3096–97**

(13) Byrd Amendment No. 253, to permit a bill to increase revenue to become law by majority vote. **Page S3098**

(14) Byrd Amendment No. 254, to establish that the limit on the public debt shall not be increased unless Congress provides by law for such an increase. **Page S3098**

(15) Byrd Amendment No. 255, to permit the President to submit an alternative budget. **Page S3098**

(16) Byrd Amendment No. 258, to strike any reliance on estimates. **Page S3098**

(17) Byrd Amendment No. 259, to provide that any bill to increase revenues shall not become law unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote. **Page S3098**

(18) Byrd Amendment No. 252, to permit outlays to exceed receipts by a majority vote. **Page S3098**

(19) Kerry motion to commit H.J. Res. 1 to the Committee on the Budget. **Page S3104**

(20) Hatch (for Dole) motion to recommit H.J. Res. 1 to the Committee on the Budget with instructions. **Page S3104**

(21) Hatch (for Dole) motion to recommit H.J. Res. 1 to the Committee on the Budget with instructions. **Page S3104**

(22) Hatch (for Dole) motion to commit H.J. Res. 1 to the Committee on the Judiciary with instructions. **Pages S3104–05**

(23) Hatch (for Dole) motion to commit H.J. Res. 1 to the Committee on the Judiciary with instructions. **Page S3105**

By prior consent agreement, votes on the pending amendments and motions will occur on Tuesday, February 28, 1995, beginning at 2:15 p.m.

Senate will continue consideration of the resolution on Monday, February 27, 1995.

Appointments:

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed Senator Dodd as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 104th Congress. **Page S3136**

North Atlantic Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed Senator Heflin as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the 104th Congress. **Page S3136**

Senate Arms Control Observer Group: The Chair, on behalf of the Minority Leader, pursuant to S. Res. 105, adopted April 13, 1989, as amended by S. Res. 280, adopted October 8, 1994, announced the appointment of the following as members of the Senate Arms Control Observer Group: Senators Pell, Kennedy, Moynihan, Levin, Sarbanes, Bumpers, and Glenn. **Page S3136**

Nominations Received: Senate received the following nominations:

Kirsten S. Moy, of New York, to be Administrator of the Community Development Financial Institutions Fund.

1 National Oceanic and Atmospheric Administration nomination.

27 Navy nominations in the rank of admiral.

Pages S3136–37

Petitions: **Pages S3131–32**

Statements on Introduced Bills: **Pages S3132–33**

Additional Cosponsors: **Pages S3133–34**

Notices of Hearings: **Page S3135**

Authority for Committees: **Page S3135**

Additional Statements: **Pages S3135–36**

Recess: Senate convened at 9:45 a.m., and recessed at 7:53 p.m., until 12 noon, on Monday, February 27, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S3136.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—INDEPENDENT AGENCIES

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held hearings on proposed budget estimates for fiscal year 1996, receiving testimony in behalf of funds for their respective activities from Gen. Fred F. Woerner, Chairman, American Battle Monuments Commission; John H. Zirschky, Acting Assistant Secretary of the Army for Civil Works (on behalf of Army cemeterial expenses); Teresa Nasif, Director, Consumer Information Center; Ann Brown, Chairman, Consumer Product Safety Commission; Bernice Friedlander, Acting Director, Office of Consumer Affairs; and Frank Q. Nebeker, Chief Judge, United States Court of Veterans Appeals.

Subcommittee will meet again on Friday, March 3.

REGULATORY REFORM

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings on S. 343, to reform the Federal regulatory process, after receiving testimony from Sally Katzen, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget; C. Boyden Gray, Wilmer, Cutler, and Pickering, Turner T. Smith, Jr., Hunton and Williams, David Vladeck, Public Citizen, and Robert Cynkar, Shaw, Pittman, Potts, and Trowbridge, all of Washington, D.C.; Peter Strauss, Columbia University Law School, New York, New York; and George Freeman, Hunton and Williams, Richmond, Virginia, on behalf of the American Bar Association.

House of Representatives

Chamber Action

Bills Introduced: Twenty-one public bills, H.R. 1036–1056; and four resolutions, H.J. Res. 69 and H. Res. 97–99, were introduced. **Pages H2223–24**

Reports Filed: Reports were filed as follows:

H.R. 10, to reform the Federal civil justice system, amended (H. Rept. 104–50, part 1); and

H. Res. 96, providing for the consideration of H.R. 1022, to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules (H. Rept. 104–51).

Page H2223

Regulatory Transition Act: By a recorded vote of 276 ayes to 146 noes, Roll No. 174, the House passed H.R. 450, to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions.

Pages H2182–H2210

By a recorded vote of 172 ayes to 250 noes, Roll No. 173, rejected the Collins of Illinois motion to recommit the bill to the Committee on Government Reform and Oversight with instructions to report it back forthwith containing an amendment to exempt from the moratorium any regulatory rulemaking begun by EPA before the date of enactment that related to control of microbial and disinfection by-product risks in drinking water supplies.

Pages H2207–09

By a division vote of 132 ayes to 91 noes, agreed to the committee amendment in the nature of a substitute. **Page H2207**

Agreed To:

The Tate amendment that extends for six months beyond the established period the regulatory moratorium for regulations affecting businesses with 100 or fewer employees (agreed to by a recorded vote of 370 ayes to 45 noes with 1 voting ''present'', Roll No. 167). **Pages H2183–87**

Rejected:

The Wise amendment that sought to exempt rulemaking actions relating to aircraft safety, nuclear waste disposal, and mine safety from the moratorium (rejected by a recorded vote of 194 ayes to 228 noes, Roll No. 168); **Pages H2187–92, H2201–02**

The Gene Green of Texas amendment that sought to exclude from the moratorium a regulation providing clarifications sought by employers to regulations implementing the Family and Medical Leave Act (rejected by a recorded vote of 177 ayes to 241 noes, Roll No. 169); **Pages H2192–94, H2202–03**

The Waxman amendment that sought to restrict regulatory rulemaking activities subject to the moratorium to the issuance of substantive rules, interpretative rules, statements of agency policy, or notices of proposed rulemaking (rejected by a recorded vote of 145 ayes to 271 noes, Roll No. 170);

Pages H2194–97, H2203

The Fattah amendment that sought to exclude from the moratorium any rulemaking actions to implement the Telemarketing and Consumer Fraud and Abuse Prevention Act (rejected by a recorded vote of 168 ayes to 254 noes, Roll No. 171); and

Pages H2198–H2200, H2203–04

The Volkmer amendment that sought to exclude from the moratorium any rulemaking actions by the Agriculture Department pursuant to the Sheep Promotion, Research and Information Act of 1994 (rejected by a recorded vote of 168 ayes to 253 noes, Roll No. 172). **Pages H2200–01, H2204–05**

It was made in order for the Clerk to make a certain clarifying correction and to correct section headings, cross references, punctuation, and indentation, and to make any other technical and conforming changes necessary in the engrossment of the bill.

Page H2210

Legislative Program: The Majority Leader announced the legislative program for the week of February 27. Agreed to adjourn from Friday to Monday.

Pages H2211–14

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 1. **Page H2214**

Risk Assessment and Cost-Benefit Act: It was made in order that the House could proceed to general debate in the Committee of the Whole on H.R. 1922, Risk Assessment and Cost-Benefit Act of 1995, as though under H. Res. 96, during any postponement of proceedings on that resolution.

Pages H2215–16

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H2225–26.

Quorum Calls—Votes: Eight recorded votes developed during the proceedings of the House today and appear on pages H2186–87, H2202, H2202–03, H2203, H2204, H2204–05, H2209, and H2210. There were no quorum calls.

Adjournment: Met at 9 a.m. and adjourned at 3:42 p.m.

Committee Meetings

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on District of Columbia held a hearing to Review the District of Columbia's Audit and Financial Condition. Testimony was heard from John W. Hill, Jr., Director, Financial Management Policies and Issues, Accounting and Information Management Division, GAO; and a public witness.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Galvin Report: Alternative Futures for the DOE's National Laboratories. Testimony was heard from Robert Galvin, Chairman, Task Force on Alternative Futures for the Department of Energy's National Laboratories.

LABOR–HHS–EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on the Pension Benefit Guaranty Corporation and the Inspector General, Department of Labor. Testimony was heard from Charles C. Masten, Inspector General, Department of Labor; and Martin Slate, Executive Director, Pension Benefit Guaranty Corporation.

RESCISSION

Committee on Appropriations: Subcommittee on Legislative Branch approved for full Committee action a rescission measure for Fiscal Year 1995.

NCUA'S SEIZURE OF CAPITAL FEDERAL CORPORATE CREDIT UNION

Committee on Banking, Finance, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Credit held a hearing on the National Credit Union Administration's seizure of Capital Federal Corporate Credit Union into conservatorship. Testimony was heard from Norman E. D'Amours, Chairman, National Credit Union Administration; and public witnesses.

OVERSIGHT

Committee on Commerce: Subcommittee on Energy and Power held an oversight hearing on the privatization of the U.S. Enrichment Corporation. Testimony was heard from Robert Bernero, Director, Office of Nuclear Material, Safety and Safeguards, NRC; Victor Rezendes, Director, Energy and Science Issues, GAO; William H. Timbers, Jr., President, U.S. Enrichment Corporation; and public witnesses.

BUDGET RECOMMENDATIONS; UNITED STATES POLICY AND ACTIVITIES IN HAITI

Committee on International Relations: Approved Budget recommendations for the report to the Committee on the Budget.

The Committee also held a hearing on United States Policy and Activities in Haiti. Testimony was heard from Representatives Goss and Rangel; the following officials of the Department of State: Strobe Talbott, Deputy Secretary; and James F. Dobbins, Special Haiti Coordinator; Walter B. Slocombe, Under Secretary, Policy, Department of Defense; Mark Schneider, Assistant Administrator, Latin America and Caribbean Affairs, AID, United States International Development Cooperation Agency; and public witnesses.

OVERSIGHT

Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on foreign visitors who violate the terms of their visa by remaining in the United States indefinitely. Testimony was heard from the following officials of the Immigration and Naturalization Service, Department of Justice: James Puleo, Executive Associate Commissioner, Programs; and Robert Warren, Director, Statistics Branch; Diane Dillard, Deputy Assistant Secretary, Consular Affairs, Department of State; the following officials of the Commission on Immigration Reform: Barbara Jordan, Chair; and Robert Hill, Commissioner.

RISK ASSESSMENT AND COST BENEFIT ACT

Committee on Rules: Granted, by a record vote of 9 to 3, a modified open rule providing for 2 hours of debate on H.R. 1022, Risk Assessment and Cost Benefit Act of 1995. The rule provides for a 10-hour time limit on amendment process. Finally, the rule provides one motion to recommit. Testimony was heard from Chairmen Walker and Bliley and Representatives Bilirakis, Brown of California, and Dingell.

FEDERAL WATER POLLUTION CONTROL ACT REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment continued hearings on the reauthorization of the Federal Water Pollution Control Act. Testimony was heard from public witnesses.

Hearings continue March 7.

VA BUDGET REQUEST

Committee on Veterans' Affairs: Held a hearing on the Department of Veterans Affairs budget request for

fiscal year 1996. Testimony was heard from the following officials of the Department of Veterans Affairs: Jesse Brown, Secretary; D. Mark Catlett, Assistant Secretary, Management; and Mary Lou Keener, General Counsel; and representatives of veterans organizations.

CONGRESSIONAL PROGRAM AHEAD

Week of February 27 through March 4, 1995

Senate Chamber

On *Monday,* Senate will resume consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment.

On *Tuesday,* Senate will continue consideration of H.J. Res. 1, Balance Budget Constitutional Amendment, with votes to occur on amendments and motions pending thereto, with a vote on final passage of the resolution to occur thereon.

During the balance of the week, Senate may begin consideration of the conference report on S. 1, Unfunded Mandates, and consider S. 244, Paperwork Reduction Act.

Senate may also consider any cleared executive and legislative business.

(Senate will recess on Tuesday, February 28, 1995, from 12:30 p.m. until 2:15 p.m., for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: February 28, Subcommittee on Energy and Water Development, to hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Energy Research and Development to review the findings of the Task Force on Alternative Futures for Department of Energy National Laboratories, 9:30 a.m., SD–366.

February 28, Subcommittee on Treasury, Postal Service, General Government, to hold hearings on proposed budget estimates for fiscal year 1996 for the United States Postal Service, 2 p.m., SD–116.

March 1, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1996, Wednesday, for the National Endowment for the Arts, 9:30 a.m.; for the National Endowment for the Humanities, 11 a.m.; Wednesday at 9:30 a.m. and Wednesday at 11 a.m., SD–192.

March 1, Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Energy, focusing on atomic energy defense activities, 9:30 a.m., SD–116.

March 1, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1996 for the Commodity Futures Trading Commission, Farm Credit Administration, and the Food and Drug Administration of the Department of Health and Human Services, 10 a.m., SD–138.

March 1, Subcommittee on Commerce, Justice, State, and Judiciary, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of State, 10 a.m., S–146, Capitol.

March 2, Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation, 10 a.m., SD–192.

March 3, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 1996 for the National Credit Union Administration, the Neighborhood Reinvestment Corporation, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation—Inspector General, 9:30 a.m., SD–138.

Committee on Armed Services: February 28, to hold hearings on the nomination of Shelia Cheston, of the District of Columbia, to be General Counsel of the Department of the Air Force, 10 a.m., SR–222.

March 2, Full Committee, to resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: February 28, to hold hearings to examine Federal credit union activities, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: March 1, Subcommittee on Science, Technology, and Space, to hold oversight hearings on the United States civilian space program, 9:30 a.m., SR–253.

March 2, Full Committee, business meeting, to consider the nomination of Robert Pitofsky, of Maryland, to be a Federal Trade Commissioner, 9:30 a.m., SR–253.

March 2, Full Committee, to hold hearings on U.S. telecommunication policy, 9:45 a.m., SR–253.

Committee on Energy and Natural Resources: February 28, Subcommittee on Energy Research and Development, to hold joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development to review the findings of the Task Force on Alternative Futures for Department of Energy National Laboratories, 9:30 a.m., SD–366.

March 1, Full Committee, to hold hearings on S. 395, to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, including title II, proposed Trans-Alaska Pipeline Amendment Act, 9:30 a.m., SD–366.

March 1, Subcommittee on Forests and Public Land Management, to hold hearings on S. 391, to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, 2 p.m., SD–366.

March 2, Full Committee, to hold hearings on S. 167, to revise certain provisions of the Nuclear Waste Policy Act of 1982, and S. 443, to reaffirm the Federal Government's commitment to electric consumers and environmental protection by reaffirming the requirement of the Nuclear Waste Policy Act of 1982 that the Secretary of

Energy provide for the safe disposal of spent nuclear fuel beginning not later than January 31, 1998, 9:30 a.m., SD–366.

Committee on Environment and Public Works: March 1, Subcommittee on Superfund, Waste Control, and Risk Assessment, to hold hearings to examine proposals to authorize State and local governments to enact flow control laws and to regulate the interstate transportation of solid waste, 9 a.m., SD–406.

March 2, Drinking Water, Fisheries, and Wildlife, to hold oversight hearings on efforts by the United States Forest Service and the National Marine Fisheries Service to comply with recent court decisions requiring consultation on forest plans under Section 7(a)(2) of the Endangered Species Act, 10 a.m., SD–406.

Committee on Finance: February 28, to hold hearings to examine the Medicare Program, focusing on perspectives on the past and implications for the future, 9:30 a.m., SD–215.

March 1, Full Committee, to hold hearings on proposed legislation to change the Social Security earnings limit and repeal the tax on 85% of Social Security benefits, 9:30 a.m., SD–215.

March 2, Full Committee, to hold hearings to examine middle income tax proposals, 9:30 a.m., SD–215.

Committee on Foreign Relations: February 28, to hold open and closed (S–407) hearings on the ratification of the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (START II Treaty) (Treaty Doc. 103–1), 10 a.m., S–116, Capitol.

February 28, Full Committee, business meeting, to consider pending nominations, 2 p.m., S–116, Capitol.

March 1, Full Committee, to continue hearings on the ratification of the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (START II Treaty) (Treaty Doc. 103–1), 11 a.m., SD–419.

Committee on Governmental Affairs: February 28, business meeting, to mark up S. 219, to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, 10 a.m., SD–342.

March 2, Full Committee, business meeting, to mark up S. 4, to grant the power to the President to reduce budget authority, and S. 14, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items, 10 a.m., SD–342.

Committee on the Judiciary: February 27, to hold hearings on pending nominations, 11 a.m., SD–226.

Committee on Labor and Human Resources: February 28, to hold hearings to examine the impact of welfare reform, focusing on children and their families, 9:30 a.m., SD–430.

March 1, Full Committee, to continue hearings to examine the impact of welfare reform, focusing on the child care system, 9:30 a.m., SD–430.

March 2, Subcommittee on Education, Arts and Humanities, to resume hearings on proposed legislation authorizing funds for programs of the National Foundation on the Arts and Humanities Act of 1965, focusing on the National Endowment for the Humanities, 9:30 a.m., SD–430.

Committee on Veterans' Affairs: March 1, to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans, 9:30 a.m., 345 Cannon.

Select Committee on Intelligence: March 1, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Special Committee on Aging: February 28, business meeting, to consider pending committee business, 2 p.m., SD–562.

March 2, Full Committee, to hold hearings to examine social security and disability policy issues, 9:30 a.m., SD–562.

House Chamber

Monday, Tuesday, and Wednesday, Consideration of H.R. 1022, Risk Assessment and Cost-Benefit Act of 1995 (modified rule, 2 hours of general debate); and

H.R. 926, Regulatory Flexibility Act Amendments, Regulatory Impact Analysis, Protections Against Regulatory Abuse (subject to a rule being granted).

Thursday and Friday, Consideration of H.R. 925, Private Property Rights (subject to a rule being granted); and

H. Res. 80, Resolution Concerning Mexico Currency Crisis (subject to a rule being granted).

House Committees

Committee on Agriculture, February 28, Subcommittee on Risk Management and Specialty Crops, hearing and markup of H.R. 618, to extend the authorization for appropriations for the Community Futures Trading Commission through fiscal year 2000, 9:30 a.m., 1302 Longworth.

Committee on Appropriations, February 27, Subcommittee on Transportation, and Related Agencies, on National Highway Traffic Safety Administration, 10:30 a.m.; Panama Canal Commission, 2:30 p.m.; and on Architectural and Transportation Barriers Compliance Board, 3:30 p.m., 2358 Rayburn.

February 27, Subcommittee on Veterans' Affairs and Housing and Urban Development, and Independent Agencies, on Consumer Product Safety Commission, 1:30 p.m., H–143 Capitol.

February 28, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Agricultural Research Service, and Economic Research Service, 1 p.m., 2362A Rayburn.

February 28, Subcommittee on Energy and Water Development, on Corps of Engineers: Remaining Items, 10 a.m.; Appalachian Regional Commission, 2 p.m.; and on TVA, 3 p.m., 2362B Rayburn.

February 28, Subcommittee on Foreign Operations, Export Financing, and Related Agencies, on the Secretary of the Treasury, 10 a.m., H–144 Capitol.

February 28, Subcommittee on Interior and Related Agencies, on Office of Navajo and Hopi Indian Relocation, and on Institute of American Indian and Alaska Native Culture and Arts Development, 1:30 p.m., B–308 Rayburn.

February 28, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Nobel Laureates Biomedical Research Panel, 10 a.m., and 2 p.m., 2358 Rayburn.

February 28, Subcommittee on Military Construction, on Army Military Construction, 9:30 a.m., B–300 Rayburn.

February 28, Subcommittee on National Security, on Military Quality of Life Issues, 10 a.m.; and executive, on U.S. Transportation Command, 1:30 p.m., H–140 Capitol.

February 28, Subcommittee on Transportation, and Related Agencies, on Coast Guard, 10 a.m., 2358 Rayburn.

February 28, Subcommittee on Treasury, Postal Service, and General Government, on U.S. Postal Service/GAO, 10 a.m.; and on U.S. Mint, Bureau of Engraving and Printing, and on Bureau of Public Debt, 2 p.m., H–163 Capitol.

February 28, Subcommittee on Veterans' Affairs and Housing and Urban Development, and Independent Agencies, on Selective Service System, and on Neighborhood Reinvestment Corporation, 1:30 p.m., H–143 Capitol.

March 1, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Agricultural Marketing Service, Grain Inspection, and on Packers and Stockyards Administration, 1 p.m.; and on Congressional and Public Witnesses, 4 p.m., 2363A Rayburn.

March 1, Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on Inspectors General—Review of Department and Agency IG Recommendations, 10 a.m., and 2 p.m., H–309 Capitol.

March 1, Subcommittee on Energy and Water Development, on Secretary of the Interior and Bureau of Reclamation, 10 a.m., 2362B Rayburn.

March 1, Subcommittee on Interior and Related Agencies, on U.S. Geological Survey, 10 a.m., and 1:30 p.m., B–308 Rayburn.

March 1, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Secretary of Education, 10 a.m.; and on Elementary and Secondary Education and Educational Reform, 2 p.m., 2358 Rayburn.

March 1, Subcommittee on National Security, executive, on Joint Operational Requirements, time to be announced, H–140 Capitol.

March 1, Subcommittee on Transportation, and Related Agencies, on Coast Guard, 10 a.m.; Inspector General's Budget, 1 p.m.; and on Saint Lawrence Seaway Development Corporation, 2:30 p.m., 2358 Rayburn.

March 1, Subcommittee on Treasury, Postal Service, and General Government, on Administrative Conference of the United States, Advisory Commission on Intergovernmental Relations, Committee on Purchase from People Who Are Blind or Severely Disabled, and Office of Special Counsel, 10 a.m.; and on Federal Election Commission, 2 p.m., H–163 Capitol.

March 1, Subcommittee on Veterans' Affairs and Housing and Urban Development, and Independent Agencies, on FDIC, and Resolution Trust Corporation, 10 a.m.; and on Council on Environmental Quality, 1:30 p.m., H–143 Capitol.

March 2, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on National Agricultural Statistics Service, and on Cooperative State Research, Educational and Extension Service, 1 p.m., 2362A Rayburn.

March 2, Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on the Secretary of State, 10 a.m., 2360 Rayburn.

March 2, Subcommittee on Energy and Water Development, on NRC, 10 a.m.; and on Federal Energy Regulatory Commission, 11 a.m., 2362A Rayburn.

March 2, Subcommittee on Interior and Related Agencies, on Smithsonian Institution, 10 a.m. and 1:30 p.m., B–308 Rayburn.

March 2, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Postsecondary Education, 10 a.m., and on Vocational and Adult Education, Special Education and Rehabilitation Services and Disability Research, 2 p.m., 2358 Rayburn.

March 2, Subcommittee on Military Construction, on Navy/Marine Corps Military Construction, 9:30 a.m., B–300 Rayburn.

March 2, Subcommittee on National Security, executive, on Counter-Proliferation, 10 a.m., H–140 Capitol.

March 2, Subcommittee on Transportation, and Related Agencies, on Amtrak, 10 a.m., 2358 Rayburn.

March 2, Subcommittee on Treasury, Postal Service, and General Government, on Federal Labor Relations Authority, Merit Systems Protection Board, Mo Udall Foundation, Office of Government Ethics and on U.S. Tax Court, 10 a.m.; and on National Archives and Records Administration, 2 p.m., H–163 Capitol.

March 2, Subcommittee on Veterans' Affairs and Housing and Urban Development, and Independent Agencies, on Court of Veterans Appeals, 10 a.m., H–143 Capitol.

March 3, Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on Review of Departmental Management with Chief Financial Officers, 9:30 a.m., H–309 Capitol.

March 3, Subcommittee on Interior and Related Agencies, on National Gallery of Art, and on John F. Kennedy Center for the Performing Arts, 10 a.m., B–308 Rayburn.

March 3, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Research, Statistics and Libraries, 10 a.m., 2358 Rayburn.

March 3, Subcommittee on Transportation, and Related Agencies, on Trust Fund Status and Expenditures, 10 a.m., 2358 Rayburn.

Committee on Banking and Financial Service, February 28 and March 1, hearings on the following: H.R. 18, Financial Services Competitiveness Act of 1995, Glass-Steagall Reform; and related issues, 10 a.m., 2128 Rayburn.

March 2, Subcommittee on Capital Markets, Securities and Government-Sponsored Enterprises, hearing on the

Current State and Future of the Financial Services Markets, 10 a.m., 2128 Rayburn.

March 2, Subcommittee on General Oversight and Investigations, hearing regarding security contracts between the Department of Housing and Urban Development, or entities regulated by HUD and companies providing security services, 9:30 a.m., 2222 Rayburn.

Committee on the Budget, February 28 and March 1, hearings on Could a Free Market Work Here? The Virtues of Privatization, 10 a.m., 210 Cannon.

Committee on Commerce, March 3, Subcommittee on Commerce, Trade, and Hazardous Materials, oversight hearing on the trade implications of foreign ownership restrictions on telecommunications companies, 9:30 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, March 1 and 3, Subcommittee on Postsecondary Education and Training, hearings on training issues, 9 a.m., 2175 Rayburn.

March 2, Subcommittee on Workforce Protection, to mark up the following bills: H.R. 246, to repeal the Service Contract Act of 1965; and H.R. 500, to repeal the Davis-Bacon Act, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, February 28, Subcommittee on Government Management, Information and Technology, hearing on Simplifying and Streamlining the Federal Procurement Process, 2:30 p.m., 2154 Rayburn.

March 1, Subcommittee on Human Resources and Intergovernmental Relations, oversight hearing on Proposals for Cost Reduction, Improved Efficiency and Reform at the Department of Health and Human Services, 10 a.m., 2247 Rayburn.

March 2, Subcommittee on Civil Service, hearing on Federal Workforce Restructuring Statistics, 1:30 p.m., 311 Cannon.

March 2, Subcommittee on the District of Columbia, hearing on other cities in financial crisis, 10:30 a.m., 2154 Rayburn.

March 2, Subcommittee on Government Management, Information and Technology, hearing on Capital Budgeting, 2 p.m., 2154 Rayburn.

March 2, Subcommittee on Postal Service, to continue hearings on general oversight of the U.S. Postal Service, 10 a.m., 2247 Rayburn.

Committee on House Oversight, February 28, to consider funding requests for the following Committees: House Oversight; Ways and Means; Agriculture; Commerce; National Security; Rules; Transportation and Infrastructure; International Relations; Government Reform and Oversight; and Veterans Affairs, 10 a.m., 1310 Longworth.

March 1, to consider funding requests for the following Committees; Judiciary; Economic and Educational Opportunities; Small Business; Budget; Permanent Select on Intelligence; Standards of Official Conduct; Resources; Science; and Banking and Financial Services, 10 a.m., 1311 Longworth.

Committee on International Relations, March 1, Subcommittee on International Operations and Human Rights, to continue hearings on Foreign Relations Authorization; U.S. Information Agency, 2 p.m., 2200 Rayburn.

Committee on the Judiciary, March 3, Subcommittee on Immigration and Claims, oversight hearing on work site enforcement of employer sanctions, 9:30 a.m., 2237 Rayburn.

Committee on National Security, February 28 and March 2, to continue hearings on fiscal year 1996 national defense authorization, 9:30 a.m., 2118 Rayburn.

Committee on Resources, March 2, oversight hearing on ''Trends in Federal Land Ownership and Management,'' 10 a.m., 1324 Longworth.

Committee on Rules, February 27, to consider H.R. 926, Regulatory Reform and Relief Act of 1995, 5 p.m., H–313 Capitol.

February 28, to consider H.R. 925, Private Property Protection Act of 1995, 2 p.m., H–313 Capitol.

Committee on Science, March 2, Subcommittee on Basic Research to continue hearings on the NSF Fiscal Year Budget, Part 2, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, February 28, hearing on the overall review of the SBA, 10 a.m., 2359 Rayburn.

March 2, hearing to review the SBA's Procurement Program, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, February 28, executive, to consider pending business, 8:30 a.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, February 27, Subcommittee on Aviation, markup of Metropolitan Washington Airport Authority Board of Review, 3 p.m., 2167 Rayburn.

February 28, March 1 and 2, Subcommittee on Surface Transportation, to continue hearings on legislation to Improve the National Highway System and Ancillary Issues Relating to Highway and Transit Programs, 10 a.m., on February 28 and March 2, 11 a.m., on March 1, 2167 Rayburn.

March 1, full Committee, to mark up the following: legislation on the Metropolitan Washington Airport Authority Board of Review; report to the Committee on the Budget, and pending Committee business, 10 a.m., 2167 Rayburn.

March 2, Subcommittee on Public Buildings and Economic Development, hearing on GSA Capital Investment Program Reform legislation and related matters, 8:30 a.m., 2253 Rayburn.

March 3, Subcommittee on Surface Transportation, hearing on Disposition of the ICC's Motor Carrier Functions, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, February 27, Subcommittee on Oversight, hearing on the IRS Budget Proposal for Fiscal Year 1996, and the 1995 Tax Return Filing Season, 10 a.m., B–318 Rayburn.

February 27, Subcommittee on Trade, hearing on the Administration's budget proposals, including the U.S. Customs Service; International Trade Commission; the Office of the U.S. Trade Representative, and the possible extension of the Generalized System of Preferences program, 2 p.m., 1100 Longworth.

February 28, March 1 and 2, full Committee, to mark up welfare reform legislation, 11 a.m. on February 28, and 10 a.m. on March 1 and 2, 1100 Longworth.

Permanent Select Committee on Intelligence, February 28, executive, hearing on the Collection Overview, 10 a.m., H–405 Capitol.

March 2, executive, hearing on Signals Intelligence, 10 a.m., H–405 Capitol.

Joint Meetings

Joint hearing: March 1, Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans, 9:30 a.m., 345 Cannon.

Next Meeting of the SENATE

12 noon, Monday, February 27

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will resume consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, February 27

House Chamber

Program for Monday: Consideration of H.R. 1022, Risk Assessment and Cost-Benefit Act of 1995 (modified rule, 2 hours of general debate).

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